

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO**

IN THE MATTER OF CHANGES TO THE)	CAUSE NO. 1-R
RULES AND REGULATIONS OF THE OIL)	
AND GAS CONSERVATION COMMISSION)	DOCKET NO. 0803-RM-02
OF THE STATE OF COLORADO)	

**WELD COUNTY COALITION
REVISED CONSENSUS ALTERNATE PROPOSAL**

The Weld County Coalition, which includes Anadarko Petroleum Corporation (“Anadarko”), Noble Energy, Inc. (“Noble”), Petro-Canada Resources (USA) Inc. (“Petro-Canada”), and Weld County (collectively the “Weld County Coalition”), submits this Revised Consensus Alternate Proposal as provided by Colorado Oil and Gas Conservation Commission (“COGCC” or the “Commission”) Rule 529 in connection with the Commission’s consideration of Draft Rules for oil and gas development in Colorado pursuant to House Bills 1298 and 1341 (“Draft Rules”), adopted by the Colorado Legislature in 2007. This Revised Consensus Alternate Proposal is submitted in response to the Commission’s request during the hearings that alternative proposals be filed July 30, 2008.

I. ALTERNATE PROPOSAL

After meeting with Commission Staff to discuss the alternate proposal submitted on June 6, 2008, the Weld County Coalition attempted to incorporate input from Staff regarding changes to the Draft Rules. The draft below is intended to reflect that input. The new material is shown in blackline comparison with the proposal submitted June 6, 2008. The provisions detailed below represent those sections of the draft rules upon which the Weld County Coalition reached consensus. That consensus concerns only those provisions addressed by the highlighted changes to the rules and does not operate to demonstrate agreement by any party in the Coalition with either the Draft Rules or the position of any other party as to provisions not addressed in this consensus alternative.

303. REQUIREMENTS FOR FORM 2, APPLICATION FOR PERMIT-TO-DRILL, DEEPEN, RE-ENTER, OR RECOMPLETE, AND OPERATE; FORM 2A, OIL AND GAS LOCATION ASSESSMENT.

a. FORM 2. APPLICATION FOR PERMIT-TO-DRILL, DEEPEN, RE-ENTER, OR RECOMPLETE, AND OPERATE.

(1) **Approval by Director.** Before any person shall commence operations for the drilling or reentry of any well, such person shall file with the Director an application on Form 2 for a Permit-to-Drill, pay a filing and service fee established by the Commission (see Appendix III), and obtain the Director's approval, subject to Rule 303.m.1, before commencement of operations with heavy equipment.

(2) **Operational conflicts.** The Permit-to-Drill shall be binding with respect to any operationally conflicting local governmental permit or land use approval process.

(3) **Exemptions.** Wells drilled for stratigraphic information only shall be exempt from paying the filing and service fee. The re-entry of a well in a unitized, storage, or secondary recovery operation shall be exempt from the filing of Form 2 and from paying the filing and service fee. The notice of such intent to re-enter a well shall be filed on a Sundry Notice, Form 4.

b. A request to recomplete or deepen a well to a different reservoir or to side-track a well shall be filed on an Application for Permit-to-Drill, Form 2, with a filing and service fee established by the Commission (see Appendix III), along with a Sundry Notice, Form 4, detailing the work, and a wellbore diagram.

c. Attached to and part of the Permit-to-Drill, Form 2, as filed shall be a current 8½" by 11" scaled drawing of the entire section(s) containing the proposed well location with the following minimum information:

(1) Dimensions on adjacent exterior section lines sufficient to completely describe the quarter section containing the proposed well shall be indicated. If dimensions are not field measured, state how the dimensions were determined.

(2) The latitude and longitude of the proposed well location shall be provided on the drawing with a minimum of five (5) decimal places of accuracy and precision using the North American Datum (NAD) of 1983 (e.g.; latitude 37.12345 N, longitude 104.45632 W). If GPS technology is utilized to determine the latitude and longitude, all GPS data shall meet the requirements set forth in Rule 215. a. through h.

