



OPERATOR GUIDANCE

RULE 314 - Comprehensive Area Plans

Document Change Log

Change Date	Description of Changes
11/30/2021	Guidance Finalized

Rule Citation

Rule 314 - See APPENDIX A on page 9 and APPENDIX B on page 21.

Purpose of Rule

Effective January 15, 2021, Rule 314's Comprehensive Area Plan (CAP) replaces and updates COGCC's prior Comprehensive Development Plan (CDP)¹. The purpose of the CAP is to incentivize Operators to voluntarily evaluate and propose Oil and Gas Operations based on thoughtful and comprehensive landscape-level planning and cumulative impact considerations over a broad geographic area. This level of comprehensive planning affords the COGCC and Operators better opportunity to identify cumulative impacts resulting from multiple operations and activities within the CAP's proposed boundaries and provides further opportunity to avoid, minimize, or mitigate adverse impacts to public health, safety, welfare, the environment, and wildlife resources per the mandate of Senate Bill 19-181 (SB-181). The potential planning and operational advantages of a CAP include; conducting concurrent activities, updating and using common and existing infrastructure, co-locating and consolidating facilities, combining operations and sharing Locations or infrastructure between multiple Operators, and closing and reclaiming existing facilities. The Commission encourages Operators to develop CAPs, and provides relevant incentives for this scale and scope of comprehensive area planning (see Rules 314.b and c, and Rule 314.d.(5)).

Rule 314 Guidance

This guidance document is not meant to tell Operators how to design a CAP; industry is well-suited to find creative and innovative solutions to cumulative impact concerns. Rather, Staff has prepared this guidance as a framework on how to submit a high-quality CAP application, with the goal of standardizing the process, formatting, and content across unique applications received from diverse Operators. Uniform submissions will allow for faster and more efficient reviews by the Director and the Commission, and will provide a predictable product for stakeholders and the public to evaluate and comment on.

¹ Prior to January 15, 2021, COGCC Rule 216 detailed the requirements for CDPs.

This guidance is broken into two primary sections: 1) an overview of the CAP application process, and 2) the content and layout of the CAP application itself. Two appendices follow with Rule citations and references.

CAP Application Process

Submission Procedure - Rule 314.d: The CAP will be submitted as an application to COGCC's Hearings Unit pursuant to Rule 503 via the [COGCC eFiling system](#) (see also eFILING TECHNICAL GUIDANCE below). The minimum required CAP information, as described in Rule 314.e (see CAP APPLICATION CONTENT AND LAYOUT below), must be included in the application. Staff encourages applicants to include any supplemental information that may add clarity or assist the Commission in understanding the proposal. The Hearings Unit will receive the application materials and assign a docket number (similar to an Oil and Gas Development Plan (OGDP), Spacing, or Pooling application). Once the docket number has been assigned, Staff will commence a completeness review of the application.

It is important to note that if the applicant designates any portion of its CAP application as confidential pursuant to Rule 223, the applicant must confer with the Director *prior to* submitting the CAP application, and must provide the unredacted version of the information to the Director for consideration. If the Director determines the information qualifies for confidential status, the applicant will submit the redacted version of the information within the CAP application.

Completeness Determination - Rules 314.d.(4) and 314.f.(1): Staff will review the entire CAP application to make a completeness determination. If Staff finds that any required elements of the CAP are missing, or that portions of the application provide insufficient or conflicting detail, additional information may be requested. Upon Staff's determination that all information necessary to fully review cumulative impacts on public health, safety, welfare, the environment, and wildlife resources has been provided, a completeness determination will be made. The proposed CAP application, including all supporting materials, will be posted on the Commission's website.

Upon receiving the completeness determination, the applicant will provide the required notices per Rule 314.f.(1).C pursuant to Rule 314.f.(1).D and hold public meetings per Rule 314.f.(3).

Public Review Process - Rule 314.f: The completeness determination effectively starts the 60-day public comment period. COGCC will provide a portal on the website for public comments, and will note the date by which public comments must be received to be considered. Rule 303.g allows the Director to extend or reopen the public comment period for up to 45 days.

Technical Review and Director's Recommendation - Rule 314.f and g: Concurrently with the public comment period, Staff will undertake the technical review of the CAP application.

During technical review it is expected that Staff and the applicant will engage in ongoing communication to further clarify the application. Additional information may be requested, and the applicant will provide Staff with a summary of any public meetings pursuant to Rule 314.f.(3).D. The Director will consult with Local Governments, CPW, CDPHE, and BLM as applicable.

At the conclusion of technical review, after the public comment period has ended, and after all required consultations, the Director's Recommendation will be prepared based on Staff's review of the CAP application, including substantive public comments, public meeting summaries, and the Director's formal consultations.

The COGCC will provide notice of the Director's Recommendation per Rule 314.g.(3) and will post the Recommendation and all additional supporting application materials on the COGCC website.

