



COGCC FORM INSTRUCTIONS

FORM 2 AND FORM 2A LOCAL GOVERNMENT INFORMATION

Document Control:

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Background:

The adoption of SB 19-181 requires changes to COGCC Forms 2 and 2A. The changes will affect those applications submitted following the effective date of SB 19-181 as well as those in process (or on hold) on the effective date of April 16, 2019.

These Instructions describe the changes to the Forms, the new information requirements, the process to provide the data to COGCC (for pending Forms), and the process for COGCC to update the (pending) Forms.

All submitted Forms that had not passed completeness by April 16 will be returned to draft for the operator to provide required additional information.

All Forms in the queue for COGCC review (i.e. forms pending on April 16, 2019) will need operators to provide information to populate the new data fields; COGCC staff will update the forms with the information provided. Once the Local Government Information is incorporated into the Form, COGCC will continue normal processing subject to local government processes, the Objective Criteria review, and the operators' priorities.

IMPORTANT NOTE:

SB 19-181 applies to all conduct and all pending but not approved applications before the COGCC. Because numerous pending Forms 2 and 2A were originally submitted under previous versions of the eForm applications, these pending applications do not contain all the current information necessary for evaluation under SB 19-181. COGCC will require that all data be provided for all fields, even if not previously required. For example, distances to school property lines, school facilities, and child

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care facilities will need to be provided in order for COGCC to evaluate the 2 and 2A applications under SB 19-181.

In order to assist in updating missing information, COGCC has provided fields in the Google form and data templates described below to accept the data. If the applicant does not provide necessary information, COGCC staff will contact the operator as part of the technical review.

Instructions:

Local Government Information Changes to the Form 2 and Form 2A

To comport with the Act, COGCC is requiring operators to provide the following information for pending Forms:

1. The municipality in which the proposed location is situated, if applicable.
2. Identification of the local government entity with land use authority (i.e. County, Municipality, or City and County).
3. Whether or not the local government with land use authority regulates the siting of the proposed oil and gas location.
 - a. If the local government has waived its right to precede COGCC in the siting decision, the operator will indicate on the Form.
4. If the local government with land use authority regulates the siting of the oil and gas location, a certification that the operator has applied for the local permit.
5. The disposition of the operator's local government permit application.

Additionally, for clarity, COGCC is also asking for the following information:

1. What type of permit the local government requires (USR, SUP, MOU, etc.)
2. What date the permit application was filed with the local government.
3. Additional description of the local government permit type, if necessary.

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The new information is found on the Well Location Tab of the Form 2:

LOCAL GOVERNMENT INFORMATION

County: Municipality:

Per § 34-60-106 (1)(f)(1)(A), the following questions pertain to the "local government with jurisdiction to approve the siting of the proposed oil and gas location."

The local government with jurisdiction is:

Does the local government with jurisdiction regulate the siting of Oil and Gas Locations, with respect to this COGCC application? If the local government has waived its right to precede the COGCC in siting determination, indicate by selecting "NO" here and selecting "Waived" below.

If yes, in checking this box, I hereby certify that an application has been filed with the local government with jurisdiction to approve the siting of the proposed oil and gas location.

The local government siting permit type is:

The local government siting permit was filed on:

The disposition of the application filed with the local government is:

Additional explanation of local process:

SB 19-181 provides that when "applying for a permit to drill," operators must include proof that they sought a local government siting permit and the disposition of that permit application, or that the local government does not have siting regulations. § 34-60-106(1)(f)(1)(A), C.R.S. Accordingly, in jurisdictions where the local government has siting regulations, as of April 16, 2019, operators must certify on all submitted Form 2 applications that they have applied for a local government siting permit, if applicable, and indicate the local government's disposition of that siting permit application. "Disposition" means that the local government has made the final siting determination or waived the statutory provision that allows it to undertake siting first. In instances where the local government has waived the siting determination, an operator may apply for and the Director will process and may approve a Form 2. However, if there is not a waiver, the Director may process, but will not make a final determination on, the Form 2 until the local government has made a final determination on the local siting permit.