(3) For directional drilling into an adjacent section, that section shall also be shown on the location plat and dimensions on exterior section lines sufficient to completely describe the quarter section containing the proposed productive interval and bottom hole location shall be indicated. (Additional requirements related to directional drilling are found in Rule 321.)

(4) For irregular, partial or truncated sections, dimensions will be furnished to completely describe the entire section containing the proposed well.

(5) The field-measured distances from the nearer north/south and nearer east/west section lines shall be measured at ninety (90) degrees from said section lines to the well location and referenced on the plat. For unsurveyed land grants and other areas where an official public land survey system does not exist, the well locations shall be spotted as footages on a protracted section plat using Global Positioning System (GPS) technology and reported as latitude and longitude in accordance with Rule 215.

- (6) A map legend.
- (7) A north arrow.
- (8) A scale expressed as an equivalent (e.g. - 1" = 1000').
- (9) A bar scale.
- (10) The ground elevation.
- (11) The basis of the elevation (how it was calculated or its source).
- (12) The basis of bearing or interior angles used.
- (13) Complete description of monuments and/or collateral evidence found; all aliquot corners used shall be described.
- (14) The legal land description by section, township, range, principal meridian, baseline and county.
- (15) Operator name.
- (16) Well name and well number.
- (17) Date of completion of scaled drawing.
- (18) A completed or, where it has been approved in advance, an approved Oil and Gas Location Assessment, Form 2A or Modified Form 2A.

d. FORM-2A. OIL AND GAS LOCATION ASSESSMENT.

- (1) A completed Oil and Gas Location Assessment, Form 2A, shall be submitted for any new oil and gas location, except gathering lines, as set forth below. These provision shall not apply to projects that are subject to regulation by the U.S. Department of Transportation or have received approval of the Federal Energy Regulatory Commission.
- (2) The requirement for submittal of a Form 2A shall not apply to ancillary facilities located within any area subject to Rule 318A. Any oil and gas operation subject to Rule 318A may submit a modified Form 2A. The Modified Form 2A requires the attachment of:
 - a. ~~a minimum of two (2) color photographs; one (1) of the staked location and one (1) of the existing or proposed access road. Each photograph shall be identified by: date taken, well name, location and direction of view.~~ A minimum of five (5) color photographs, one (1) of the staked location from each cardinal direction, and one (1) of the existing or proposed

access road. Each photograph shall be identified by: date taken, well or location name, GPS coordinate and direction of view;

- b. A topographic map showing all surface waters and riparian areas within one thousand (1,000) feet of the proposed location, with a horizontal distance and approximate bearing from the location, as delineated in the Natural Diversity Information Source (NDIS) database;
- c. An 8½" by 11" vicinity or U.S. Geological Survey topographic map of at least a three (3) mile radius around the proposed location which clearly shows access from one (1) or more public roads;
- d. Natural Resources Conservation Service (NRCS) soil map unit description;
- e. Designation of the current land use and basis for setting reclamation standards and four color photographs of the area to be referenced for reclamation.
- f. If the location disturbance is to occur on lands with a slope ten percent (10%) or greater, or one foot of elevation gain or more in ten foot distance, then the operator shall submit a construction layout drawing showing the following:
 - i. Surface location of proposed wells;
 - ii. The location of reserve pit(s) during the drilling phase;
 - iii. Areas if fill greater than 5 feet in depth.
- g. Where the proposed oil and gas location is for multiple wells on a single pad, a drawing showing proposed wellbore trajectory with bottom-hole locations;
- h. A current 8½" by 11" scaled drawing of the entire section(s) containing the proposed well location with the following minimum information:

~~(i1)~~ Dimensions on adjacent exterior section lines sufficient to completely describe the quarter section containing the proposed well shall be indicated. If dimensions are not field measured, state how the dimensions were determined.

