



April 25th, 2019

Delivered Via Email to dnr.ogcc@state.co.us

Colorado Oil and Gas Conservation Commission
Attn: Director Robbins
1120 Lincoln Street, Suite 801
Denver, CO 80203

RE: Comments on Director's Draft Objective Criteria

Dear Mr. Robbins,

Thank you for the opportunity to comment on the Director's Draft Objective Criteria. La Plata County Planning offers the following comments for your consideration of the draft language.

Objective Criteria #3

Locations within 1,500 ft. of a municipal boundary, platted subdivision, or county boundary.

- With regard to the county boundary reference, it is unclear to staff as to intent and purpose of this reference. It appears that the intent may be to allow consultation for an adjacent county in circumstances where a proposed facility is located within one county, but located close to the boundary of an adjacent county. Staff recommends clarifying the intent of the county boundary reference.

Objective Criteria #9

Locations where the operator does not have a Surface Use Agreement

- La Plata County understands that Surface Use Agreements are third party contracts and therefore not subject to COGCC review, however in circumstances where the operator is unable to negotiate an SUA bonding is required. Staff recommends that this objective clarify that the location does not have a Surface Use Agreement, but bonding has occurred per Rule 703.

Objective Criteria #12

Locations with an access road in a RSO, SWH, 317B buffer zone, or within 200' feet of a Building Unit on lands not subject to a surface use agreement.

- Staff is unclear as to the intent of the last portion of the Objective Criteria. It appears to contemplate the circumstance where a SUA has not been negotiated and the proposed facility road is located within 200' of a residence, either on or off of the subject parcel containing the facility. Staff recommends that the latter portion of Objective Criteria #12 be established as a new Objective Criteria and offers the following language for clarification. "Locations with an

Page 2

4/23/2019

Director's Draft Objective Criteria – La Plata County Comments

access road that is proposed to be located within 200' of a Building Unit, in which the Building Unit owner is not a party of a Surface Use Agreement for the proposed location/facility".

New Objective Criteria

In circumstances where an Operator has significant, existing non-compliance and is unresponsive to Notices of Alleged Violations/Orders Finding Violation, it appears to staff that this could be taken into consideration as well when the Operator is applying for new permits. Staff is intending this to be applied to operators with significant violations which have been uncooperative and unresponsive to COGCC staff and Commission orders (not minor violations with pending resolution). Staff defers to the judgement of COGCC staff relative to the usefulness of this recommendation and the thresholds of non-compliance necessary to warrant an Objective Criteria of this nature.

If you have any questions on the comments listed above, please contact Courtney Roseberry (La Plata County LGD) at 970-382-6375 or Courtney.Roseberry@co.laplata.co.us.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Murray".

Daniel Murray, AICP
Principal Planner for Planning Director
La Plata County
211 Rock Point Dr.
Durango, CO 81301
970-382-6268

CC: La Plata County Board of County Commissioners
La Plata County Manager
La Plata County Attorney