

DEFINITIONS 100 SERIES

Comprehensive Area Plan means a plan created by one or more Operator(s) covering future Oil and Gas Operations and addressing cumulative impacts in a defined geographic area.

Director's Recommendation means the Director's written recommendation to the Commission about whether to approve or deny an Oil and Gas Development Plan pursuant to Rule 305, or whether to approve or deny a Comprehensive Area Plan pursuant to Rule 314.f.

Oil and Gas Development Plan means a plan to develop oil or gas resources at an Oil and Gas Location, consistent with the requirements of Rule 302.

Proximate Local Government means any Local Government within 2,000 feet of a proposed Oil and Gas Location.

Working Pad Surface means the area of an Oil and Gas Location that has an improved surface upon which Oil and Gas Operations take place. A Working Pad Surface may be surrounded by cut and fill slopes, landscaped areas, and stormwater controls which are otherwise part of the Oil and Gas Location. A Working Pad Surface may be delimited by sound walls.

PERMITTING PROCESS 300 SERIES

301. APPLICABILITY, GENERAL REQUIREMENTS FOR APPROVAL, CHANGES TO OPERATIONS, AND FILING FEES.

a. State and Local Regulation.

- (1) Nothing in the Commission's Rules constrains the legal authority conferred to Local Governments by Colo. Rev. Stat. §§ 29-20-104, 30-15-401, or any other statute. Local Government regulations may be more protective or stricter than state requirements.
- (2) All Oil and Gas Development Plans will meet the requirements of this Series. If a Local Government disposes of an application for an Oil and Gas Location in a manner that is less protective of public health, safety, welfare, the environment, or wildlife resources than the state's more protective requirements, the Director and Commission will consider and apply the state's more protective regulations to the Oil and Gas Development Plan.

b. Approval. All operations governed by any regulation in this Series require written approval of the Director or Commission. The Director or Commission will approve operations only if they protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations. Operators will obtain the Director's or Commission's approval through the procedures provided in this and such other applicable Commission Rules. The Director or Commission may require any conditions of approval that are determined to be necessary and reasonable to protect public health, safety, welfare, the environment, and wildlife resources or to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.

c. Denial. The Director or Commission may deny any Oil and Gas Development Plan or operation if:

- (1) It does not meet the criteria of this Series; or

(2) It meets the criteria of this Series, but in the Director's or Commissions' judgment does not minimize adverse impacts to and provide necessary and reasonable protections for public health, safety, welfare, the environment, or wildlife resources or it fails to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.

d. Changes to Approved Oil and Gas Development Plans.

- (1) Operators will file any proposed change to an approved Oil and Gas Development Plan with the Director in writing through a Sundry Notice Form 4.
- (2) The Director will determine what forms and information are required for the review and approval of the proposed change, and whether:
 - A. The proposed change requires Commission approval; or
 - B. It can be administratively approved by the Director.
- (3) The Director or Commission will provide written approval for the change before the work is begun.
- (4) The Director or Commission will only approve changes that comply with the Commission's Rules.

e. Filing Fees. Operators will pay filing fees at the time of applying for an Oil and Gas Development Plan, Form 2A, Form 2, drilling and spacing unit, or Comprehensive Area Plan (see Appendix III). Wells drilled for stratigraphic information only will be exempt from paying the filing fee.

302. PROCEDURAL REQUIREMENTS FOR OIL AND GAS DEVELOPMENT PLANS.

a. Components of an Oil and Gas Development Plan. Prior to commencing Oil and Gas Operations an Operator will have an approved Oil and Gas Development Plan. An Operator will submit to the Commission the following:

- (1) A Form 2A Oil and Gas Location Assessment ("Form 2A") that meets all requirements of Rule 303 for each proposed Oil and Gas Location.
- (2) Pursuant to Rule 503.g.(1), an application with the Hearings Unit for a hearing on the proposed Oil and Gas Development Plan. If the Oil and Gas Development Plan includes lands to be spaced, the hearings application will include a drilling and spacing unit application pursuant to Rule 304.
- (3) Payment of the full filing fee required by Rule 301.e.
- (4) Any other information that the Director determines is necessary to determine whether the proposed operation meets the Commission's Rules and adequately protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources or that is necessary to ensure the protection against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- (5) A certification that all components of the Oil and Gas Development Plan have been submitted.

b. Completeness Determination. After the Operator certifies pursuant to Rule 302.a.(1).E that all required components of the Oil and Gas Development Plan have been submitted, the Director will review the application materials to determine if they are complete.

- (1) If the proposed Oil and Gas Development Plan is complete, the Director will issue a completeness determination to the Operator via electronic mail.
- (2) A completeness determination does not constitute approval or denial of an Oil and Gas Development Plan, nor does it convey any rights to conduct any surface-disturbing activities.
- (3) At any time, before or after the Director makes a completeness determination, the Director or the Commission may still request any information necessary to make a final determination of approval or denial on an Oil and Gas Development Plan. The Operator must provide any requested information before the Commission makes a final decision to approve or deny the Oil and Gas Development Plan.
- (4) If the Director determines that an application is incomplete, the Director will notify the Operator of any such inadequacies. The Operator will have 180 days from the date that it was contacted to correct or provide requested information, otherwise the application will be considered withdrawn and the Oil and Gas Development Plan filing fee will not be refunded.
- (5) The Director will submit its completeness determination to the hearings unit, where it will be part of the record before the Commission on the Oil and Gas Development Plan application.

c. Revisions to an Oil and Gas Development Plan. At any time prior to the Director makes a completeness determination, the Operator may request changes to its Oil and Gas Development Plan or provide additional or different information by contacting the Director. After the Director makes a completeness determination, the Operator may only make material changes to its Oil and Gas Development Plan with the Director's approval.

d. Publication of Director's Completeness Determination.

- (1) When the Director makes a completeness determination, the Oil and Gas Development Plan and supporting materials will be posted to the Commission's website. The website posting will provide:
 - A. The date by which public comments must be received to be considered, which is 26 days from the date the Oil and Gas Development Plan was posted; and
 - B. The mechanism for the public to provide comments.
- (2) **Notification for Consultation.** At the same time the Director posts materials to the Commission's website pursuant to Rule 302.d.(1), the Director will provide electronic notice of such posting to:
 - A. The Relevant Local Governmental Designee (LGD), if applicable;
 - B. All Proximate Local Governments;
 - C. Colorado Parks and Wildlife, if consultation will occur pursuant to Rule 309.e.; and

D. The Colorado Department of Public Health and Environment, if consultation will occur pursuant to Rule 309.f.

(3) **Confidentiality.** If the Operator designates any portion of its Oil and Gas Development Plan application as “confidential” pursuant to Rule 222., and the Director agrees with this designation, then such confidential material will be redacted when the Oil and Gas Development Plan is posted.

e. **Notice.**

(1) **Who Receives Notice.** The Operator will provide notice of the completeness determination within 5 days to:

- A. All owners of minerals to be developed by the Oil and Gas Development Plan.
- B. All surface owners and residents, including tenants of both residential and commercial properties, within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan.
- C. The Colorado State Land Board (if a mineral owner).
- D. The U.S. Bureau of Land Management (if any federal entity is mineral owner).
- E. The Southern Ute Indian Tribe or Ute Mountain Ute Tribe (for applications involving minerals within the exterior boundary of either tribe’s reservation where both the surface and oil and gas estates are owned in fee by persons or entities other than the Tribe).
- F. All Schools, Child Care Centers, and School Governing Bodies pursuant to Rule 309.d.
- G. Police, fire departments, emergency service agencies, and first responder agencies responsible for ensuring public safety in all areas within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan.