~~(i2)~~ The latitude and longitude of the proposed well location shall be provided on the drawing with a minimum of five (5) decimal places of accuracy and precision using the North American Datum (NAD) of 1983 (e.g. latitude 37.12345 N, longitude 104.45632 W). If GPS technology is utilized to determine the latitude and longitude, all GPS data shall meet the requirements set forth in Rule 215. a. through h.

~~iii.(3)~~ For directional drilling into an adjacent section, that section shall also be shown on the location plat and dimensions on exterior section lines sufficient to completely describe the quarter section containing the proposed productive interval and bottom hole location shall be indicated. (Additional requirements related to directional drilling are found in Rule 321.)

~~iv.(4)~~ For irregular, partial or truncated sections, dimensions will be furnished to completely describe the entire section containing the proposed well.

~~v.(5)~~ The field-measured distances from the nearer north/south and nearer east/west section lines shall be measured at ninety (90) degrees from said section lines to the well location and referenced on the plat. For unsurveyed land grants and other areas where an official public land survey system does not exist, the well locations shall be spotted as footages on a protracted section plat using Global Positioning System (GPS) technology and reported as latitude and longitude in accordance with Rule 215.

~~vi.(6)~~ A map legend.

~~vii.(7)~~ A north arrow.

~~viii.(8)~~ A scale expressed as an equivalent (e.g. - 1" = 1000').

~~ix.(9)~~ A bar scale.

~~x.(10)~~ The ground elevation.

~~xi.(11)~~ The basis of the elevation (how it was calculated or its source).

~~xii.(12)~~ The basis of bearing or interior angles used.

~~xiii.(13)~~ ——— Complete description of monuments and/or collateral evidence found; all aliquot corners used shall be described.

~~xiv.(14)~~ The legal land description by section, township, range, principal meridian, baseline and county.

~~xv.(15)~~ Operator name.

~~xvi.(16)~~ ——— Well name and well number.

~~xvii.(17)~~ ——— Date of completion of scaled drawing.

~~xviii.(18)~~ ——— All visible improvements within two hundred (200) feet of

a wellhead (or, in a high density area within four hundred (400) feet of a wellhead) shall be physically tied in and plotted on the well location plat or on an addendum, with a horizontal distance and approximate bearing from the well location. Visible improvements shall include, but not be limited to, all buildings, publicly maintained roads and trails, major above ground utility lines, railroads, pipelines, mines, oil wells, gas wells, injection wells, water wells, visible plugged wells, sewers with manholes, standing bodies of water, and natural channels including permanent canals and ditches through which water may flow. If there are no visible improvements within two hundred (200) feet of a wellhead (or in a high density area within four hundred (400) feet of a wellhead), it shall be so noted on the Permit-to-Drill, Form 2.

i. Any additional data as reasonably required by the Commission as a result of consultation with the Colorado Department of Public Health and Environment or the Colorado Division of Wildlife.

(3) Upon completing construction for production operations at any Oil and Gas Location for which an operator submitted a modified form 2A, the operator shall submit a Form 4 Sundry Notice listing the production tanks, pits, combustion equipment and separation equipment actually installed at the location.

(4) For each new ancillary facility constructed within the area subject to Rule 318A the operator shall submit a Form 4 Sundry Notice providing the Commission with notice of the construction and:

a. A current 8½" by 11" scaled drawing of the new ancillary facility identifying the facility's location with the following minimum information:

i. Dimensions on adjacent exterior section lines sufficient to completely describe the quarter section containing the facility shall be indicated. If dimensions are not field measured, state how the dimensions were determined.

ii. The latitude and longitude of the facility's location shall be provided on the drawing with a minimum of five decimal places of accuracy and precision using the North American Datum (NAD) of 1983 (e.g. latitude 37.12345 N, longitude 104.45632 W). If GPS technology is utilized to determine the latitude and longitude, all GPS data shall meet the requirements set forth in Rule 215. a. through h.

