



# COGCC INFORMATION SHEET: PROCEDURAL STEPS FOR THE COMMISSION'S REVIEW OF OGDPS

(As required by COGCC Rule 303.e.(2).C)

## Why am I receiving this information sheet?

Oil and gas operating companies (“Operators”) are required to obtain approval of an Oil and Gas Development Plan (“OGDP”) from the Colorado Oil and Gas Conservation Commission (“COGCC”) prior to undertaking any new operations such as drilling oil and gas wells or building oil and gas locations. When an Operator submits an OGDP application to the COGCC for consideration, and the application has been received and is deemed complete, COGCC staff begins a formal technical review of the application materials, and a public comment period starts.

COGCC has prepared this information sheet to inform the public of the procedural steps involved with the Director’s and Commission’s review of an OGDP, so that the public is informed and may participate in the review process if they choose. As part of the process, Operators must provide this information sheet to certain recipients, like yourself, that include mineral owners within the area of proposed development and all landowners, homeowners, commercial property owners, tenants, and other entities within 2,000 feet of an oil and gas location proposed by a pending OGDP application.

## What is an Oil and Gas Development Plan (OGDP)?

An OGDP is an Operator’s plan to develop oil or gas resources (“minerals”) from one or more surface locations. Operators prepare an OGDP and associated application materials, consistent with the requirements of COGCC Rule 303, and submit the plan for approval through the Commission’s Hearings process. The application materials include a hearing application; one or more Form 2A, Oil and Gas Location Assessments; a Form 2B,

Cumulative Impacts Data Identification; and a Form 2C, OGDP Certification. The application may also include a request for the establishment of one or more Drilling and Spacing Units (“DSUs”). The OGDP, along with its associated supporting documents, will be heard at a public hearing where the Commission will make a final determination to approve or deny the OGDP application.

## What are the procedural steps involved with the Director’s and Commission’s review of Oil and Gas Development Plans?

1. **OGDP application is submitted:** Operator/ Applicant submits a complete OGDP application with all supporting documents. The written portion of the application is submitted to the COGCC hearings unit via the eFilings system, and Forms 2A, 2B, and 2C are submitted to technical staff via the eForms system. (See Rules 303 & 304)
2. **OGDP application is received:** The COGCC hearings unit reviews the written hearing application, assigns a docket number for the OGDP, and provides public notice for the hearing. (See Rules 303 & 504)
3. **Completeness determination:** The COGCC technical staff and Director review the application materials for completeness. When deemed complete:
  - a. the OGDP application materials are posted on COGCC’s website;
  - b. the Operator provides notice (including this information sheet) to relevant persons;
  - c. the public comment period begins;
  - d. the formal consultation period commences as applicable (including relevant/ proximate local governments and other agencies such as Colorado Parks and Wildlife (“CPW”) or Colorado Department

- of Public Health and Environment (“CDPHE”)); and
- e. COGCC staff begin their technical review of the OGDG components. (See Rule 303).
4. **Director’s review of application (technical review):** COGCC technical staff conducts the technical review of all application materials to ensure compliance with COGCC Rules, ensure the protection of public health, safety, welfare, the environment, and wildlife resources, and to evaluate potential Cumulative Impacts. The technical review includes analysis and assessment of:
- a. DSUs and protection of mineral owner’s correlative rights;
  - b. proposed surface locations and alternative locations;
  - c. downhole and engineering considerations;
  - d. best management practices;
  - e. public comments and recommendations provided by consulting agencies;
  - f. financial assurance; and
  - g. the need for conditions of approval. (See Rule 306)
5. **Director’s recommendation:** Once the Director has reviewed the application materials, the Director provides a written recommendation to the Commission in support of the approval or denial of the OGDG application. The Director will post the recommendation on COGCC’s website, notify relevant parties<sup>1</sup>, and submit it to the COGCC hearings unit in preparation for hearing. (See Rule 306.c)
6. **Commission’s consideration and final action (public hearing):** The Commission receives the

Director’s recommendation of the OGDG and begins review of the OGDG with support from the COGCC hearings unit. The review includes all supporting documents, written testimony, public comments, consulting agency recommendations, and Director’s recommendation. The Commission considers the OGDG at a public hearing, which may include oral testimony provided during the hearing. The Commission makes a final determination and presents its findings in a written order based on the evidence in the record; the Commission’s order to approve or deny the OGDG application is final. (See Rule 307)

### Where can I get additional information?

For more information about the COGCC administrative hearing process and OGDGs, please refer to the COGCC website at <http://cogcc.state.co.us>. You may also contact the COGCC at [dnr.ogcc@state.co.us](mailto:dnr.ogcc@state.co.us) or 303-894-2100. Please note, COGCC staff are not available to provide legal advice. COGCC recommends that you engage an attorney with knowledge of oil and gas matters to assist you with reviewing any offers you receive from an oil and gas operator or other person.

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<sup>1</sup> Parties who receive this information sheet will not necessarily be included in the notice of the Director’s recommendation. Parties who make a public comment on the Form 2A and include their email address will receive the notice of the Director’s recommendation.

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