Hearing Before the Commission and Final Agency Action - Rule 314.h: The CAP application will be heard before the Commission pursuant to Rules 509 & 510. If the CAP is approved, the applicant will then be able to submit the associated OGDG applications.

CAP Application Content and Layout

The CAP application must include all elements of Rule 503.c, and per Rules 503.c.(12) and 503.g.(8), must also satisfy the requirements of Rule 314. Note that Rule 505 does not apply to CAP applications; witness testimony should not be included in the application.

Due to technical limitations within the eFiling system, the CAP application cannot be submitted as a single document that encompasses the entire CAP. The eFiling system currently has a maximum acceptable file size of 30 MB, so applicants will submit multiple documents that collectively make up the CAP application. This collection of documents must be prepared and organized in a manner that allows Staff, the Commission, and the public a clear understanding of the proposal. Staff intends that the Rule 503.c requirements will be the "primary hearing application" and will make up the first section of the overall application materials. The most significant portion of the application will be the Rule 314.e information, which will largely be submitted as individual maps and exhibits. The following section outlines Staff's preferred organization for the application, broken into components suitable for individual upload into the eFilings system:

Hearing Application - Rule 503 and Rule 314

Applicants are encouraged to file the application using standard hearing application format (eg, similar to OGDG, Spacing, and Pooling applications). This portion of the application will include, in any reasonable order:

1. All Rule 503.c.(1) through (11) requirements;

2. Rule 314.e.(1) information (if different than provided for Rule 503.c)
3. The name of the CAP;
4. The number of acres in the planned CAP area;
5. As applicable:
 - a. A request for preliminary siting approval per Rule 314.e
 - b. A request for longer CAP duration per Rule 314.c.(1)
 - c. A request to stay other applications per Rule 314.d.(5)
 - d. A statement of confidentiality for any information the Director granted confidential status for pursuant to Rule 223, and the date the applicant met with the Director
6. A small-scale (low-resolution) map indicating the exterior, and any interior boundaries, of the proposed CAP (see “Map A - Proposed CAP and Locations” in the Rule 314.e.(3) Maps section below);
7. A list of all associated Maps and Exhibits; and
8. Rule 314.e.(12) certification that all materials required by Rule 314.e have been submitted.

Executive Summary (optional but preferred)

Operators may provide a brief (suggested to be no more than one page) Executive Summary that outlines the scope, scale, and purpose of the proposed CAP. This Executive Summary may be included in the Hearing Application (described above), or submitted as a separate exhibit. The summary may include information such as:

1. An explanation of why the applicant has elected to provide a Comprehensive Area Plan (CAP) for consideration by the Commission;
2. How a CAP submission is appropriate for the proposed development;
3. How landscape-level planning will result in fewer impacts to public health, safety, welfare, the environment, and wildlife resources when compared to individual development;
4. The approximate timeline and steps taken to develop the plan;
5. The proposed timeline and sequence for implementation of the CAP;
6. A summary count and description of stakeholders, meetings already held and the plans for further outreach, and parties consulted with;
7. A summary count (if available) of new or existing Locations proposed within the CAP, with estimates of the number of new and existing wells, production facilities, and pipelines and other infrastructure that will be included in the CAP.

Individual Exhibits as referenced in Rule 314

The following section describes the remaining Rule 314.e requirements and how Staff prefers the information be submitted. Each rule-based requirement should be uploaded into eFilings with a file name and document title that clearly identifies the data within the document, as suggested by the bold title of each of the following sections. (The Maps section has a slightly different naming convention.)

Rule 314.e.(3) Maps: Due to the large geographic area a CAP may include, more than one map may be needed to adequately provide the information required. Applicants are encouraged to maximize file size and provide maps with as high resolution and detail as is reasonable and that the eFiling system can accommodate. If necessary, the CAP area may be broken into quadrants, with each quadrant being presented on its own map. If this approach is used, be sure to include an index map showing the delineation of each quadrant. Inset maps may also be helpful to show finer detail where appropriate. In cases where the rule allows the applicant to provide a description in lieu of a map, and the applicant chooses that option, the description must include an indication that no map has been provided.