305. NOTICES OF OIL AND GAS OPERATIONS

a. The provisions of this Rule 305.b(1)B and subsections (2) through (5), shall not be applicable on federal or Indian owned surface lands.

b. **Notices.**

(1) **Notice of Form 2A Submittals.**

A. **Public notice and opportunity to comment.**

- i. Whether submitted pursuant to Rule 303.d.3 or Rule 303.d.4, the Director shall, upon determination that the Form 2A is complete pursuant to Rule 303.h:
 - aa. Promptly post the Oil and Gas Location Assessment, Form 2A, and attachments on the Commission website;
 - bb. Simultaneously electronically alert the local governmental designee of the county or municipal corporation within whose jurisdiction the activity is occurring or proposed to occur; and
 - cc. Simultaneously electronically alert the Colorado Department of Public Health and Environment and the Colorado Division of Wildlife where the proposed location would trigger consultation pursuant to Rule 306.c or 306.d.
- ii. The public shall be given thirty (30) calendar days from the date of posting to submit comments to the Commission on the Oil and Gas Location Assessment, Form 2A that is not covered by an accepted Comprehensive Drilling Plan. Where the proposed location is covered by an accepted Comprehensive Drilling Plan, the public shall be given twenty (20) days from the date of posting to submit comments.
- iii. The website posting called for in this subsection shall clearly indicate:
 - aa. The date on which the Form 2A was posted;
 - bb. The date by which public comments must be received to be considered;
 - cc. The address(es) to which the public may direct comments; and
 - dd. Where the proposed location is covered by an accepted Comprehensive Drilling Plan, the posting shall include directions for review of the accepted plan.
- iv. The Commission shall promptly post all comments received under this subsection on the Commission website.

B. Landowner notice.

- ~~i.~~ ~~The notice provisions of this subsection 305.b(1)B do not apply to oil and gas facilities subject to the provisions of 318A.~~
- ii. Whether submitted pursuant to Rule 303.d.3 or Rule 303.d.4, the applicant shall, within five (5) days of a completeness determination pursuant to Rule 303.h, provide a copy of a complete Oil and Gas Location Assessment, Form 2A, with attachments to the record owner of the surface to be affected by the proposed location and his lessee (if known) and, except for oil and gas facilities within the area subject to the provisions of Rule 318A, the record owner(s) of property that is both adjacent to and within five hundred (500) feet of the proposed location, if such owner(s) exists, and his lessee (if known).
- iii. The notice required in this subsection shall include a copy of the Commission’s Informational Brochure for Surface Owners containing the rules pertaining to notice of oil and gas operations and opportunities for consultation thereon, as well as the rules of procedure for filing complaints and making applications for hearing. The brochure shall provide contact information for the Commission’s main office, field offices and website, and shall describe the services and information available to the public, including access to a listing of local governmental designees. The brochure shall contain a prominent disclaimer advising surface owners to obtain legal advice as may be appropriate to their particular circumstances.
- ~~iiiiv.~~ The notice required in this subsection shall include a copy of Rule 306(a) and the Commission’s “Onsite Inspection Request Form.”
- iv. The notice required in this subsection shall be accomplished by hand delivery or by certified mail, return-receipt requested.

C. Content of notices required under this subsection. All individual notices and agency notifications required under this subsection shall:

306: CONSULTATION

- a. **Consultation with surface owner.**
....
- b. **Consultation with local government.**
....
- c. **Consultation with the Colorado Division of Wildlife.**

(1) **Consultation to occur.** An operator shall consult with the Commission, the surface owner, and the Colorado Division of Wildlife on an Oil and Gas Location Assessment, Form 2A, where:

A. The operator seeks from the Director a variance from a provision in the 1200-Series of these rules intended to minimize adverse impacts to wildlife resources;

B. The operator elects to consult rather than comply with the provisions of Rule 1208, Timing Limitation Areas;

C. The surface owner requests consultation with the Commission on provision of the 1200-Series; or

D. An operator requests a well density increase and a Local Public Forum is convened pursuant to Rule 508.b or the Commission develops a basin-wide order involving public health, welfare, safety, wildlife, or environmental concerns or protections.