(2) **Substance of Notice.** Notice provided by the Operator pursuant to this section will include:

- A. An introductory letter including:
 - i. The Operator’s contact information;
 - ii. The contact information for the Local Governmental Designee of the Relevant Local Government, if applicable;
 - iii. The Commission’s website address and main telephone number;
 - iv. The location of all proposed Oil and Gas Locations; and
 - v. The anticipated date that each phase of operations will commence (by month and year).
- B. A description of the proposed Oil and Gas Development Plan, including:
 - i. How many wells and locations are proposed;
 - ii. The number of years that the location is expected to be in operation;

- iii. The proposed construction schedule; and
 - iv. Impacts to local communities from the construction and operation activities;
- C. An explanation of the procedural steps involved with the Director's and Commission's review of Oil and Gas Development Plans;
 - D. An explanation of the Commission's public comment process and the relevant deadlines;
 - E. The operator's electronic mail address, phone number, and physical address(es) to which the public may direct questions and comments;
 - F. The COGCC's information sheet about hydraulic fracturing treatments unless hydraulic fracturing treatments will not be utilized at any well within the proposed Oil and Gas Development Plan; and
 - G. Information on how the public may learn more details about and ask questions about the Oil and Gas Development Plan prior to the closure of the public comment period.
- (3) **Procedure for Providing Notice.** Notice will be delivered by one of the following mechanisms:
- A. Hand delivery, with confirmation of receipt;
 - B. Certified mail, return-receipt requested;
 - C. Electronic mail, with electronic receipt confirmation; or
 - D. By other delivery service with receipt confirmation.
- f. **Publication of Comments.** The Director will post public comments on the Commission's website according to applicable guidance.
- g. **Extension of Comment Period.** The Director may extend the comment period by any duration it determines to be reasonable in order to obtain public input.
- h. **Drilling and Spacing Unit Applications.** When an Oil and Gas Development Plan includes a drilling and spacing unit, it will be noticed and subject to the petition process set forth in Rules 504.b.(2) and 510.

303. FORM 2A: OIL AND GAS LOCATION ASSESSMENT APPLICATION.

- a. Operators will submit a completed Form 2A, Oil and Gas Location Assessment as part of their Oil and Gas Development Plan application, as required by Rule 302.a.(1). Operators will submit and obtain approval of a Form 2A prior to:
- (1) Surface disturbance at a site previously undisturbed by oil and gas operations;
 - (2) Surface disturbance for purposes of expanding or modifying an existing Oil and Gas Location; or
 - (3) Any substantial change to the design and operation of an Oil and Gas Location, including but not limited to the addition of a well or a pit, except an Emergency Pit or a lined Plugging Pit.

b. Information Requirements. All Form 2A, Oil and Gas Location Assessments Applications must include the following information:

(1) Local Government Siting Disposition. The Operator will submit to the Director certification that:

- A.** The Operator has complied with the procedures for obtaining local government siting disposition provided by Rule 308.b.; and
- B.** Whether the proposed Oil and Gas Location is subject to the requirements of § 24-65.1-108, C.R.S. because it is located in an area designated as one of State interest.

(2) Alternative Location Analysis.

A. This Rule 303.b.(2) applies to proposed Oil and Gas Locations within 2,000 feet of 50 or more Building Units.

B. Local Government Disposition.

i. If there is no Relevant Local Government, or the Relevant Local Government has waived its siting authority, then the Operator will conduct an alternative location analysis consistent with the requirements of Rule 303.b.(2).C.

ii. If the Relevant Local Government has approved the siting of an Oil and Gas Location, then:

aa. If the Director determines that the Relevant Local Government's approved site is sufficiently protective of public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations, then no alternative location analysis is required.

bb. If the Director determines that the Relevant Local Government's approved site is not sufficiently protective of public health, safety, welfare, the environment, and wildlife resources, or does not adequately protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations, then the Operator will conduct an alternative location analysis consistent with the requirements of Rule 303.b.(2).C.

C. If an alternative location analysis is required, the Operator will prepare an analysis for the Commission that identifies all potential alternate locations that may be considered for location of the Oil and Gas Location. The analysis will address why location of the Oil and Gas Location at each of the alternative locations is or is not more protective of public health, safety, welfare, the environment, and wildlife resources.

D. The Director may request that the Operator analyze additional locations for the Oil and Gas Location if the Director believes that other locations may be more protective of public health, safety, welfare, the environment, and wildlife resources than any of locations the Operator initially analyzed pursuant to Rule 303.b.(2).C.

(3) Cultural Distances.

A. A table showing the distance from the edge of the Working Pad Surface of the proposed or existing Oil and Gas Location to the edge or corner of the nearest building,

Residential Building Unit, High Occupancy Building Unit, and School Facility; the nearest boundary of a Designated Outside Activity Area; and the nearest public road, above ground utility, railroad, and property line.

- B.** A table showing the number of buildings, Residential Building Units, High Occupancy Building Units, School Properties, and School Facilities within the following radii of the Working Pad Surface:
- i.** 0-500 feet
 - ii.** 501-1,000 feet
 - iii.** 1,001-2,000 feet
 - iv.** 2,001-3,000 feet
 - v.** 3,001-4,000 feet
 - vi.** 4,001-5,280 feet
- C.** A current aerial image depicting the information in the tables in Rules 303.b.(3).A & B.
- (4) Location Pictures.** The Operator will attach to the Form 2A photographs as described below. The photographs will depict the staked location and its surroundings. Each photograph will be identified by: date taken, well or location name, and direction of view. The field of view of each photograph will be shown on a current aerial image, also attached. Operators will provide location photographs in sufficiently high resolution so that details of current surrounding land use may be readily discerned. Operators will attach one of the following photograph options:
- A.** A minimum of 4 color photographs, 1 of the staked location and its surroundings from each cardinal direction, with no significant gaps between fields of view;
 - B.** A minimum of 2 panoramic photographs of the location and its surroundings covering a full 360° around the location; or
 - C.** Photographs of the locations and its surroundings taken from an unmanned aerial vehicle.
- (5) Site Equipment List.** A list of major equipment components to be used in conjunction with drilling and operating the well(s), including but not limited to, all tanks, pits, flares, combustion equipment, separators, and other ancillary equipment.
- (6) Pipelines.** A description of the location, size, and end point of any pipelines for oil, gas, or water, including all pipelines referenced in the Gas Capture Plans submitted pursuant to Rule 913.f.(1).B.
- (7) Drawings.** Operators will provide the drawings, maps and figures required below in a suitable size, scale, and electronic format for the Director to conduct a review. If multiple drawings are required to convey the required information, then the Operator will provide them in a logical manner. All drawings, maps, and figures will include a scale bar and north arrow, the Operator's name, the site name, and other information as necessary to identify the attachment as part of the Oil and Gas Development Plan. Aerial imagery used for base maps will be current.

A. Location Drawings. A scaled drawing and scaled aerial photograph showing the approximate outline of the Oil and Gas Location and Working Pad Surface and all visible improvements within 2,000 feet of the proposed Oil and Gas Location (as measured from the proposed edge of the Working Pad Surface), with a horizontal distance and approximate bearing from the Working Pad Surface. If there are no visible improvements within 2,000 feet of a proposed Oil and Gas Location, the Operator will specify this on the Form 2A. Visible improvements will include, but not be limited to:

- i. All buildings and Building Units, with High Occupancy Building Units identified;
- ii. Publicly maintained roads and trails, including their names;
- iii. Fences;
- iv. Above-ground utility lines;
- v. Railroads;
- vi. Pipelines or pipeline markers;
- vii. Mines;
- viii. Oil and gas wells and associated production facilities;
- ix. Injection wells and associated facilities;
- x. Plugged oil and gas wells, including dry holes;
- xi. Known water wells; and
- xii. Known sewers with manholes.

B. Layout Drawings. Location construction and operations layout drawings, location construction and operations cross-section plots including location and finish grades, and operations facility layout drawings. These drawings will include, as applicable to the proposed Oil and Gas Location, the:

- i. The Working Pad Surface and surrounding disturbed area making up the entirety of the Oil and Gas Location;
- ii. Drill rig layout;
- iii. Well completion and stimulation, including hydraulic fracturing treatment, layout;
- iv. If a well is proposed to be hydraulically fractured, a layout drawing of the flowback equipment, including the equipment and connections to comply with green completion requirements; and
- v. The location of all existing and proposed Oil and Gas Facilities listed on the Form 2A.