The following is the list of individual map exhibits to be uploaded with the suggested exhibit/map name (Staff has provided the specific rule number for convenience - this should not be included in the Exhibit name):

- Map A - Proposed CAP and Locations (required by Rule 314.e.(3).A)
- Map B - Roads (required by Rule 314.e.(3).B)
- Map C - Gathering & Flowlines (required by Rule 314.e.(3).C)
- Map D - Utility Lines (required by Rule 314.e.(3).D)
- Exhibit E - Electrification Plan (required by Rule 314.e.(3).E)
- Map F - Wildlife (required by Rule 314.e.(3).F)
- Map G - Building Units & DOAAs (required by Rule 314.e.(3).G)
- Map H - Surface Ownership (required by Rule 314.e.(3).H)
- Map I - Groundwater (required by Rule 314.e.(3).I)
- Map J - Disproportionately Impacted Communities (required by Rule 314.e.(3).J)
- Map K - Surface Waters (required by Rule 314.e.(3).K)
- Map L - Non-Subject Locations (required by Rule 314.e.(3).L)

Rule 314.e.(4) GIS Data: A GIS shapefile that contains data to describe the external boundaries of the CAP must be included in the CAP application. The GIS shapefile will be submitted via email to COGCC Staff. This GIS data will be populated onto the COGIS interactive GIS map and made available to the public. See the guidance documents [“GIS Data Attachments”](#) and [“New GIS Data Requirements”](#) for more information.

Rule 314.e.(5) Density of Wells: Provide a description of the subsurface density of Wells within the boundaries of the CAP. This should include a description of proposed or existing spacing units to develop minerals within the CAP, a count of existing wells to be included in the CAP, and an estimated count of proposed new wells. A map may be very helpful in providing this information.

Rule 314.e.(6) Consolidation of Locations: Provide a narrative description of how the Oil and Gas Locations will be consolidated to the maximum extent possible, with appropriate supporting documentation and a reference to the attached related maps. The description should address whether existing locations within the proposed CAP boundaries will be expanded as part of the CAP or closed due to the CAP. If a new location is planned to access minerals where there is an existing technically suitable location, provide an explanation why the existing

location cannot be expanded and operations not consolidated. Include the total number of existing surface locations and a total number of proposed surface locations (if known) that will be subject to the CAP in the description.

Rule 314.e.(7) Timing of Operations: Provide a description of the planned timeline for the construction of new infrastructure including the sequence and build out of the components (pipelines, roads, utility lines, etc.). Include a summary of the timeline for new infrastructure installation relative to the planned timeline for Oil and Gas Location and Well construction. Provide the estimated timeline and the planned sequence for location construction, and a timeline for phases of mineral development. If Locations are not yet selected or proposed for preliminary siting, a discussion of the timeline of overall CAP phase development is adequate. Include maps, tables and charts where helpful.

Rule 314.e.(8) Infrastructure Planning: Provide a narrative description, with appropriate supporting documentation, of the plans to consolidate existing and/or new infrastructure (i.e. centralized pipelines with trunk lines). Describe existing infrastructure. Describe the approvals necessary for new construction and use of existing infrastructure by approval type (i.e. construction permits) and approval authority (i.e. local government, Federal Government, etc.)

Rule 314.e.(9) Mineral Rights: Provide a map that shows the Operator's mineral ownership or the minerals secured by the Operator through mineral owner consent. Include a description of the percentage of minerals owned and secured within the CAP. The percentages may be broken down into DSUs, by Sections, and/or by portions of Sections as appropriate.

Rule 314.e.(10) Cumulative Impacts: The Cumulative Impacts documentation should satisfy all components required by Rule 314.e.(10), and should include appropriate references to each rule section. Include all quantitative and qualitative data used to evaluate incremental adverse impacts and beneficial contributions to each resource listed below that are likely to be caused by Oil and Gas Operations associated with the proposed CAP. Data will include a summary of Best Management Practices (BMPs) or other measures the Operator has employed or plans to implement to avoid, minimize, and mitigate impacts to the following resources:

- Air Resources
- Public Health and Safety
- Water Resources
- Terrestrial and Aquatic Wildlife and Ecosystem Resources
- Soil Resources
- Public Welfare
- Disproportionately Impacted Communities

Potential beneficial impacts of the CAP should be included. Environmental beneficial impacts are effects on the baseline or current conditions within the vicinity of a proposed oil and gas development that improve public health, welfare, and the environment. More specifically,

beneficial impacts can be defined as a net improvement of the environmental conditions over the total adverse impact resulting from the proposed oil and gas activities.

Beneficial impacts should be considered primarily when assessing proposed development within an area of existing human development, including but not limited to oil and gas activities, agricultural activities, and other industrial or commercial activities including residential land use. Beneficial impacts to public health, safety, and welfare, the environment, and wildlife resources should be limited to those impacts that will be within or immediately adjacent to the CAP boundaries. Socioeconomic beneficial impacts should be limited to benefits for the State of Colorado.

Rule 314.b.(3) allows that if the CAP is approved by a Commission hearing, a separate evaluation of cumulative impacts for each proposed OGDG within the CAP will not be required. Location-specific Rule 303.e.(19) Cumulative Impacts Plans will not be required for the OGDGs. However, a Form 2B for each proposed location is necessary to populate the Cumulative Impacts Evaluation Repository (CIDER) and will need to be submitted with the OGDG applications.