E. Notwithstanding the foregoing, the requirement to consult with the Colorado Division of Wildlife may be waived by the Colorado Division of Wildlife at any time.

d. **Consultation with the Colorado Department of Public Health and Environment.**

(1) **Consultation to occur.** The Commission shall consult with the Colorado Department of Public Health and Environment on an Oil and Gas Location Assessment, Form 2A, where:

A. The local governmental designee requests, within seven (7) days of notice, the participation of the Colorado Department of Public Health and Environment in the Commission's consideration of an Application for Permit-to-Drill, Form 2, or Oil and Gas Location Assessment, Form 2A, based on concerns regarding public health, safety, welfare, or impacts to the environment;

B. The operator seeks from the Director a variance from a provision of one of the following rules intended for the protection of public health, safety, welfare, or the environment:

- i. Rule 317B. Surface Water Drinking Water Protection Areas;
- ii. Rule 325. Underground Disposal of Water;
- iii. Rule 603. Setback Requirements in High Density Areas;
- iv. Rule 608. Coalbed Methane Wells;
- v. Rule 805. Odors and Dust;
- vi. 900-Series E&P Waste Management; or
- vii. Rule 1002.g. Stormwater Management.

C. An operator requests a well density increase and a Local Public Forum is convened pursuant to Rule 508.b or the Commission develops a basin-wide order that can reasonably be anticipated to have impacts on public health, welfare,

safety, or environmental concerns or protections.

D. Notwithstanding the foregoing, the requirement to consult with the Colorado Department of Public Health and Environment may be waived by the Colorado Department of Public Health and Environment at any time.

317B. SURFACE WATER DRINKING WATER SUPPLY AREAS

a. **Applicability determination.** The applicability of Rules 317B.b and 317B.c will be determined by reviewing the Source Water Drinking Water Supply Area Map, located on the Commission website or by entering the longitude and latitude coordinates into the Source Water Drinking Water Supply Area Applicability Determination Tool, also located on the Commission website.

b. **Oil and gas operations located in Surface Water Drinking Water Supply Area(s).**

Except for oil and gas operations subject to Rule 318A.e, oil and gas operations shall be located a minimum distance of five hundred (500) feet from a classified surface water supply segment for a distance of five (5) miles upstream of a public water supply intake used as a public water supply. Oil and gas operations shall also be located a minimum distance of five hundred feet from a water supply spring or ground water well under the influence of surface water, used as a public water supply.

c. **Performance standards for oil and gas operations located in Surface Water Drinking Water Supply Area(s).**

Except for oil and gas operations subject to Rule 318A.e, the following performance standards shall be implemented when oil and gas operations occur within a distance of one-half (1/2) mile from a classified surface water supply segment for a distance of five (5) miles upstream of a public water supply intake used as a public water supply. The following performance standards shall also be implemented when oil and gas operations occur within a distance of one-half (1/2) mile from a water supply spring or groundwater well under the influence of surface water, used as a public water supply:

- (1) Pitless drilling systems or containment of all drilling waste with impervious liners is required, as provided in Rule 904.

.....

318A. GREATER WATTENBERG AREA SPECIAL WELL LOCATION, SPACING AND UNIT DESIGNATION RULE

a. **GWA, GWA wells, GWA windows and unit designations.**

.....

b. **Recompletion/commingling of existing wells.**

.....

c. **Surface locations.**

.....

d. **Prior wells excepted.**

.....
e. **GWA infill.**

.....
(6) Notice and hearing procedures.

C. The adjacent owner notice provisions of 305.b(1)B do not apply to oil and gas operations subject to the provisions of this subsection 318A.e(6).