C. Wildlife Habitat Drawing. A drawing, map, or aerial image depicting wildlife habitat within 1 mile of the Working Pad Surface. Habitat may include nests, burrows, roosts, foraging areas, watering holes, or mating areas (i.e. leks). Operators will rely upon best

available information when assessing surrounding wildlife habitat, which may include a wildlife survey.

- D. Process Flow Diagrams.** Process flow diagrams depicting:
- i. Flowback operations; and
 - ii. Oil and gas production operations.
- E. Hydrology Map.** A topographic map showing the horizontal distance and approximate bearing from the Oil and Gas Location to:
- i. All Waters of the State within 2,640 feet of the proposed Working Pad Surface; the map will indicate which surface water features are downgradient;
 - ii. All Water Sources within 2,640 feet of the proposed Working Pad Surface;
 - iii. Any Public Water System intakes within 2,640 feet of the Working Pad Surface;
 - iv. Rule 408 Table 1 buffer zones within 2,640 feet of the Working Pad Surface; and
 - v. Any surface waters within 2,640 feet of the Working Pad Surface that are 15 miles upstream of a Public Water System intake.
- F. Access Road Map.** A U.S. Geological Survey topographic map, or scaled aerial photograph showing the access route from the nearest publicly-maintained road to the proposed Oil and Gas Location, including any new access roads constructed as part of the Oil and Gas Development Plan.
- G. Related Location and Pipeline Map.** A U.S. Geological Survey topographic map, or scaled aerial photograph showing:
- i. All existing, approved, and proposed Oil and Gas Locations within 2000 feet of the area affected by the proposed Oil and Gas Development Plan;
 - ii. All proposed pipeline and flowline corridors to or from the proposed Oil and Gas Location and to or from associated Oil and Gas Facilities.
- H. Multi-Well Plan.** If the proposed Oil and Gas Location includes multiple wells, a drawing showing proposed wellbore trajectory with bottom-hole locations.
- (8) Geographic Information System (GIS) Data.** GIS polygon data to describe the boundaries of the entire proposed Oil and Gas Location and the Working Pad Surface.
- (9) Land Use Description.** A narrative description of the current land use(s), and the landowner's designated final land use(s) for the purpose of determining reclamation standards.
- A.** If the final land use includes residential, industrial/commercial, or cropland and does not include any other uses, the land use should be indicated and no further information is needed.
 - B.** If the final land use includes rangeland, forestry, recreation, or wildlife habitat, then a reference area will be selected. The Operator will also submit the following information:

- i. **Reference Area Map.** A topographic map showing the location of the reference area with respect to the proposed Oil and Gas Location including latitude and longitude of reference area; and
 - ii. **Reference Area Pictures.** 5 color photographs of the reference area, 4 taken from each cardinal direction, and 1 taken from above the reference area. Each photograph will be identified by date taken, well or Oil and Gas Location name, and direction of view. The photographs will be taken during the peak growing season and must clearly depict vegetation density and diversity. To ensure that the photographs accurately depict vegetation during peak growing season, these photographs may be submitted up to 12 months after the Form 2A. Photographs of the reference area may be taken from an unmanned aerial vehicle.
- (10) **NRCS Map Unit Description.** A Natural Resources Conservation Service (NRCS) soil map unit description.
- (11) **Best Management Practices.** A description of any Operator-proposed, site specific Best Management Practices that the Operator commits to perform as part of the implementation of the Oil and Gas Development Plan.
- (12) **Surface Owner Information.**
 - A. Contact information for the Surface Owner(s); and
 - B. A redacted version of the Surface Use Agreement or a memorandum describing the Surface Use Agreement that includes a description of the lands subject to the agreement, signatures of the parties to the agreement, dates of signature, and any provisions of the agreement that are relevant to the Form 2A.
- (13) **Proximate Local Government Information.** Contact information for any Proximate Local Governments.
- (14) **Wildlife Habitat.** Designation of whether the proposed Oil and Gas Location is within Sensitive Wildlife Habitat or a Restricted Surface Occupancy Area.
 - A. A description of proposed Best Management Practices that the Operator commits to implementing for the purposes of avoiding, minimizing, or mitigating impacts to wildlife.
 - B. A description of any pre-application consultations with Colorado Parks and Wildlife, Surface Owners, or third party experts relevant to wildlife habitat, habitat protection, or offsite or compensatory mitigation.
- (15) **Public Water Systems Protections.** If the proposed Working Pad Surface is within a zone defined in Rule 408, Table 1 or within 2,640 feet of surface water that is within 15 stream miles upstream from a Public Water System intake point, the Operator will certify that it has provided notification of the application submittal to potentially impacted Public Water Systems within 15 stream miles downstream, and that it maintains an emergency spill response program as required by Rule 408.b.(1).B.
- (16) **Wetlands.** If an Army Corps of Engineers permit pursuant to 33 U.S.C.A. §§ 1342 & 1344 of the Water Pollution and Control Act (Section 404 of the federal “Clean Water Act”) is required for the construction of a proposed Oil and Gas Location, access roads to the Oil and Gas Location or pipeline corridors associated with the Oil and Gas Location, evidence that the Operator has sought such a permit and whether the permit has been issued. The Director may request a third party to confirm an Operator’s claim that such a permit is not

required. The Director will not approve a Form 2A, Oil and Gas Location Assessment until the Army Corps of Engineers has granted the necessary permit.

- (17) **Schools and Child Care Centers.** If the proposed Oil and Gas Location is within 2,000 feet of a potential School Facility or Child Care Center, a statement indicating whether the School Governing Body requested consultation.
 - (18) **Air Quality. [PLACEHOLDER: TO BE DISCUSSED UNDER CUMULATIVE IMPACTS]**
 - (19) **Agriculture.** An analysis of impacts to agriculture, including both crop farming and livestock grazing, if applicable.
- c. **Plans.** All Form 2A, Oil and Gas Location Assessments Applications will include site specific plans that demonstrate compliance with the Commission's Rules for the operation of the proposed Oil and Gas Location in a manner that is protective of public health, safety, welfare, the environment, and wildlife resources. Each Form 2A, Oil and Gas Location Assessment Application will include the following plans:
- (1) **Emergency Spill Response Program.** For operations within 2,640 feet of surface water that is 15 miles or less upstream from a Public Water System(s) intake, an emergency spill response program consistent with the requirements of Rule 408.b.(1).A.
 - (2) **Noise Mitigation Plan.** A noise mitigation plan consistent with the requirements of Rule 440.a.
 - (3) **Light Mitigation Plan.** A light mitigation plan consistent with the requirements of Rule 441.a.
 - (4) **Odor Mitigation Plan.** An odor mitigation plan consistent with the requirements of Rule 443.a.
 - (5) **Dust Mitigation Plan.** A dust mitigation plan consistent with the requirements of Rule 444.a.
 - (6) **Process Safety Management Program.** A process safety management program consistent with the requirements of Rule 601.d.
 - (7) **Emergency Response Plan.** An emergency response plan consistent with the requirements of Rule 603.e.(18).
 - (8) **Flood Shut-In Plan.** If located in a floodplain, a shut-in plan consistent with the requirements of Rule 608.b.(2).
 - (9) **Hydrogen Sulfide Drilling Plan.** If operating in zones known or suspected to contain at or above 100 parts per million hydrogen sulfide gas, a hydrogen sulfide drilling plan consistent with the requirements of Rule 612.a.
 - (10) **Waste Management Plan.** A waste management plan consistent with Rule 907.a.(4).
 - (11) **Gas Capture Plan.** A gas capture plan consistent with the requirements of Rule 913.f.(1).B.
 - (12) **Fluid Leak Detection Plan.** A fluid leak detection plan consistent with the requirements of Rule 914.