OPTIONAL - Rule 314.e.(11) Siting Information: Rule 314.b.(5) allows applicants to request preliminary siting approval of proposed new Oil and Gas Locations within the CAP. When seeking preliminary siting approval, certain information normally associated with a Form 2A, Oil and Gas Location Assessment, is required to be submitted with the CAP application, so that Staff and the Commission can review the proposed Locations and determine whether or not they reasonably support the development of the CAP while minimizing cumulative impacts.

An applicant seeking preliminary siting approval will provide a list and description (Qtr/Qtr, Sec, Twp, Rng) of each of the proposed Locations for which preliminary siting is being sought; this data will be included within the body of the Hearing Application document. The applicant will also upload the Rule 314.e.(11) siting information, as described below, as a separate exhibit labeled as "Prelim Siting - Loc 1", etc., for each Location for which preliminary siting is requested:

- **Alternative Location Analysis (ALA):** If seeking preliminary siting approval, an Alternative Location Assessment (ALA) must be provided with the CAP application as required per Rule 304.b.(2).B for each proposed Location. If preliminary siting is approved with the approval of the CAP, the ALA requirement no longer applies when the OGDG application is submitted in the future. Essentially, the ALA is conducted early in the process, and is submitted with the CAP application, rather than with the Form 2A later. The ALA should consider the advantages of the proposed location within the framework of the comprehensive plan including infrastructure and related facilities. It is not intended to be a shortcut; Staff expects applicants will perform due diligence in conducting an ALA per published guidance.

- Cultural distances that satisfy Rule 304.b.(3): This information may be found on the Cultural and Safety Setbacks tab of the Form 2A. Applicants should model those data fields as a template for providing this information.
- Location Pictures that satisfy Rule 304.b.(4)
- Drawings that satisfy Rule 304.b.(7)
- GIS Data that satisfies Rule 304.b.(8)
- The land use plan for each local government within the CAP or certification that each relevant local government agrees with each proposed Oil and Gas Location within its boundaries.
- Certification that notice was provided to all Building Unit owners and tenants within 2,000 feet of each proposed Location where preliminary approval is sought. Include the dates these notices were sent and an example of the notice.

OPTIONAL - Pre-Application Consultations: Provide a description and summary of any integrated planning efforts regarding cumulative impacts, operations timing, infrastructure consolidation, and conveying right of ownership with any consulting entities including federal, state, or local jurisdictional authorities.

APPENDIX A

RULE CITATION - Rule 314

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 resources 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.
- (3) The Commission encourages Operators to develop CAPs. The Commission may direct the Director to meet with an Operator to discuss whether submission of a CAP is appropriate. The Director may request a meeting with an Operator to discuss whether submission of a CAP is appropriate pursuant to Rule 303.a.(8).

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 for the duration of the CAP as specified by Rule 314.c.
- (2) Approved Oil and Gas Development Plans, Drilling and Spacing Units, Form 2As, and Form 2s within an approved CAP will not expire until the CAP expires pursuant to Rule 314.c, but will expire at the time the CAP expires.
- (3) If the Commission approves a CAP, the Operator need not separately evaluate cumulative impacts for each individual Oil and Gas Development Plan proposed within the CAP, as would otherwise be required by Rule 303.a.(5).
- (4) Expedited review of associated Oil and Gas Development Plans pursuant to Rule 306.d.
- (5) Preliminary siting approval of future Oil and Gas Locations within the CAP if the Operator meets the informational requirements of Rule 314.e.(11) and the consultation requirements of Rule 314.f.(4).A.iii.
 - A. An Operator seeking preliminary siting approval through a CAP will submit the information identified in Rule 314.e.(11) as part of its CAP application.

- B. If an Operator receives preliminary siting approval, the Operator need not submit an alternative location analysis pursuant to Rule 304.b.(2) as part of the Form 2A application for any associated Form 2A applications.
 - C. If an Operator receives preliminary siting approval, as an attachment to the Form 2A application for any associated Form 2A applications, the Operator will submit a description of any changes to the surrounding land use, or future land use changes contemplated in a Local Government planning document, from between the time the CAP was approved and the time the Form 2A is submitted.
 - D. Preliminary siting approval pursuant to Rule 314 does not guarantee that the Commission will ultimately approve any associated Form 2As within an approved CAP. (6) 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, Drilling and Spacing Unit applications, Form 2As, and Form 2s as ordinarily required by the Commission's Rules for all locations and Wells within an approved CAP. However, during the course of consultation about a CAP pursuant to Rule 314.f.(4), a consulting entity may waive future consultations for subsequently submitted Oil and Gas Development Plans and other permits that are associated with the CAP.
- (6) 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, Drilling and Spacing Unit applications, Form 2As, and Form 2s as ordinarily required by the Commission's Rules for all locations and Wells within an approved CAP. However, during the course of consultation about a CAP pursuant to Rule 314.f.(4), a consulting entity may waive future consultations for subsequently submitted Oil and Gas Development Plans and other permits that are associated with the CAP.
- c. Duration. Approved CAPs will expire 6 years after the date the Commission approves the CAP, unless the Commission issues an Order to approve a different duration or extend the duration pursuant to Rules 314.c.(1) & (2).
- (1) Initial Approval for Longer Duration. The Commission may approve a different duration based on a request in the CAP application materials. Such a request will include:
 - A. A reasonable and consistent development schedule for fully developing minerals subject to the CAP;
 - B. A reasonable and consistent development schedule for building appropriate infrastructure and a description of how that infrastructure will facilitate avoiding, minimizing, or mitigating potential adverse impacts to public health, safety, welfare, the