507. NOTICE FOR HEARING

a. **General notice provisions.**

.....

b. **Notice for specific applications.**

(1) **Applications affecting drilling units.** For purposes of applications for the creation of drilling units, applications for additional wells within existing drilling units or other applications for modifications of or exceptions to existing drilling unit orders (except for applications for well exception locations to existing orders which are addressed in subsection 5 of this rule) notice of the application shall be served on the owners within the proposed drilling unit or within the existing drilling unit to be affected by the applications.

.....

(7) **Application for Memorandum of Agreement with Local Government.** With respect to an application to enter into a Memorandum of Agreement with a local government pursuant to Rule 521, notice shall be posted by the local government and published in the county's legal newspaper, which complies with the requirements of C.R.S. 24-70-103, for a period not less than two (2) weeks.

804. VISUAL IMPACT MITIGATION

Production facilities, regardless of construction date, which are observable from any public highway shall be painted with uniform, non-contrasting, nonreflective color tones, (similar to the Munsell Soil Color Coding System) and with colors matched to but slightly darker than the surrounding landscape. Operators of those production facilities constructed prior to May 30, 1992 shall have until July 1, 2009 to comply with the requirements of this rule.

Consistent with an operator's right to conduct operations, the Director may require the employment of site-specific mitigation practices to protect aesthetic and visual resources, including siting of roads, well locations, and production facilities to minimize visual impacts; reducing unnecessary disturbance; modifying production facility or well pad shape or size; using low-profile pumping units and low-profile tanks; and completing interim reclamation on disturbed land. Within the Greater Wattenberg Area, such visual mitigation may only be imposed on oil and gas locations visible from a public highway.

805. ODORS AND DUST

a. **General.**

....

b. **Odors.**

....

c. **Fugitive dust.**

....

d. Notwithstanding any other provision of this Rule 805, the requirements of this section shall not be required if the oil and gas operation is located in Colorado's 8-Hour Ozone Non-attainment Area (including all of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties, and parts of Larimer and Weld counties), as defined by the Colorado Department of Public Health and Environment, and areas subject to the provisions of 318A.

Formatted

901. INTRODUCTION

901.e Sensitive area determination. Except for oil and gas operations subject to Rule 318A.e, operators shall make a sensitive area determination using appropriate geologic and hydrogeologic data to evaluate the potential for impact to ground water and surface water, including appropriate percolation tests that demonstrate that seepage will not reach underlying ground water or waters of the State and impact current or future uses of these waters. Operators shall submit data evaluated and analysis used in the determination to the Director for the following operations or remediation activities:

- (1) Construction of drilling pits;
- (2) Construction of production and special purpose pits;
- (3) Construction of centralized E&P waste management facilities;
- (4) Management and remediation of spills/releases exceeding twenty (20) barrels net loss of E&P waste; or
- (5) When the operator or Director has data that indicate an impact or threat of impact to ground water.

f. **Sensitive area operations.** Operations in sensitive areas shall incorporate adequate measures and controls to prevent adverse environmental impacts and ensure compliance with the allowable concentrations and levels in Table 910-1, with consideration to WQCC standards and classifications.

908. CENTRALIZED E&P WASTE MANAGEMENT FACILITIES

a. **Applicability.** Non-commercial, centralized E&P waste management facilities may be established by an operator for the treatment, disposal, recycling or beneficial reuse of E&P waste that is generated exclusively by that operator. This rule applies only to non-commercial facilities, which means the operator does not represent itself as providing E&P waste management services to third parties and does not accept E&P waste from oil and gas operations other than its own. Centralized facilities may include components such as land treatment or land application sites, pits and recycling equipment. The ground water monitoring requirements of Rule 908.b(9) shall not be applicable in areas subject to Rule 318A.e.

b. **Permit requirements.** Before any person shall commence construction of a centralized E&P waste management facility, such person shall file with the Director an application on Form 28 and pay a filing and service fee established by the Commission (see Appendix III), and obtain the Director's approval. The application shall contain the following:

(1) The name, address, phone and fax number of the operator, and a designated contact person.

....