- (13) **Topsoil Protection Plan.** A topsoil protection plan consistent with the requirements of Rule 1002.c.
 - (14) **Stormwater Management Plan.** A stormwater management plan consistent with the requirements of Rule 1002.f.
 - (15) **Interim Reclamation Plan.** An interim reclamation plan consistent with the requirements of Rule 1003.
 - (16) **Wildlife Protection Plan.** If the proposed Oil and Gas Location is located within a Sensitive Wildlife Habitat or Restricted Surface Occupancy Area, a wildlife protection plan consistent with the requirements of Rule 1203.a.
- d. **Lesser Impact Areas.** The Director may exempt an Operator from submitting any of the information required by Rule 303.b., or any plan required by Rule 303.c., under the following circumstances:
- (1) If the Operator requests an exemption from the Director based on evidence showing the information or plan is unnecessary because:
 - A. The impacted resource or resource concern are not present in the area; or
 - B. Impacts to the resource will be so minimal as to pose no concern.
 - (2) Operators may request an exemption from the Director in writing, without proceeding through the ordinary Rule 502.a variance process.
 - (3) The Director may grant an exemption as part of the completeness determination if the Director concurs that the operator providing the information or plan is unnecessary to minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources and will protect against adverse environmental impacts on any air, water, soil, or biological resource.
 - (4) If the Director grants an exemption, the Commission may nevertheless request the information or plan subject to the exemption, or related information, if the Commission determines that reviewing the information or plan is necessary to minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources or to protect against adverse environmental impacts on any air, water, soil, or biological resource.

304. APPLICATION FOR A DRILLING AND SPACING UNIT.

a. Procedural Requirements.

- (1) Operators seeking to create a new drilling and spacing unit, or to modify an existing drilling and spacing unit, will submit a drilling and spacing unit application as part of their Oil and Gas Development Plan application.
- (2) All drilling and spacing unit applications will include the following information:
 - A. Certification that the Operator has complied with the local government siting disposition requirements of Rule 308.b.
 - B. Certification that the operations in the drilling and spacing unit will be conducted in a reasonable manner to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources and will protect against adverse environmental impacts on any air, water, soil, or biological resource.

- C. The unit boundary and interwell setback distances.
 - D. All existing wells that are draining the same formation in the application lands. The application will discuss what the Operator intends to do with the existing wells.
 - E. The wellbore orientation for all horizontal wells in the proposed unit.
 - F. Whether there are existing units and wells within the proposed application lands and what the disposition of those existing units and wells in those existing units will be under the proposed application.
 - G. The Oil and Gas Locations that are proposed for the unit. If an Operator has applied for a Form 2A, the Operator will identify its document number. If the Form 2A has already been approved, the Operator will identify its Location ID number.
 - H. The total number of proposed wells for the unit.
 - I. Any additional information as may be required to support the requested prayer for relief.
 - J. All prior orders that implicate the prayer for relief.
 - K. Certification that satisfies the requirements of Rule 505.a.(1).
- b. Standards for Approval.** In determining whether to recommend that the Commission approve or deny a proposed drilling and spacing unit, the Director will consider whether the proposed drilling and spacing unit:
- (1) Reasonably protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations;
 - (2) Prevents waste of oil and gas resources;
 - (3) Avoids the drilling of unnecessary wells; and
 - (4) Protects correlative rights.

305. Director's Recommendation on the Oil and Gas Development Plan.

- a. When the Director May Issue a Recommendation.** The Director will not make a recommendation to the Commission about whether to approve or deny any Oil and Gas Development Plan until after:
- (1) The Director has fully reviewed the Oil and Gas Development Plan and all supporting application materials and has obtained all information necessary to evaluate the proposed operation and its potential impacts on public health, safety, welfare, the environment and wildlife resources.
 - (2) The Director has reviewed and commented on the drilling and spacing unit application, if submitted with the Oil and Gas Development Plan.
 - (3) The public comment period has ended and the Director has considered all substantive public comments received, including comments from the Relevant Local Government or Proximate Local Government.

- (4) If applicable, Colorado Parks and Wildlife and the Colorado Department of Public Health and Environment consultations have been completed and submitted to the Director.
- (5) The Director determines that the Operator has provided adequate financial assurance as required by the 700 Series Rules for both the proposed Oil and Gas Development Plan and all existing facilities owned by the Operator.

b. Director's Recommendation.

- (1) **Approval.** The Director may recommend that the Commission approve an Oil and Gas Development Plan that:
 - A. Complies with all requirements of the Commission's Rules; and
 - B. In the Director's judgment, protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations. The Director may recommend that the Commission add conditions to the approval that are necessary and reasonable to protect public health, safety, welfare, the environment, and wildlife resources and to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- (2) **Denial.** If the Director determines that an application does not provide necessary and reasonable protections for public health, safety, welfare, the environment, and wildlife resources or fails to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations, or fails to meet the requirements of the Commission's Rules, the Director may recommend that the Commission deny the Oil and Gas Development Plan.

c. Notice of Recommended Decision. Upon making a recommendation that the Commission approve or deny an Oil and Gas Development Plan, the Director will post the written basis for the Director's Recommendation on the Commission's website, file its recommendation with the Hearings Unit, and notify the following persons electronically in a manner determined by the Director:

- (1) The Operator;
- (2) The Relevant Local Government;
- (3) All Proximate Local Governments;
- (4) The Colorado Department of Public Health and Environment, if consultation occurred subject to Rule 309.f.;
- (5) Colorado Parks and Wildlife, if consultation occurred subject to Rule 309.e.;
- (6) The Colorado State Land Board (if a mineral owner); and
- (7) The U.S. Bureau of Land Management (if any federal entity is mineral owner).

306. COMMISSION CONSIDERATION OF THE OIL AND GAS DEVELOPMENT PLAN.

- a. Recommendation for Approval.** Upon receipt of the Director's Recommendation on an Oil and Gas Development Plan, it will be considered by the Commission, Administrative Law Judge, or Hearing Officer in accordance with Rule 510.

b. Recommendation for Denial. If the Director recommends denial of the Oil and Gas Development Plan, it will not be considered by the Commission, Administrative Law Judge, or Hearing Officer. If the Operator or a mineral owner within the proposed drilling and spacing unit disagrees with the Director's Recommendation, the Operator or mineral owner may petition the Commission to review the Director's Recommendation. The petition will be filed in accordance with Rule 507. Any petition filed under this Rule will be heard by the Commission in accordance with Rule 509 and Rule 510.

c. Commission's Consideration of Director's Recommendation.

(1) **Approval.** The Commission may approve an Oil and Gas Development Plan that complies with all requirements of the Commission's Rules, and protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations. The Commission may add any conditions to the approval of an Oil and Gas Development Plan that it determines are necessary and reasonable to ensure compliance with all requirements of the Commission's Rules or to protect public health, safety, welfare, the environment, and wildlife resources or to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.

(2) **Denial.** If the Commission determines that an Oil and Gas Development Plan does not provide necessary and reasonable protections for public health, safety, welfare, the environment, and wildlife resources, or that it fails to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations or fails to meet the requirements of the Commission's Rules, the Commission may deny the Oil and Gas Development Plan. The Commission will identify in the record the basis for the denial.

(3) **Stay.** If the Commission determines that additional information or analysis is necessary for it to make a decision to approve or deny an Oil and Gas Development Plan, it may stay consideration of the Oil and Gas Development Plan for further consideration until the Director or Operator can provide the Commission with the additional information or analysis necessary to consider the Oil and Gas Development Plan.

d. Final Agency Action. The Commission's decision to approve or deny an Oil and Gas Development Plan will constitute final agency action. The Commission's decision to stay an Oil and Gas Development Plan for further consideration will not constitute final agency action.