environment, or wildlife resources, including but not limited to emissions reductions strategies;

- C. A description of why the proposed duration is consistent with any long-term land use planning documents for each Relevant Local Government; and
- D. A description of any planned mitigation for adverse impacts to Wildlife Resources within the boundaries of the proposed CAP.

(2) Extensions.

- A. The Commission may extend the duration of the CAP if the Operator submits an application pursuant to Rule 503.g.(8), and the Operator demonstrates that:
 - i. It has diligently pursued development of the mineral resources within the CAP; and
 - ii. No significant surface land use changes have occurred within the CAP that would substantially alter the cumulative impacts of the CAP on relevant resources.
- B. The Commission may approve or deny the extension of the CAP following a hearing pursuant to Rule 510. The Commission may extend the CAP by any duration it determines is necessary and reasonable to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
- C. If the Commission approves an extension of the CAP, the Operator may re-apply for another extension, subject to the procedures of this Rule 314.c.(2).

d. 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.e electronically pursuant to Rule 503.g.(8).
- (2) The Operator will coordinate with the Director and submit 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 resources.
- (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.
- (5) Requests to Stay Other Applications. An Operator may include a request for preliminary relief in its CAP application that the Commission put a hold on taking final action on Oil and Gas Development Plan and Drilling and Spacing Unit applications

related to minerals subject to the proposed CAP while the Commission and Director conduct their review of the CAP application.

- A. Such a request will include the mineral ownership information required pursuant to Rule 314.e.(9).
- B. If the CAP application includes such a request for relief, the Secretary will notice the request for relief for expedited hearing pursuant to Rule 503.a at the time the Director issues the completeness determination.
- C. Mineral Owners within the proposed CAP may file a petition protesting the requested relief pursuant to Rule 507.

e. 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 of every Relevant Local Government within the CAP's boundaries.
- C. The name, telephone number, and e-mail address for all Local Governments with land use authority within and within 2,000 feet of the CAP's boundaries.
- D. Contact information for all persons who will receive notice pursuant to Rule 314.f.(1).C.

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

3) Maps.

- A. A topographic map in a suitable size and scale for the Director to conduct a review showing the area proposed for the CAP and proposed Oil and Gas Locations.
- B. Maps or descriptions of all publicly maintained roads, Operator-proposed haul routes, and proposed access road locations.
- C. Maps or descriptions of proposed Gathering Line and Flowline infrastructure.
- D. Maps or descriptions of proposed utility lines.
- E. A description of plans for electrification of proposed Oil and Gas Operations.
- F. One or more detailed maps showing all High Priority Habitats and federally designated critical habitats for threatened and endangered species within the CAP's boundaries. Operators will rely upon best available information when assessing wildlife habitat within the CAP's boundaries and may provide supplemental site-specific published reports or wildlife surveys.
- G. One or more detailed maps generally delineating existing Building Units within the proposed CAP's boundaries and specifically delineating all High Occupancy Building Units and Designated Outside Activity Areas.
- H. One or more detailed maps delineating surface ownership 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 maps identifying areas defined as Disproportionately Impacted Communities.
 - K. One or more detailed maps showing all riparian areas, Floodplains, Waters of the State, and Public Water System facilities within the proposed CAP boundaries.
 - L. A map showing existing, permitted, and proposed Oil and Gas Locations that are within the proposed CAP boundaries but not subject to the proposed CAP.
- 4) GIS Data. GIS polygon data to describe the CAP's external boundaries.
 - 5) Density of Wells. The proposed subsurface density of Wells within the boundaries of the CAP.
 - 6) Consolidation of Oil and Gas Locations. The proposed density of Oil and Gas Locations within the boundaries of the CAP (reported in Oil and Gas Locations per section). This should include a narrative proposal, with maps and 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.
 - 7) Timing of Operations. A narrative proposal, explaining the anticipated timing for building infrastructure and developing proposed Oil and Gas Locations.
 - 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 map and narrative that:
 - A. Demonstrates the location of the minerals the Operator owns or has secured the consent of mineral Owners to develop; and
 - B. Describes the percentage of minerals the Operator owns or has secured the consent of mineral Owners to develop.
 - 10) Evaluating and Addressing Cumulative Impacts. The Operator will provide quantitative and qualitative data to evaluate incremental adverse impacts and beneficial contributions to each resource listed below that are likely to be caused by Oil and Gas Operations associated with the proposed CAP. Data will include a summary of Best Management Practices or other measures the Operator will employ to avoid, minimize, and mitigate impacts to each resource.
 - A. Air Resources. A quantitative evaluation of the projected incremental increase in emissions of the pollutants listed below, estimated for each year of and five years after the proposed CAP's duration. The emissions estimate will include both stationary and mobile sources of emissions during both pre-production activities and emissions during full production. The evaluation will include any emissions reductions due to the Operator's Plugging and Abandonment of existing oil and gas Wells within the CAP boundaries for the year when the plugging operation occurs.
 - i. Oxides of Nitrogen (NO_x);
 - ii. Carbon monoxide (CO);