The new information is found on the Location Information Tab of the Form 2A:

LOCAL GOVERNMENT INFORMATION

County: Municipality:

Per § 34-60-106 (1)(f)(1)(A), the following questions pertain to the "local government with jurisdiction to approve the siting of the proposed oil and gas location."

The local government with jurisdiction is:

Does the local government with jurisdiction regulate the siting of Oil and Gas Locations, with respect to this COGCC application? If the local government has waived its right to precede the COGCC in siting determination, indicate by selecting "NO" here and selecting "Waived" below.

If yes, in checking this box, I hereby certify that an application has been filed with the local government with jurisdiction to approve the siting of the proposed oil and gas location.

The local government siting permit type is:

The local government siting permit was filed on:

The disposition of the application filed with the local government is:

Additional explanation of local process:

The Director encourages operators to coordinate the preparation and filing of a Form 2A with the local government siting permit application, if applicable, to allow for concurrent permit review. Coordination between the operator and all other permitting authorities is helpful as it allows for productive and efficient permitting processes. The Director may process Form 2As concurrently with the local government or following the local government's determination because SB 19-181's "disposition" requirement applies only to Form 2s, not Form 2As. See § 34-60-106(1)(f)(1)(A), C.R.S.

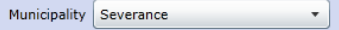
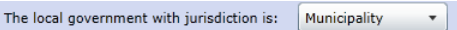
Information Requirements

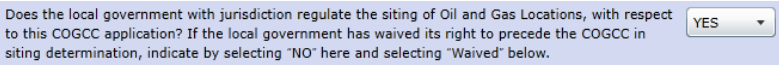
This section describes the information needed for each new field on the Form 2 and 2A. Table 1, at the end of this document provides additional clarifications for data field requirements.

1. County – As previously required, the county is selected from a dropdown list and should be the county in which the surface hole location of

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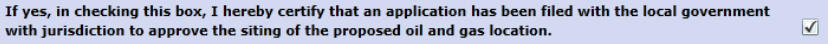
the well (Form 2) or the oil and gas location (Form 2A) is situated. This is required even if the well or oil and gas location is within the boundaries of a municipality. For pending forms, this information has already been provided.

2.  Municipality – If the Oil and Gas Location is within or partially within, or the surface hole location of the Well is within the boundaries of a municipality, then that municipality must be selected from the dropdown list. If the surface hole location of the Well or the entire Oil and Gas Location is within the unincorporated portions of a county, even if within growth management areas or on city-owned surface estate outside the municipality boundary, then “N/A” should be selected. For ease of use, once the dropdown arrow is selected, the applicant may enter the first letter or letters of the municipality to scroll faster.
3.  The local government with jurisdiction is: Municipality Local government with jurisdiction – This drop down allows the applicant to indicate if the County, Municipality, or City and County is the entity with jurisdiction (land use authority) to regulate the siting of the surface location of the Well or the Oil and Gas Location. If “N/A” is selected for the Municipality in #2, above, this will default to “County.”

4.  Does the local government with jurisdiction regulate the siting of Oil and Gas Locations, with respect to this COGCC application? If the local government has waived its right to precede the COGCC in siting determination, indicate by selecting “NO” here and selecting “Waived” below. YES Does the local government regulate siting of Oil and Gas Locations? – Select “YES” or “NO” as the local government regulations apply to the Well or Oil and Gas Location subject to this application. For example, some jurisdictions may regulate in some circumstances (e.g. within a Planned Unit Development) but not in others, therefore the question only pertains to the lands under consideration for the particular application.

For a Form 2: if this is “YES” all remaining Local Government Information fields must be completed; if this is “NO” then the fields described in #5, 6, and 7, below, will be grayed out and unavailable for data entry.

If the local government has waived its right to precede the COGCC in the siting of the Well or Oil and Gas Location subject to this application, then select “NO” and also select “Waived” in the disposition dropdown described in #8, below.