307. FORM 2: APPLICATION TO DRILL, DEEPEN, RE-ENTER, OR RECOMPLETE AND OPERATE.

a. Submitting Form 2. If the Commission approves an Operator's Oil and Gas Development Plan, of if the Operator's Form 2A was approved prior to the effective date of this Rule, then the Operator will submit and obtain the Director's approval of a complete Form 2 before taking any of the actions listed in Rule 307.a.(1)–(6) below. The Form 2 will detail the Operator's plans to:

(1) Drill any well;

(2) Deepen any existing well;

(3) Re-enter any plugged well (except for re-entry to re-plug will require a Well Abandonment Report, Form 6, per Rule 426);

(4) Recomplete and operate any existing well;

(5) Drill a sidetrack from any well; or

- (6) Convert a stratigraphic well into a production well.

b. Information Requirements. All Form 2 applications require the following information:

[Note: Amendments to subsections (1)–(8) of this Rule 307.b. have been proposed in the Wellbore Integrity Rulemaking, COGCC Docket No. 191200754. Accordingly, subsections (1)–(8) have been omitted from this document. All documents, including draft regulatory language, for the Wellbore Integrity Rulemaking are available on the Commission’s website, https://cogcc.state.co.us/sb19181_calendar.html#/rulemaking_wellbore_integrity. Please direct all comments on the draft regulatory language through the Wellbore Integrity Rulemaking process.]

- (9) **Drilling and Completion Plan.** A drilling and completion plan will include information about the proposed operation and objective formation(s), including, but not limited to how the well is to be drilled, cased, cemented, perforated, stimulation, plumbed to the permanent equipment and other relevant information to understand the operations.
 - A. The location, orientation, and extent of any known or suspected faults, fractures, and existing or abandoned oil, gas, or water wells within one mile (horizontal distance) of the wellbore trajectory.
 - B. The drilling and deviated drilling plan must be attached and meet the requirements set forth in Rule 407.a. The Well Location Plat required by Rule 307.b.(4) must show the well’s plan view path through all penetrated sections and the also meet the requirements of Rule 407.a.

c. Administrative Approval or Denial of a Form 2.

- (1) The Director may approve a Form 2 that complies with all requirements of the Commission’s Rules, and protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations. The Director may add any conditions to the approval of a Form 2 that it determines are necessary and reasonable to ensure compliance with all requirements of the Commission’s Rules or to protect public health, safety, welfare, the environment and wildlife resources or to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- (2) The Director may deny any Form 2 that does not meet all requirements of the Commission’s Rules, or that does not provide necessary and reasonable protections for public health, safety, welfare, the environment, and wildlife resources, or that fails to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- (3) The Director may request, and an Operator will provide upon request, any information necessary to determine whether to approve or deny a Form 2.

308. LOCAL GOVERNMENTS.

- a. Operators will comply with all applicable Local Government requirements governing facility siting and land use unless they are less protective than the Commission’s Rules.
- b. With their Oil and Gas Development Plans, or, if applicable, with their Form 2A or drilling and spacing unit Applications, Operators will submit to the Director certification that the Operator has filed an application with the Relevant Local Government, and certify of one of the following:

- (1) The Relevant Local Government's disposition of the application;
 - (2) That the Relevant Local Government does not regulate the siting of Oil and Gas Locations;
or
 - (3) That the Relevant Local Government has chosen to:
 - A. Seek assistance in making its decision about siting by requesting that the Director appoint a Technical Review Board as set forth in § 34-60-104.5(3)(a), C.R.S.; or
 - B. Consult with the Director on the proposed siting of the Oil and Gas Location.
- c. If the Director determines that a Local Government has approved an Oil and Gas Location in a location that is less protective of public health, safety, welfare, the environment, or wildlife resources than would otherwise be required by the Commission's Rules, the Director may recommend that the Commission deny the Oil and Gas Development Plan, or approve a different location that is more protective of public health, safety, welfare, the environment, or wildlife resources that is required by the Commission's Rules.
- d. **Notice to Relevant and Proximate Local Governments.** An Operator will notify any Relevant and Proximate Local Governments that it plans to submit an Oil and Gas Development Plan no less than 30 days prior to submitting an Oil and Gas Development Plan. The notice will comply with the procedural and substantive requirements of Rule 302.e.(2) & (3).
- e. **Local Government Waiving Authority.**
- (1) At any time, a local government may, by providing written notice to the Director and any relevant Operators:
 - A. Waive its right to notice under any or all of the Commission's Rules; or
 - B. Certify that it chooses not to regulate the siting of Oil and Gas Locations.
 - (2) The Commission will maintain a list of Local Governments that have certified to the Director that they have chosen not to regulate the siting of Oil and Gas Locations, or receive any category of notice otherwise required by the Commission's Rules.
 - (3) A Local Government may withdraw a waiver at any time by providing written notice to an Operator and the Director. Upon receiving such notice, the Director will immediately remove the Local Government from the Rule 308.e.(2). list on the Commission's website.
- f. **Local Government Consultation.** At any time after an Operator provides notice of a proposed Oil and Gas Development Plan, and prior to the Director making a Director's Recommendation that the Commission approve or deny the Oil and Gas Development Plan, Relevant Local Governments or Proximate Local Governments may request, and will be provided, an opportunity to consult with the Operator and the Director. The Director and/or Operator will promptly schedule a consultation meeting. The Director will make a good faith effort to incorporate feedback from the Local Government into its final decision, to the extent it is consistent with the Act, the Commission's Rules, and protection of public health, safety, welfare, the environment, and wildlife resources. Topics for consultation will include, but not be limited to:
- (1) The location of roads, production facilities and well locations, and
 - (2) Necessary and reasonable measures to avoid, minimize, and mitigate adverse impacts to public health, safety, or welfare or the environment, or wildlife resources.

309. CONSULTATION.

- a. All consultations required by Rule 309 will occur within 45 days after the Director posts the completeness determination on the Commission's website pursuant to Rule 302.d.(1).
- b. **Surface Owners.** The Operator will consult in good faith with the Surface Owner, or the Surface Owner's appointed agent about the location of all surface disturbance, and in preparation for reclamation and abandonment. The Surface Owner or appointed agent may submit relevant comments to the Director about any Oil and Gas Development Plan pursuant to Rule 302.d.(1).
 - (1) **Information Provided by Operator.** When consulting with the Surface Owner or appointed agent, the Operator will furnish, in writing:
 - A. A complete Oil and Gas Development Plan;
 - B. The expected date of commencement of operations;
 - C. Topsoil management practices to be employed; and
 - D. The location of associated roads, production facilities, infrastructure, and any other areas to be used for Oil and Gas Operations.
 - (2) **Waiver.** The Surface Owner or the Surface Owner's appointed agent may waive, permanently or otherwise, their right to consult with the operator at any time. Such waiver must be in writing, signed by the Surface Owner, and submitted to the Operator and Director.
 - (3) Operators will conduct Oil and Gas Operations in a manner that accommodates the surface owner by minimizing intrusion upon and damage to the surface of the land.
- c. **Building Unit Owners and Tenants.** An Operator will be available to meet with residents (including owners and tenants) of Building Units located within 2,000 feet of the proposed Working Pad Surface. Building Unit Owners, their agents, their tenants, or a Local Government may request such a meeting.
 - (1) **Information provided by Operator.** When meeting with Building Unit owners or their appointed agent(s) or tenants, the Operator will provide the following information:
 - A. The date construction is anticipated to begin;
 - B. The anticipated duration of pad construction, drilling and completion activities;
 - C. The types of equipment anticipated to be present on the proposed Oil and Gas Locations;
 - D. The Operator's interim and final reclamation obligation;
 - E. A description and diagram of the proposed Oil and Gas Locations that includes the dimensions of the proposed Oil and Gas Location and the anticipated layout of production or injection facilities, pipelines, roads and any other areas to be used for Oil and Gas Operations;
 - F. Information relevant to potential health, safety, welfare, and environmental impacts associated with Oil and Gas Operations, including but not limited to security, noise, light, odors, dust, and traffic; and

- G. Information about proposed Best Management Practices or mitigation measures to avoid, minimize or mitigate those issues.
- (2) **Waiver.** The Building Unit owner or agent or tenant may waive, permanently or otherwise, their right to receive notice pursuant to the Commission's Rules. Any such waiver will be in writing, signed by the owner or agent, and will be submitted by the Building Unit owner, agent, or tenant to the Operator and the Director.
- (3) Operators and the Director will consider all concerns related to public health, safety, welfare, the environment, and wildlife resources raised by Building Unit owners or their agents or tenants during informational meetings or in written comments.

d. Schools, Child Care Centers, and School Governing Bodies.