- iii. Volatile Organic Compounds (VOCs);
 - iv. Methane (CH₄);
 - v. Ethane (C₂H₆);
 - vi. Carbon dioxide (CO₂); and
 - vii. Nitrous oxide (N₂O).
- B. Public Health and Safety. A quantitative evaluation of incremental increase in emissions of the categories of pollutants listed below, estimated for each year of and five years after the proposed CAP's duration. The emissions estimate will include both stationary and mobile sources of emissions during both pre-production activities and emissions during full production. The evaluation will include any emissions reductions due to the Operator's Plugging and Abandonment of existing oil and gas Wells within the CAP boundaries for the year when the plugging operation occurs. The evaluation will also include a qualitative evaluation of potential public health and safety risks associated with these emissions.
- i. Total hazardous air pollutants;
 - ii. Specific hazardous air pollutants with known health impacts, including:
 - aa. Benzene;
 - bb. Toluene;
 - cc. Ethylbenzene;
 - dd. Xylenes;
 - ee. n-Hexane;
 - ff. 2,2,4-Trimethylpentane (2,2,4-TMP);
 - gg. Hydrogen sulfide (H₂S);
 - hh. Formaldehyde; and
 - ii. Methanol.
- C. Water Resources.
- i. For any CAP that includes a proposed Oil and Gas Location that will be listed as a sensitive area for water resources or is within 2,640 feet of a surface Water of the State, the total planned on-location storage volume of (measured in Barrels (bbls)) of:
 - aa. Oil;
 - bb. Condensate;
 - cc. Produced water; and
 - dd. Other volumes of stored hydrocarbons, Chemicals, or E&P Waste Fluids.
 - ii. The Operator will identify and evaluate potential contaminant migration pathways and likely distances from Oil and Gas Locations that may be proposed within the CAP to the nearest downstream riparian corridors, wetlands, and surface Waters of the State. If the Operator identifies any such contaminant migration pathways:
 - aa. The Operator will provide a qualitative evaluation of the baseline conditions in the riparian corridor, wetland, or surface Water of the State; and

- bb. Identify Best Management Practices to avoid, minimize, or mitigate potential adverse impacts to the identified riparian corridors, wetlands, and surface waters of the State.
 - iii. A qualitative evaluation of potential impacts to, and a summary of Best Management Practices or other measures to avoid, minimize, or mitigate adverse impacts to the following categories of Public Water System intakes and wells within the boundaries of the CAP:
 - aa. Surface water supply areas as defined in Rule 411.a.(1);
 - bb. Public Water System supply wells that are groundwater under the direct influence of surface water wells or Type III wells as defined in Rule 411.b.(1); and
 - cc. Any surface water Public Water System intakes within 15 stream miles downstream of the CAP boundaries.
 - iv. A qualitative evaluation of the potential for erosion and sedimentation to adversely impact water quality, and a summary of Best Management Practices or other measures to avoid, minimize, or mitigate adverse impacts.
 - v. The total volume of water the Operator plans to use (measured in bbls), an inventory of the sources from which the Operator intends to obtain the water, and estimated volumes, from each of the following sources:
 - aa. Freshwater from any Groundwater source;
 - bb. Freshwater from any lake or stream source;
 - cc. Freshwater from any domestic water source;
 - dd. Reclaimed water from a municipal source; and
 - ee. Recycled or reused E&P Waste.
 - vi. A qualitative evaluation of the Operator's plan for recycling or disposal of Flowback water and produced water, and the estimated volumes (measured in bbls) of each planned method.
- D. Terrestrial and Aquatic Wildlife and Ecosystem Resources. A quantitative evaluation of potential impacts to Wildlife Resources as a result of Oil and Gas Operations associated with the proposed CAP, including:
- i. Total acreage of maximum new or expanded surface disturbance associated with the proposed CAP;
 - ii. Total acreage disturbed after interim Reclamation associated with the proposed CAP;
 - iii. A breakdown (by acreage) of the types of current land use; and
 - iv. The number of acres of new or expanded surface disturbance within High Priority Habitat.
- E. Soil Resources.
- i. A qualitative evaluation of incremental adverse impacts to topsoil as a result of surface disturbance associated with the proposed CAP;
 - ii. A qualitative evaluation of incremental adverse impacts on ecosystems, including any vegetative communities, as a result of Oil and Gas Operations associated with the proposed CAP; and