5.  If yes, in checking this box, I hereby certify that an application has been filed with the local government with jurisdiction to approve the siting of the proposed oil and gas location. Check box certifying that an application has been filed – Section 34-60-106(1)(f)(I)(A) requires that if the local government regulates the siting of Wells or Oil and Gas Locations, that the COGCC Form 2 Application for Permit to Drill includes proof that the operator has filed for a local government siting permit. This check box is the certification that the operator has filed their application with the local government. For the Form 2, if #4, above, is “YES”, then this box must be

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checked to continue; if the local government has waived siting, this field is not available.

6. The local government siting permit type is: Local government permit type – Use this text box to describe the type of permitting vehicle the local government uses to regulate the siting of Wells or Oil and Gas Locations. For example, this may be Use by Special Review (USR), Special Use Permit (SUP), Memorandum of Understanding (MOU), or local oil and gas location assessment. If a local government has a moratorium on oil and gas development this should be noted in the text box. This is a free-text box, but is limited to 50 characters. For the Form 2, if the local government has waived siting, this field is not available.
7. The local government siting permit was filed on: Date of local permit filing – Use the date selector to indicate the date on which the local government siting permit application was filed. This date must be in the past, it can't be a future planned date. For the Form 2, if the local government has waived siting, this field is not available.
8. The disposition of the application filed with the local government is: Disposition - Section 106(1)(f)(I)(A) requires that if the local government regulates the siting of Wells or Oil and Gas Locations, the COGCC Form 2 application must include proof that the operator has filed for a local government siting permit, and the disposition of the application. This dropdown allows for the following selections:
- “Approved” should be selected if the local government application has received final approval from the highest level necessary, whether that be administrative, planning and zoning, or board or commission. No further local approvals for siting are necessary.
 - “Denied” should be selected if the local government has denied the local government siting application. If the operator is appealing that decision to a higher local government authority, is requesting a technical review board, or is requesting the COGCC process the application in spite of the local denial, that comment should be provided in the space below.
 - “In Process” should be selected if the local government application has been submitted and the local government is following their standard process for review and approval (or denial). Additional explanation is required.
 - “Other” should be selected only if none of the other circumstances describe the disposition at the time the Form 2 or Form 2A is submitted. Additional explanation is required.

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- e. “Waived” should be selected only if the local government has affirmatively waived its right to precede the COGCC in the siting of the oil and gas location subject to this application. Additional explanation is required; and you may be asked to provide waivers.

Additional explanation of local process:	This permit was filed 4/16/19 and approved by the planning department 4/30/19
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9. Additional explanation – Use this text box for up to 5000 characters describing the local government siting permit process and status as necessary to clarify the answers above. Information must be provided in this text box if “Other,” “In Process,” or “Waived” was selected in #8, above. See Table 1 for required information.

Process for Operators to Provide Data to COGCC

For Forms 2 and 2A which COGCC determined to be complete prior to April 16, 2019, the COGCC is still required to apply the provisions of SB 19-181. Therefore, we will be requiring that operators furnish supplemental information to the COGCC for inclusion into the applications.

We are offering two options for providing the required data on pending Form 2s or Form 2As. The first is to complete a brief Google Form individually for each application for which data are necessary. This option may be easiest for operators with few applications in process or for an operator who has numerous applications in process, but wants to provide the information for their highest priority applications quickly. The second option is to enter the information for each form as an individual line on the provided spreadsheet. This option may be best for facilitating bulk upload of the data when an operator has a high number of applications. This option only works if none of the fields on the spreadsheet are modified and all rules are followed; if not the spreadsheet will be returned.

The Google Form can be filled out at the following link and you will receive an email confirmation upon submittal.

[Local Government Information Google Form](#)

The Spreadsheet template can be downloaded at the following link:

[Local Government Information Data Template](#)

When complete the spreadsheet should be emailed to:

john.noto@state.co.us and penny.garrison@state.co.us

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Both the Google Form and the Excel Data Template can be found in the instructions for the Form 2 and Form 2A in the Regulations section of the COGCC Website.