- (1) An Operator will provide a pre-application notice of intent to conduct Oil and Gas Operations no less than 30 days before the Operator submits an Oil and Gas Development Plan to any relevant School, Child Care Center, and School Governing Body within 2,000 feet of:
 - A. The property line of a parcel currently owned by the School, Child Care Center, or School Governing Body as identified through county assessor records;
 - B. The property line of a parcel considered a Future School Facility as identified on the final approved plat that may be obtained from the planning department of the Relevant Local Government; or
 - C. What reasonably appears to be a School Facility (regardless of property ownership) based on the Operator's review of current aerial maps that show surface development or surveys of the area.
- (2) The Notice will include:
 - A. The Operator's contact information;
 - B. The location and general description of the proposed Oil and Gas Location, including the Cultural Distances table as required under Rule 303.b.(3).B., and drawings, maps, and figures required under Rule 303.b.(7).
 - C. The Local Governmental Designee's (LGD) contact information, if applicable;
 - D. The anticipated date, by calendar year and quarter, that construction will begin and the expected schedule of drilling and completion activities;
 - E. A description of the status of the Relevant Local Government's siting disposition, if applicable;
 - F. Notice that the School Governing Body for the School Facility or Child Care Center may request a consultation to discuss the proposed operations by contacting the Operator, and that the Director may be invited to any meeting. A School Governing Body or Child Care Center may delegate the consultation process to the principal or senior administrator of a School or Child Care Center in proximity to the proposed Oil and Gas Location; and

G. Notice that the School, Child Care Center, or School Governing Body may submit comments regarding the proposed Oil and Gas Location to the Commission as part of the Rule 302.d.(1) public comment period.

(3) A School Governing Body may waive the right to notice under this provision for it and all schools within the area subject to the School Governing Body's oversight at any time by providing written notice to the Operator and the Director.

(4) The Operator, School Governing Body, or Director may initiate consultation pursuant to this Rule. During the consultation, the School Governing Body may identify additional discrete facilities or areas it considers a School Facility or Child Care Center, and the Operator will provide relevant information regarding planned measures to avoid, minimize, or mitigate adverse impacts to the School Facility or Child Care Center.

e. Colorado Parks and Wildlife. [HOLD]

f. Consultation with the Colorado Department of Public Health and Environment. [HOLD]

310. SUSPENDING APPROVED OIL AND GAS DEVELOPMENT PLANS. The Director may suspend an approved Oil and Gas Development Plan or any associated drilling and spacing units, Form 2As, or Form 2s if the Director has reasonable cause to believe that information submitted on an application was materially incorrect, or to prevent harm to public health, safety, or welfare, the environment, or wildlife resources. An Operator may petition the Commission to review the Director's decision. The Commission will hear the petition at its next regularly scheduled hearing.

311. EXPIRATION. Oil and Gas Development Plans, Form 2As, and Form 2s will become null and void if drilling operations at every permitted well have not commenced within 2 years after the date of approval. The Director will not approve extensions to Form 2As or Form 2s. Refiles of Form 2As or Form 2s are not permitted. If a Form 2A or Form 2 expires, the Operator must submit a new Oil and Gas Development Plan or Form 2.

312. COGCC NON-PRODUCED WATER INJECTION. Prior approval of a Form 14A, Authorization of Source of Class II Waste for Disposal, is required for the injection of Class II waste (other than the fluids specifically described in Rules 432 into any formation in a dedicated Class II Underground Injection Control well. Examples include, but are not limited to, ground water recovered during a remediation project or chemical treatments. The Form 14A will include a description of the nature and source of the injected fluids, the types of chemicals used to treat the injected fluids, and the date of initial fluid injection for new injection wells. The Form 14A must be submitted and approved for a new disposal facility and for any changes in the source of Class II waste for an existing facility.

313. Seismic Operations.

a. Operators, or, if applicable, seismic survey contractors, will submit and obtain approval of a Form 20, Permit to Conduct Seismic Operations prior to commencement of seismic operations, including shothole drilling and recording operations.

b. The Form 20 will include the following:

(1) A map at a scale of at least 1:48,000 showing the project boundary, sections, townships and ranges and providing the location of the proposed seismic lines, including source and receiver line locations. The map will also provide county and municipal boundaries.

(2) Any municipal permits, as required by in Rule 313.c.

(3) Any traffic control plan required in Rule 313.d.

- c. **Local Government Permits.** Operators will obtain all required Local Government permits prior to commencing seismic operations. Operators will submit copies of the Local Government permits with their Form 20 applications.
- d. **Traffic Control and Load Limits.** If the Local Government approval fails to address traffic control and load limits then the Operators will include the following information in traffic control plans submitted with their Form 20 applications:
 - (1) Confirmation that the Relevant Local Government allows vibroseis units to travel on the public roadways identified in the survey area;
 - (2) The load limits of all public roads within the survey area; and
 - (3) A detailed traffic control plan for any activity in a public right-of-way.
- e. **Director's Decision.**
 - (1) The Director may approve the Form 20 if it complies with the Commission's Rules and protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
 - (2) The Director may deny the Form 20 if it does not comply with the Commission's Rules or if it does not adequately protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
- f. **Form 20 Expiration.**
 - (1) An approved Form 20 will expire 6 months from the date of approval.
 - (2) The Director may grant an extension of time upon written request submitted via a Sundry Notice, Form 4 prior to the expiration date of the Form 20.
- g. Operators will provide a copy of the approved Form 20 to the Relevant Local Government.

314. **COMPREHENSIVE AREA PLANS.**

a. **Purpose of Comprehensive Area Plans.**

- (1) The Commission intends for Comprehensive Area Plans (CAPs) to facilitate evaluating and addressing cumulative impacts from oil and gas development in a broad geographic area by identifying plans for one or more Operators to develop Oil and Gas Locations within a region while avoiding, minimizing, and mitigating impacts to public health, safety, welfare, the environment, and wildlife in the region through systematic planning of infrastructure location, Best Management Practices, and centralizing facilities.
- (2) The Commission intends to create incentives for Operators to develop CAPs by conveying an exclusive right to operate in the area covered by the CAP for an appropriate duration of time.

b. **Rights Conveyed.**

- (1) If the Commission approves a CAP, the approved CAP will convey the exclusive right to develop the oil and gas formation or formations that are the subject of the CAP within the CAP's geographic boundaries. This exclusive right will expire for the CAP and for all unexecuted Oil and Gas Development Plans, Form 2As, and Form 2s under the CAP 10 years after the date the Commission approves the CAP.
- (2) Approval of a CAP does not constitute approval of an Oil and Gas Development Plan, drilling and spacing unit, Form 2A, or Form 2. Operators will submit all Oil and Gas Development Plans, Form 2A Oil and Gas Location Assessments, drilling and spacing unit applications, and Form 2 Applications to Drill as ordinarily required by the Commission's Rules for all locations and wells within an approved CAP.

c. Submission Procedure.

