

# *Intro to Informed Consent*

Operator Training

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**COLORADO**  
Oil & Gas Conservation  
Commission  
Department of Natural Resources

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# Overview

- Rule requirements
- What is “informed”?
- What is “consent”?
- Template letter - overview and components
- Operator guidance
- Conclusion



# Rule Requirements:

- Rule 604.a.(4)
  - Working Pad Surface (WPS) less than 500' from 1 or more Residential Building Units (RBU)
  - Must have signed SUA or waiver, that includes informed consent, from **every** RBU within 500' of WPS
  - Includes consent from RBU owner **AND** tenant if they are different people
    - ◆ Example: RBU owner lives in Greeley but rents the farmhouse to a tenant farmer



# Rule Requirements:

- Rule 604.b.(1)
  - Working Pad Surface 500-2000' from 1 or more RBU or High Occupancy Building Unit (HOBUE)
  - Must have informed consent letter from **every** RBU and HOBUE within 2000' of WPS
  - Includes consent from RBU owner **AND** tenant if they are different people



# *What is “informed”?*

- Recipient must **receive** ALL the necessary information
  - Provided by operator
- Recipient must **review** ALL the information
  - Ample time to read, consider, ask questions
- Recipient must fully **understand** ALL the information
  - Be able to describe, in their own words, the proposal and any potential impacts they may experience



# *What is “consent”?*

- Recipient makes an (informed) decision whether or not to give their consent to the proposal as described in the information they reviewed
  - Consent = voluntary
  - Consent = based on set parameters
  - Consent = signer agrees to accept any potential impacts, risks, or benefits that may occur



# *Template Letter Overview:*

- OPTIONAL
- We encourage operators to use it directly, but at least use it as a guide for writing your own letter
- “fillable” sections for personalization
- Can be used as a cover letter for an information packet



# *Template Letter Components:*

- Describes the reason for informed consent and how it fits in COGCC's OGDGDP permitting/hearing process
- Describes the operator's rule-based responsibility to provide necessary information
- Describes the recipient's responsibility to review and understand the information
- Describes recipient's options and rights
- Clear decision & signature page





# *Recommended Info Packet Components:*

- Details of the proposed Location; maps & diagrams relative to the recipient's BU
- Well count, equipment count and description
- Proposed timeline, duration, and description of each operational phase
- Description of common impacts (noise, light, dust, odor, traffic, etc.)
- Discussion of potential adverse impacts and risks (including health impacts), and beneficial impacts
- Any additional information that is relevant, unique, or critical to understanding the specific proposal



# *Operator Guidance:*

- Outlines steps to pursue informed consent
  - Identify all subject BUs within 2000'; Multifamily BUs require informed consent from each unit
  - Mail or hand-deliver informed consent letter and packet; address to “Resident” if ownership or tenancy is unknown
  - Request a “respond by” date and provide a means for signer to respond (email, stamped envelope, etc.)
  - Combine all signed letters in a single PDF and attach to 2A



# *Operator Guidance:*

- Includes details on what to include in the informed consent letter
- Includes details on what information to provide in the packet
- FAQs



# *Conclusion:*

- Informed consent must be thorough and transparent
- Signature demonstrates understanding
- BU owners/tenants **NOT REQUIRED** to sign or consent; operator may need to revise the proposal, which may be as easy as reconfiguring the WPS, or as difficult as requesting a variance, or pursue development at a different location
- Plan ahead; use the ALA



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