(9) **Ground water monitoring.**

A. Water wells.

Water samples shall be collected from water wells within a 1-mile radius of the proposed facility and shall be analyzed to establish baseline water quality. Analytical parameters shall be selected based upon the proposed waste stream and shall include, at a minimum, all major cations and anions, total dissolved solids, iron and manganese, nutrients (nitrates, nitrites, selenium), benzene, toluene, ethylbenzene, xylenes, pH, and specific conductance.

Copies of all test results described above shall be provided to the Director and the water well owner within three (3) months of collecting the samples. Laboratory results shall also be submitted to the Director in an electronic data deliverable format.

B. Site-specific monitoring wells.

- i. The Director shall require ground water monitoring to ensure compliance with the allowable concentrations and levels in Table 910-1 and WQCC standards and classifications by establishing points of compliance. All monitoring well construction must be completed in accordance with the State Engineer's regulations on well construction, 'Water Well Construction Rules' (2 CCR 402-2).
- ii. The direction of flow, ground water gradient and quality of water shall be established by the installation of a minimum of three (3) monitor wells, including an up-gradient well and two (2) down-gradient wells that will serve as points of compliance, or other methods authorized by the Director.

(10) **Surface water monitoring.** Where applicable, the Director shall require baseline and periodic surface water monitoring to ensure compliance with WQCC surface water standards and classifications.

c. **Permit approval.**

....

1202. IDENTIFICATION OF WILDLIFE SPECIES

a. Identification of wildlife species.

....

b. Wildlife mapping.

(1) Using scientifically acceptable survey techniques coinciding with the season and activity periods for the specific species noted below and based on its review of wildlife occurrence data from the Colorado Division of Wildlife, an operator planning an oil and gas facility shall survey, map, and report the occurrence of all identified wildlife species, including a survey of lands within a ½ mile radius of a proposed oil and gas facility, on lands legally accessible by the operator, for the following species:

A. Raptor nests, including owls; and

B. Amphibians, including boreal toads.

(2) Using scientifically acceptable survey techniques coinciding with the season and activity periods for the specific species noted below and based on its review of wildlife occurrence data from the Colorado Division of Wildlife, an operator planning an oil and gas facility shall survey, map, and report the occurrence of all identified wildlife species, including a survey of lands within a ¼ mile radius of a proposed oil and gas facility, on lands legally accessible by the operator, for the following species:

B. Active white-tailed prairie dog colonies (NW, SW Colorado);

....

1208. TIMING LIMITATION AREAS

a. Timing Limitation Areas described herein shall be applied to oil and gas operations in the following areas of Colorado, as delineated on the Colorado Division of Wildlife Species Activity Mapping (SAM) systems, found on the Colorado Division of Wildlife website, except gathering lines, using the best available technology to minimize adverse impacts to wildlife resources and to plan and manage oil and gas operations in a manner that balances development with wildlife conservation, unless an operator demonstrates that the identified species is not in fact present:

(1) **Mule deer critical winter range (West of Interstate 25, except in Las Animas County).** Development activity shall be restricted between January 1 and March 31.

....

(11) **Prairie dog (White-tailed, Gunnison’s).** Development activity shall be restricted in active colonies between March 15 and June 15, except those colonies within 1 mile of urban development areas.

(12) **Black-footed ferret release areas.** Development activity shall be restricted between April 15 and June 14 in Prairie Dog colonies where Black-Footed Ferrets have been released or documented since 2001.

....

1209. RESTRICTED SURFACE OCCUPANCY AREAS

a. Restricted Surface Occupancy Areas described below shall be applied to oil and gas operations in Colorado, except for oil and gas operations subject to the provisions of Rule 318A, using the best available development technology in order to minimize adverse impacts to wildlife resources and to plan and manage oil and gas operations in a manner that balances development with wildlife conservation.