- (1) One or more Operators (collectively, the "Operator") may apply for a CAP at any time by submitting the application materials specified in Rule 314.d. electronically pursuant to Rule 503.g.(9).
- (2) The Operator will coordinate with the Director to ensure that the Operator submits all information necessary for the Director and Commission to fully evaluate the CAP's cumulative impacts on public health, safety, welfare, the environment, and wildlife.
- (3) At any time after a CAP application is submitted, the Director may request any information necessary to review the CAP application. The Operator will provide all requested information before the Director issues the Director's Recommendation.
- (4) When the Director has obtained all information necessary to fully review the CAP's cumulative impacts on public health, safety, welfare, the environment, and wildlife resources, the Director will make a completeness determination.

d. Informational Requirements for Comprehensive Area Plan. At a minimum, the Operator will submit the following materials as components of its CAP application.

(1) Contact Information.

- A. The name, telephone number, and e-mail address for the primary contact person about the CAP for each Operator.
- B. The name, telephone number, and e-mail address for the Local Governmental Designee, if applicable, of every Local Government within the CAP's boundaries.
- C. The name, telephone number, and e-mail address for all Proximate Local Governments adjacent to the CAP's boundaries.
- D. Contact information for all persons who must receive notice pursuant to Rule 314.e.1.C.

(2) Fees. Payment of the full filing and service fee required by Rule 301.e.

(3) Maps.

- A. A topographic map at a scale of 1:24,000 showing the area proposed for the CAP showing proposed Oil and Gas Locations.
- B. One or more detailed maps of:

- i. All approved and existing oil and gas wells, including producing, shut-in, temporarily abandoned, and permanently plugged and abandoned wells;
 - ii. All approved and existing Oil and Gas Locations and Oil and Gas Facilities; and
 - iii. A table listing the name of the Operator of all wells, Oil and Gas Locations, and Oil and Gas Facilities, included on the map required by Rule 314.d.(3).B.i & ii.
- C. One or more maps of any existing or former mines within the proposed CAP's boundaries.
- D. One or more maps of any proposed or existing injection wells within the proposed CAP's boundaries.
- E. One or more detailed maps of proposed access road locations and all existing roads and publicly-maintained trails within the proposed CAP's boundaries.
- F. One or more detailed maps of proposed gathering line, flowline, known sewers with manholes, and any other pipeline infrastructure, and all existing pipelines within the proposed CAP's boundaries.
- G. One or more detailed maps of proposed utility lines and all existing utility lines within the proposed CAP's boundaries.
- H. One or more detailed maps showing all existing drainages, stream crossings, wetlands, riparian areas, water wells, surface water bodies, floodplains, Waters of the State, Water Sources, and Public Water System intakes within the proposed CAP's boundaries.
- I. One or more detailed maps showing characteristics of known Groundwater within the proposed CAP's boundaries, including but not limited to depth of the water table, depths of known Groundwater formations, and characteristics of the Groundwater including salinity.
- J. One or more detailed maps showing all wildlife habitat, including but not limited to nests, burrows, roosts, foraging areas, watering holes, mating areas, leks, wildlife migration corridors, or any other features known to provide habitat based on the best available information within the proposed CAP's boundaries. This map will also designate the locations of any Sensitive Wildlife Habitat and Restricted Surface Occupancy Areas.
- K. One or more maps showing the vegetation and ecosystems within the proposed CAP's boundaries, including but not limited to current vegetative communities and known areas of invasive species.
- L. One or more maps showing the Natural Resources Conservation Service soil map unit description for all areas within the proposed CAP's boundaries.
- M. One or more maps providing showing current agriculture uses within the proposed CAP's boundaries.
- N. One or more detailed maps showing all existing Building Units within the proposed CAP's boundaries. The maps must specifically delineate all Schools, Building Units, High-Occupancy Building Units, and Designated Outdoor Activity Areas. In areas with a large number of Building Units, Operators may obtain the Director's approval to show a more limited subset of Building Units.

- O. One or more detailed maps showing the current Local Government zoning of all lands within the proposed CAP's boundaries. With the Director's approval, Operators may submit alternate maps that demonstrate clearly current land uses instead of or in addition to maps of current Local Government zoning.
- (4) **GIS Data.** Geographic Information System (GIS) polygon data to describe the CAP's external boundaries and all relevant features within the CAP.
- (5) **Aerial Images.** Current aerial photos showing the entire area of the proposed CAP, displayed at the same scale as the topographic map to facilitate use as an overlay.
- (6) **Density of Wells.** A proposed density of wells within the boundaries of the CAP.
- (7) **Consolidation of Oil and Gas Locations.** A narrative proposal, with appropriate supporting documentation, demonstrating the Operator's plan to consolidate Oil and Gas Locations to the maximum extent possible within the boundaries of the CAP.
- (8) **Infrastructure Planning.** A narrative proposal, with appropriate supporting documentation, demonstrating the Operator's plan to consolidate infrastructure within the CAP, the timeline for installing any new infrastructure relative to the planned construction dates for the proposed wells, and a discussion of any approvals necessary for the infrastructure to be built.
- (9) **Mineral Rights.** A narrative description or map demonstrating the Operator's ownership of mineral rights within the CAP.
- (10) **Emergency Response Plan.** A narrative description of emergency response and public safety agencies within the CAP's boundaries, and the Operator's plans to coordinate emergency management protocols with those agencies.
- (11) **Evaluating Cumulative Impacts.** A description of the cumulative impacts of all proposed wells within the CAP's boundaries on the following resources, and where appropriate, baseline metrics:
 - A. **Air Quality.** The Operator will quantify projected estimated emissions of the following pollutants in tons per year (tpy), for each year within the 10-year duration of the proposed CAP:
 - i. Methane;
 - ii. Volatile Organic Compounds;
 - iii. Total Hazardous Air Pollutants, as well as:
 - aa. Benzene;
 - bb. Toluene;
 - cc. Ethylbenzene;
 - dd. Xylenes; and
 - ee. Formaldehyde.
 - iv. Oxides of nitrogen;

- v. Particulate Matter with diameter of 2.5 microns or less (PM_{2.5}); and
- vi. Particulate Matter with diameter of 10 microns or less (PM₁₀).

B. Water Quality.

- i. A narrative description of cumulative impacts to surface waters, wetlands, and riparian areas.
- ii. A quantitative estimate of the total acres of wetlands and riparian areas that will be disturbed.
- iii. A narrative description of potential cumulative impacts to Groundwater resources.

C. Wildlife.

- i. A narrative description of cumulative impacts to wildlife, including:
 - aa. Known wildlife species in the area;
 - bb. Any known Threatened or Endangered species; and
 - cc. Sensitive Wildlife Habitat.
- ii. A quantitative estimate of acres of Sensitive Wildlife Habitat that will be disturbed by oil and gas development associated with the CAP.

D. Traffic.

- i. Evidence that the Operator has consulted with the Relevant Local Government(s) about traffic impacts and the results of that consultation.
- ii. A narrative description of traffic conditions on any major arterial roadways within the CAP's boundaries.
- iii. Quantitative estimates of truck trips within the CAP's boundaries due to oil and gas development associated with the CAP, for each year of the 10 year duration of the proposed CAP.

E. Noise.

- i. A narrative description of sources of noise within the CAP's boundaries, including non-oil and gas sources, and the projected cumulative impact of oil and gas development associated with the CAP on ambient noise levels.
- ii. Daytime and nighttime ambient sound measurements taken from representative locations within the CAP's boundaries.

F. Light. A narrative description of current nighttime lighting at representative areas within the CAP's boundaries, and the projected cumulative impact of oil and gas development associated with the CAP on nighttime lighting.

G. Dust. A narrative description of current sources of dust within the CAP's boundaries, including but not limited to unpaved roads, fallow farmland, areas under construction, or other likely sources of dust and the projected cumulative impact of oil and gas

development associated with the CAP, including associated truck traffic, within the CAP on dust.

H. Ecosystems.

- i. A quantitative estimate of the acreage of surface disturbance projected to result from oil and gas development associated with the CAP.
 - ii. A narrative description of the existing ecosystems within the CAP's boundaries, and how they may be impacted by oil and gas development associated with the CAP.
- I. E&P Waste.** A narrative description of plans to properly and safely dispose of all Exploration and Production Waste (E&P Waste) from oil and gas development associated with the CAP, including but not limited to whether E&P Waste will be removed through pipelines or trucks, and where E&P Waste will be treated, injected or disposed, if applicable.