- iii. A quantitative evaluation of any Reclamation activities associated with the Plugging and Abandonment of existing Wells or closure of existing Oil and Gas Locations within the proposed CAP's boundaries.
 - F. Public Welfare. A qualitative or quantitative evaluation of incremental adverse impacts to public welfare as a result of Oil and Gas Operations associated with the proposed CAP, that addresses each of the following potential sources of impacts to public welfare, over both a short-term and long-term timeframe. The evaluation will include any compensatory or other offset beneficial impacts.
 - i. Traffic;
 - ii. Noise;
 - iii. Light;
 - iv. Odor;
 - v. Dust; and
 - vi. Recreation and scenic values.
 - G. Disproportionately Impacted Communities. The census block groups of any Disproportionately Impacted Communities within the CAP.
- 11) Siting Information. If the Operator seeks preliminary siting approval pursuant to Rule 314.b.(5), the Operator will submit the following information:
 - A. Alternative location analyses that meet the criteria of Rule 304.b.(2).C for each proposed future Oil and Gas Location within the CAP.
 - B. For each proposed future Oil and Gas Location within the CAP, the information required by Rules 304.b.(3), (4), (7), & (8).
 - C. Either:
 - i. The applicable long-term or comprehensive land use plan for each Local Government within the CAP, that identifies current and planned future land uses for all areas within the CAP for the proposed full duration of the CAP; or
 - ii. Certification that each Relevant Local Government agrees with each proposed Oil and Gas Location within its boundaries.
 - D. An Operator seeking preliminary siting approval pursuant to Rule 314.b.(5) will consult with the Director during the course of the Director's review of the CAP application to determine whether the informational and plan requirements of Rules 304.b. and 304.c are substantially satisfied by the information contained in the CAP.
 - E. An Operator seeking preliminary siting approval pursuant to Rule 314.b.(5) will provide notice of the CAP application to Building Unit owners and tenants within 2,000 feet of each proposed Oil and Gas Location.
- 12) Completeness Certification. A certification that the Operator has submitted all materials required by this Rule 314.e.
- f. Public Review Process.
 - (1) Notice.
 - A. When the Director issues a completeness determination pursuant to Rule 314.d.(4), the Director will post 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 223, then the Director will post only the redacted version 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:
 - 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 Local Governments within 2,000 feet of the CAP’s boundaries;
 - v. CDPHE;
 - vi. CPW;
 - vii. The Colorado State Land Board (if it owns any minerals or surface estate within the CAP);
 - viii. The appropriate federal agency (if any federal entity owns minerals or surface estate within the CAP);
 - ix. The Southern Ute Indian Tribe (if the CAP involves any minerals within the exterior boundary of the 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 High Occupancy Building Units, Child Care Centers, and the School Governing Body of any Schools located within the CAP’s boundaries; and
 - xi. All Public Water Systems that operate facilities within the CAP’s boundaries.
- D. Procedure for Providing Notice. The Operator will provide notice required by Rule 314.f.(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. The Commission will only consider comments received within 60 days from the date the CAP is posted on the Commission’s website.
- 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 determined to be reasonable in order to obtain relevant public input.

(3) Public Meeting. An Operator will hold at least 1 informational meeting with all persons or entities entitled to notice pursuant to Rule 314.f.(1).C.

- A. Timing of Meeting. The informational meeting will be held during the open public comment period, with sufficient time for the attendees to

make comment on the CAP application based on information received. The meeting will be held at a date and time reasonable for most invitees to attend.

- B. Language Access. All written and oral information provided at a public meeting will also be provided in all languages spoken by 5% or more of the population in any census block groups within or adjacent to the proposed CAP.
 - C. Content of Meeting. The Operator will provide at a minimum the following information:
 - i. The schedule of operations;
 - ii. Maps and figures of the CAP area boundary and all Oil and Gas Locations subject to the CAP; and
 - iii. Anticipated Best Management Practices to be employed during the term of the CAP to minimize adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
 - D. The Operator will provide to the Director a summary of the meeting, attendees, questions and concerns expressed, responses, and anticipated Best Management Practices designed to minimize and mitigate impacts.
- (4) Consultation. Consultation about a CAP will allow the consulting entities to provide input about the cumulative impacts associated with the CAP, timing of operations, consolidation of infrastructure, and conveying the right of Operatorship in the area of the CAP. Consultation about a CAP is intended to be limited to these topics, and is not a replacement for consultation otherwise required for individual Oil and Gas Development Plans.
- A. Local Governments.
 - i. During the public comment period, the Director will engage in a Formal Consultation Process with all Local Governments within the CAP and Local Governments within 2,000 feet of the CAP's boundaries, unless any Local Government waives its right to consultation.
 - ii. The Local Government Formal Consultation Process will include any relevant topics identified by the Local Government, but will address at least:
 - aa. 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 duration of the CAP; and
 - bb. Cumulative traffic impacts.
 - iii. If an Operator seeks preliminary siting approval pursuant to Rule 314.b.(5), the Formal Consultation Process will address whether the proposed future Oil and Gas Locations are consistent with the long-term or comprehensive land use plan for all Local