ANADARKO PETROLEUM CORPORATION

s/ John R. Jacus

John R. Jacus
Peter J. Hack
Davis Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202
Telephone: 303-892-9400
Facsimile: 303-893-1379
E-mail: john.jacus@dgsllaw.com
E-mail: peter.hack@dgsllaw.com

ATTORNEYS FOR ANADARKO PETROLEUM
CORPORATION

NOBLE ENERGY, INC.

s/ Michael J. Wozniak

Michael J. Wozniak
Beatty & Wozniak, P.C.
216 16th Street, Suite 1100
Denver, Colorado 80202
Telephone: 303-407-4466
Facsimile: 303-407-4494
E-mail: mwozniak@bwenerylaw.com

ATTORNEY FOR NOBLE ENERGY, INC.

PETRO-CANADA (USA) RESOURCES, INC.

s/ Michael J. Wozniak

Michael J. Wozniak
Beatty & Wozniak, P.C.
216 16th Street, Suite 1100
Denver, Colorado 80202
Telephone: 303-407-4466
Facsimile: 303-407-4494
E-mail: mwozniak@bwenerylaw.com

ATTORNEY FOR PETRO-CANADA (USA) RESOURCES,
INC.

**BOARD OF COUNTY COMMISSIONERS OF
COUNTY OF WELD, COLORADO**

s/ Bruce T. Barker

Bruce T. Barker
Weld County Attorney
P.O. Box 758
915 10th Street
Greeley, Colorado 80632
Telephone: 970-356-4000, x4390
Facsimile: 970-352-0242
E-mail: bbarker@co.weld.co.us

ATTORNEY FOR BOARD OF COUNTY COMMISSIONERS
OF WELD COUNTY, COLORADO

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the Weld County Coalition, one (1) original and fifteen (15) true and correct copies of the attached **REVISED CONSENSUS ALTERNATE PROPOSAL OF THE WELD COUNTY COALITION** were served by courier delivery on the 30th day of July, 2008, and filed with the Colorado Oil and Gas Conservation Commission, as follows:

Patricia Beaver, Hearing Manager
Docket No. 0803-RM-02
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

and further certify that two (2) true and correct copies of said petition were served by courier delivery on the 30th day of July, 2008, to the Department of Law, as follows:

Kelly Rees
Colorado Department of Law
1525 Sherman Street, 7th Floor
Denver, Colorado 80203

and further certify that one (1) true and correct copy of said petition was served by courier delivery on the 30th day of July, 2008, to the State of Colorado, as follows:

Joshua Epel, Assistant General Counsel
DCP Midstream
370 Seventeenth Street, Suite 2500
Denver, Colorado 80202

and lastly certify that one (1) true and correct copy of said petition copy was served by First Class Mail delivery on the 30th day of July, 2008, to:

Paul Zogg
Law Office of Paul Zobb
1221 Pearl Street
Boulder, CO 80302

City of Trinidad
Attention: Mayor Joseph Reorda
135 North Animas Street
Trinidad, CO 81082

Steven T. Wells
Wells Ranch, LLLP
32010 WCR 63
Gill, CO 80624

Las Animas Board of County Commissioners
Attention: Jim D. Montoya, Chairman
200 East First Street, Room 110
Trinidad, CO 81082

Yuma County Board of Commissioners
Attention: Dean Wingfield, Chairman
Attention: Robin Wiley
310 Ash Street, Suite A
Wray, CO 80758

/s Linda Bondar

CERTIFICATE OF SERVICE

I hereby certify that true and correct electronic copies of the attached **CONSENSUS ALTERNATE PROPOSAL OF THE WELD COUNTY COALITION** were served by e-mail, by agreement of counsel on behalf of the Weld County Coalition, on the 30th day of July, 2008, as follows:

Patricia Beaver at tricia.beaver@state.co.us

Kelly Rees at kelly.rees@state.co.us

Marc Fine at marc.fine@state.co.us.

All Parties on the COGCC Service List for Docket No. 0803-RM-02 that are capable of receiving delivery by e-mail.

/s Bruce T. Barker