Process for COGCC

Upon receipt of the local government information for forms pending on April 16, 2019, the COGCC will either manually enter the data into individual forms or will use a database tool to upload bulk data into multiple forms. At the time of data entry, the COGCC will not conduct quality control or otherwise review the data. However, if the operator modified the spreadsheet template in any way, it will be returned to the applicant and not processed further.

The COGCC will work with operators to process their permits in accordance with the operators' priority lists and subject to the "SB 19-181: Hearings and Permit Applications" Guidance Document.

Disposition (Final Determination)¹

Per SB 19-181, the COGCC cannot approve the Form 2 for a well within a jurisdiction that regulates siting until the local government has made a final determination on their siting permit. However, COGCC will accept and review a Form 2 or 2A where the disposition is not yet final. If the disposition of the local government permit application changes (i.e. a final determination is made by the local government) while the COGCC Form 2 or 2A is in process, the operator must notify COGCC staff of the change. Operators should email the final determination to the COGCC permitter or OGLA specialist.

¹ SB 19-181 revised §29-20-104 C.R.S. to include the process for a local government to make a "final determination" on "an application for the location and siting of an oil and gas facility or oil and gas location." SB 19-181 revised §34-60-106 to require that the "local government's disposition" of the operator's application "to approve the siting of the proposed oil and gas location" be stated on the application for permit to drill. As provided in guidance elsewhere, COGCC interprets the statutes that "disposition" on a Form 2 is the equivalent of the local government's "final determination" which can be approved, denied, or waived.

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Table 1:

Site-Specific Local Government Scenarios (July 7, 2019)						
Local Government Information Data Fields	SCENARIOS					
LOCAL GOVERNMENT INFORMATION	Weld Cty - no approved WOGLA	Weld Cty - WOGLA has been approved	County - Does Not Regulate	Municipality - Does Not Regulate	County - Regulates	Municipality - Regulates
County	Weld	Weld	Selected from Drop Down	Selected from Drop Down	Selected from Drop Down	Selected from Drop Down
Municipality	N/A	N/A	N/A	Selected from Drop Down	N/A	Selected from Drop Down
The local government with jurisdiction is:	County (Autopopulated - Cannot Edit)	County (Autopopulated - Cannot Edit)	County (Autopopulated - Cannot Edit)	Selected from Drop Down	County (Autopopulated - Cannot Edit)	Selected from Drop Down
Does the local government with jurisdiction regulate the siting of Oil and Gas Locations, with respect to this application?	NO	YES	NO	NO	YES	YES
If yes, in checking this box, I hereby certify that an application has been filed with the local government with jurisdiction to approve the siting of the proposed oil and gas location.	unchecked	Checked	unchecked	unchecked	Checked	Checked
The local government siting permit type is:	blank- grayed out	WOGLA	blank- grayed out	blank- grayed out	Enter Type	Enter Type
The local government siting permit was filed on:	blank- grayed out	DATE	blank- grayed out	blank- grayed out	Enter Date	Enter Date
The disposition of the application filed with the local government is:	WAIVED	APPROVED	blank- grayed out	blank- grayed out	<ul style="list-style-type: none"> • Enter Current Disposition when form submitted. • Provide Final Disposition when determined.* 	<ul style="list-style-type: none"> • Enter Current Disposition when form submitted. • Provide Final Disposition when determined.*
Additional explanation of local process:	<ul style="list-style-type: none"> • Indicate if WOGLA has been submitted. • Provide date if it has been submitted. 	<ul style="list-style-type: none"> • Provide date WOGLA was approved. • Provide additional information if necessary. 	optional	optional	<ul style="list-style-type: none"> • Provide additional information if Current Disposition is "In Process" or "Other". • Provide date of Final Disposition decision. 	<ul style="list-style-type: none"> • Provide additional information if Current Disposition is "In Process" or "Other". • Provide date of Final Disposition decision.
* Final Disposition must be provided before the APD can be approved.						

Document Change Log

Change Date	Description of Changes
May 29, 2019	Initial Release
July 12, 2019	Updated re: Final Disposition