Governments within the CAP's boundaries for the duration of the CAP.

B. CPW.

- i. During the public comment period, the Director will engage in a Formal Consultation Process with CPW, unless CPW waives its right to consultation.
- ii. The Formal Consultation Process with CPW 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. CDPHE.

- i. During the public comment period, the Director will engage in a Formal Consultation Process with CDPHE, unless CDPHE waives its right to consultation.
- ii. The Formal Consultation Process with CDPHE 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, Public Water System supplies, and E&P Waste disposal.

D. Federal Government. For proposed CAPs that include federally-owned or managed surface or mineral estate, the Director will engage in a Formal Consultation Process with the applicable federal agency or agencies, unless the agency or agencies waives their right to consultation.

(g) 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, including conducting a public meeting pursuant to Rule 314.f.(3), and the Director has considered all substantive public comments received.
- C. The Director has completed the Formal Consultation Process with all Local Governments identified in Rule 314.f.(4).A, CPW, CDPHE, and any federal agency identified in Rule 314.f.(4).D, 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. Protects and minimizes adverse cumulative impacts to public health, safety, welfare, the environment, and wildlife resources.
 - B. Denial. If the Director determines that a CAP does not meet the requirements of Rule 314, or provide necessary and reasonable protections for, or minimize adverse impacts to, public health, safety, welfare, the environment, and wildlife resources, or fails to meet the requirements of the Commission's 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. Local Governments within 2,000 feet of the CAP's boundaries;
 - D. CDPHE;
 - E. CPW;
 - F. The Colorado State Land Board (if it owns any minerals or surface estate within the CAP);
 - G. The appropriate federal agency (if any federal entity owns minerals or surface estate within the CAP); and
 - H. Any person or entity that has provided a comment electronically pursuant to Rule 512.
 - 4) Petition for Review of the Director's Recommendation. CPW, CDPHE, any Local Government within the CAP or Local Governments within 2,000 feet of the CAP's boundaries, and any 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 will comply with Rule 507.
 - 5) If the Director does not issue a Recommendation within 180 days of a completeness determination pursuant to Rule 314.d.(4), the Operator may move for a hearing before the Commission, Administrative Law Judge, or Hearing Officer. At such hearing, the Director will provide an explanation of the status of the Director's review of the CAP and any reasons for delay.
- (h) 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 pursuant to Rules 509 & 510.
 - 2) If the Director recommends the denial of the CAP, the Operator may petition the Director's Recommendation to the Commission. The petition will be filed and heard pursuant to Rules 507 & 510.
 - 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.

- 4) Denial. If the Commission determines that a CAP does not provide necessary and reasonable protections for, or minimize adverse impacts to, public health, safety, welfare, the environment, and wildlife resources, 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 will issue an order staying 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. The Commission may set or extend reasonable deadlines for the Director or Operator to provide additional information or analysis to the Commission.
- 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 pursuant to Rule 314.f.(4) and Director review. The Director will have discretion to determine appropriate notice and consultation requirements based on the scale and nature of the changes.

APPENDIX B

A number of other COGCC Rules describe additional requirements related to CAPs. To include them all here would be exhaustive. Staff has provided a brief summary list of some of those CAP-related Rules below for convenience. Text in brackets [] has been added for clarity. Please refer to the complete Rules for additional context and full Rule text.

303.a.(8) - the Director may request a meeting with the Operator to evaluate whether the proposed Oil and Gas Development Plan(s) should be resubmitted as a CAP application pursuant to Rule 314.

303.g - Extension of [Public] Comment Period.

309.e.(2) - When [CPW] Consultation Must Occur.

309.e.(3) - When [CPW] Consultation is Not Required.

309.e.(4) - Procedures for [CPW] Consultation.

309.e.(5) - Result of [CPW] Consultation.

309.e.(6) - Conditions of Approval [related to CPW].

309.f.(1) - When [CDPHE] Consultation Will Occur.

309.f.(2) - Procedure for [CDPHE] Consultation.

309.f.(3) - Results of [CDPHE] Consultation.