(12) Addressing Cumulative Impacts. The Operator will provide a narrative, and, if applicable, quantitative description of the Best Management Practices and any other practices it intends to employ to reduce cumulative impacts on the following resources:

- A. Air quality;
- B. Water quality;
- C. Wildlife;
- D. Traffic;
- E. Noise;
- F. Light;
- G. Dust;
- H. Odor;
- I. Ecosystems, including surface disturbance and soil; and
- J. E&P Waste disposal.

(13) Completeness Certification. A certification that the Operator has submitted all materials required by this Rule 314.d.

e. Public Review Process.

(1) Notice.

A. When the Director issues a completeness determination pursuant to Rule 314.c.(4), the Director will post all the CAP Application and all supporting materials to the Commission's website. The website posting will provide:

- i. The date by which public comments must be received to be considered; and

- ii. The mechanism for the public to provide comments.
- B. Confidentiality.** If the Operator designates any portion of its CAP application as “confidential” pursuant to Rule 222., and the Director agrees with this designation, then such confidential material will be redacted when the CAP is posted to the Commission’s website.
- C.** Within 5 days of the Director issuing the completeness determination, the Operator will provide notice to the following persons:
- i. All owners of minerals that would be developed under the CAP;
 - ii. All Surface Owners of the Operator’s proposed Oil and Gas Locations;
 - iii. All Local Governments within the CAP’s boundaries;
 - iv. All Proximate Local Governments;
 - v. The Colorado Department of Public Health and Environment;
 - vi. Colorado Parks and Wildlife;
 - vii. The Colorado State Land Board (if it owns any minerals within the CAP);
 - viii. The U.S. Bureau of Land Management (if any federal entity owns minerals or surface estate within the CAP);
 - ix. The Southern Ute Indian Tribe or Ute Mountain Ute Tribe (if the CAP involves any minerals within the exterior boundary of either tribe’s reservation where both the surface and oil and gas estates are owned in fee by persons or entities other than the Tribe);
 - x. All Schools, Child Care Centers, and School Governing Bodies located within the CAP’s boundaries; and
 - xi. All police, fire departments, emergency service agencies, and first responder agencies responsible for ensuring public safety within the CAP’s boundaries.
- D. Procedure for Providing Notice.** The Operator will provide notice required by Rule 314.e.(1).C by one of the following mechanisms:
- i. Hand delivery, with confirmation of receipt;
 - ii. Certified mail, return-receipt requested;
 - iii. Electronic mail, with electronic receipt confirmation; or
 - iv. By other delivery service with receipt confirmation.

(2) Comments.

- A.** Comments must be received within 60 days from the date the CAP was posted on the Commission’s website to be considered.

- B. The Director will post on the Commission’s website all comments received unless they contain confidential information.
- C. Upon request or by the Director’s own initiative, the Director may extend the comment period by any duration that determined to be reasonable in order to obtain relevant public input.

(3) Consultation.

A. Local Governments.

- i. During the public comment period, the Director will consult with all Local Governments and Proximate Local Governments, unless any Local Government waives its right to consultation.
- ii. Local Government consultation will include any relevant topics identified by the Local Government, but will address:
 - aa. At least the current land use of all areas within the CAP’s boundaries, and all future planned land uses of areas within the CAP’s boundaries over the anticipated 10-year duration of the CAP; and
 - bb. Cumulative traffic impacts.

B. Colorado Parks and Wildlife.

- i. During the public comment period, the Director will consult with Colorado Parks and Wildlife, unless Colorado Parks and Wildlife waives its right to consultation.
- ii. Consultation with Colorado Parks and Wildlife may address any relevant topic, but will address the proposed CAP’s cumulative impacts on wildlife resources and measures to avoid, minimize, and mitigate those impacts.

C. Colorado Department of Public Health and Environment.

- i. During the public comment period, the Director will consult with the Colorado Department of Public Health and Environment, unless the Colorado Department of Public Health and Environment waives its right to consultation.
- ii. Consultation with the Colorado Department of Public Health and Environment may address any relevant topic, but will address the proposed CAP’s cumulative impacts on public health and the environment, including air quality, water quality, and E&P waste disposal.

f. Director’s Recommendation on the Comprehensive Area Plan.

- (1) When the Director May Issue a Recommendation.** The Director will not make a recommendation to the Commission about whether to approve or deny any CAP until after:
 - A. The Director has fully reviewed the CAP and all supporting application materials and has obtained all information necessary to evaluate the proposed operations and their potential cumulative impacts on public health, safety, welfare, the environment and wildlife resources.

- B. The public comment period has ended and the Director has considered all substantive public comments received.
- C. The Director has completed consultation with all Local Governments identified in Rule 314.e.(3).A, Colorado Parks and Wildlife, and the Colorado Department of Public Health and Environment, unless any such entity waives its right to consultation.

(2) Director's Recommendation.

A. Approval. The Director may recommend that the Commission approve a CAP that:

- i. Complies with all requirements of the Commission's Rules; and
- ii. In the Director's judgment, protects and minimizes adverse cumulative impacts to public health, safety, welfare, the environment, and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.

B. Denial. If the Director determines that a CAP does not provide necessary and reasonable protections for public health, safety, welfare, the environment, and wildlife resources or fails to protect against cumulative adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations, or fails to meet the requirements of the Rules, the Director may recommend that the Commission deny the CAP.

(3) Notice of Director's Recommendation. Upon issuing the Director's Recommendation, the Director will post the written basis for the Director's Recommendation on the Commission's website, and notify the following persons electronically in a manner determined by the Director:

- A. The Operator;
- B. All Local Governments within the CAP;
- C. All Proximate Local Governments;
- D. The Colorado Department of Public Health and Environment; and
- E. Colorado Parks and Wildlife.

(4) Petition for Review of the Director's Recommendation. Colorado Parks and Wildlife, the Colorado Department of Public Health and Environment, any Relevant Local Government or Proximate Local Government, and any mineral owners of minerals within the boundaries of the CAP may petition the Commission to review the Director's Recommendation. Petitions of the Director's Recommendation must comply with Rule 507.

g. Commission's Consideration of a Comprehensive Area Plan.

- (1)** If the Director recommends approval of a CAP, the CAP will be heard by the Commission in accordance with Rule 509 and Rule 510.
- (2)** If the Director recommends the denial of the CAP, it will not be considered by the Commission. If the Operator disagrees with the Director's Recommendation, the Operator may petition the Director's Recommendation to the Commission. The petition will be filed and heard in accordance with Rule 507.

- (3) **Approval.** The Commission may approve a CAP that complies with all requirements of the Commission's Rules, and protects and minimizes adverse cumulative impacts to public health, safety, welfare, the environment and wildlife resources, and protects against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- (4) **Denial.** If the Commission determines that a CAP does not provide necessary and reasonable protections for public health, safety, welfare, the environment, and wildlife resources, or that fails to protect against cumulative adverse environmental impacts on any air, water, soil, or biological resource or fails to meet the requirements of the Commission's Rules, the Commission may deny the CAP. The Commission will identify in the record the basis for the denial.
- (5) **Stay.** If the Commission determines that additional information or analysis is necessary for it to make a decision to approve or deny a CAP, it may stay consideration of the CAP for further consideration until the Director or Operator can provide the Commission with the additional information or analysis necessary to consider the CAP.
- (6) **Final Agency Action.** The Commission's decision to approve or deny a CAP will constitute final agency action. The Commission's decision to stay a CAP for further consideration will not constitute final agency action.
- (7) **Changes to an Approved CAP.** Changes to an approved CAP will be approved or denied by the Commission, after appropriate notice, consultation and Director review. The Director will have discretion to determine appropriate notice and consultation requirements based on the scale of the changes.