

Memorandum

To: David Neslin, Director, Colorado Oil and Gas Conservation Commission

From: La Plata County; Gunnison County; San Miguel County; Moffat County; Weld County; Northwest Colorado Council of Governments; Grand Junction, Colorado; Saguache County; Mesa County

Date: May 28, 2008

Subject: Governments Preferred Procedures for Purposes of Presenting Witnesses, Evidence and Testimony

Pursuant to direction from the Commission, the above-referenced governments provide you with this memo outlining our preferred procedure for purposes of presenting witnesses, evidence and testimony. On Friday, May 23, 2008, Jeff Robbins, La Plata County Attorney, emailed all entities grouped together as “Governmental Organizations” in the Commission’s Stakeholder Order. The above entities responded with the comments incorporated herein. In that regard, as indicated at the May 15th procedural hearing, these local governments request that they be allowed to present the majority of their testimony on one day, preferably early on in the proceeding. The reason for the request is that governments’ testimony generally is applicable to the rulemaking as a whole, as opposed to pinpoint testimony on specific rules. We believe that the Commissioners would be in a better position to understand the issues and concerns of governments if they were to receive that information, as well as cross examination and Commission questions on that information on one day and prior to rule by rule testimony.

Second, some, but not all, of the governments will attend all portions of the hearing and may present additional witnesses, evidence and testimony on specific rules as set forth below.

Third, the above referenced local governments collectively agree to abide by the five-hour direct testimony limitation as set forth in the Third Prehearing Order. However, we note that not all governments in our “group” have responded to our email or discussions and also submit that the five hours designated for “Governmental Organizations” should not include the Southern Ute Indian Tribe or the United States Forest Service, entities with distinctly different issues with this Rulemaking and entities that have not been a part of the “Local Government” dialog – either at the May 15th Pre-Hearing or by way of email correspondence. The other entities within our “Governmental Organizations” group who have signed on to this memo will make every effort to comply with the five hour limit¹, but we cannot say whether that is the case if these additional entities are part of our group. We also understand that governments, collectively, will receive five hours for cross examination and Commissioners’ questions, and we agree to that time limit as well.

¹ Obviously, to the extent that not all “governmental organizations” have signed off on this memo, those who have signed off are at a bit of a disadvantage concerning pledges on time limits.

The Commission also requested information as to which specific rules governments intended to present evidence and testimony. Collectively, I believe the Commission can expect testimony on the Rule 201 alternate proposed language and the Rule 521 alternate proposed language and that Rule as a whole. Also, the following Rules may engender testimony from these local governments:

La Plata and Gunnison Counties:

- Rule 214, Local Government Designee;
- Rule 216, Comprehensive Drilling Plans;
- Rule 303,a.,2 Operational Conflicts;
- Rule 305, Notices of Oil and Gas Operations;
- Rule 306, Consultation;
- Rule 317 B, Surface Water Drinking Supply Areas;
- Rule 334, Public Highways and Roads;
- Rule 336, Complaint Form;
- Rule 337, Spill/Release Report;
- Rule 403, Additional Notice;
- Rule 508, Local Public Forums;
- Rule 509, Protests/Intervention;
- Rule 513, Geographic Area Plans;
- Rule 521, Memoranda of Agreement with Local Governments;
- Rule 702, General;
- Rule 901.e.f. Sensitive Areas;
- Rule 906, Spills/Releases;
- Rule 908.b(9),A. Water Wells;
- Rule 1002(f), Stormwater Management;
- Rule 1208,a.(7), Timing Limitation Areas.

Weld County:

- Rule 303
- Rule 507
- Rule 508
- Rule 804
- Rule 1202
- Alternate proposed language concerning rules for the DJ Basin

San Miguel County:

- 303, 305, 306 – Nature and extent of consultation with local governments in permitting
- 216, 513 – Nature and extent of local government involvement with CDPs and GAPs
- 317B – Surface Water Drinking Water Supply Areas
- 1000 Series - Reclamation – Affect of Surface Use Agreements on compliance with rules
- 1200 Series Wildlife Resources – Gathering System construction should be subject to timing limitations

Moffat County:

- 1200 Series – Wildlife

City of Grand Junction:

- Drinking water rules

Saguache County:

- Emergency Response Plan

Thank you for the opportunity to present this memo and information. I am happy to continue to serve as point for governments if you have any questions concerning this matter.

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