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LAND ASSESSMENT

County rules expand notifications when new wells are planned

BY DAN LARSON • FOR ENERGY PIPELINE



Ann Stephens, of Ascent Geomatics Solutions (left) and Ashley Campbell, of COGA, discussed Weld County's new location assessment process as required for companies planning new oil and gas wells. Photo by Dan Larson.

NEWLY ENACTED WELD COUNTY RULES THAT REQUIRE COMPANIES to spell out plans for new oil and natural gas wells also require the companies to notify owners of nearby buildings located further away than required under state rules.

Enacted Feb. 1, the Weld Oil and Gas Location Assessment rules cover all zones in the county and require approval before any work on the site can commence. Following a contentious rulemaking session in 2013 to reset setback distances between well sites and buildings and a months-long hearing process under the Governor's Oil & Gas Task Force in 2014-15, the Board of Weld County Commissioners ordered a review of the county's special land use rules for new oil and gas sites.

USE BY SPECIAL REVIEW

County zoning rules include a category of land uses that are "more intense or have a greater impact" than are allowed under normal uses consistent for that zone, known as Use By Right. These more intense operations, known as Use by Special Review, require "additional consideration to ensure that they are compatible with existing and planned land uses in that neighborhood." Such plans must be approved by the commissioners.

Initially, the county sought to draft rules that would cover new oil and gas drilling locations under Use by Special Review rules. As they were first considered, the USR rules required additional, separate

documentation from what a company is required to file with the Colorado Oil & Gas Conservation Commission.

The process also would have included at least two hearings for every application, one before the planning commission and one before the commissioners.

"This would have been a massive process," said Ashley Campbell, community outreach coordinator at the Colorado Oil & Gas Association.

"It would have meant 160 days before the USR could be approved," she said. "The additional expense would have been an incredible burden on industry and the county without providing any significant improvement in the planning process. As a result, the commission put off a vote on the rules changes for the better part of a year."

Campbell cites a diligent stakeholder process and the hard work of an industry working group last summer to move the county rules on oil and gas drill sites from a USR into a stand-alone review and approval program known as a location assessment process.

According to Campbell, members of COGA's regulatory committee formed a working group made up of representatives from PDC Energy, Noble Energy, Anadarko Petroleum Corp., SRC Energy (formerly Synergy Resources), Bonanza Creek Energy and Bill Barrett Corp., to meet with county officials and develop what became known as the Weld Oil & Gas Location Assessment process. Rules covering WOGLA were approved by the commission in December.

"Industry and county regulators wanted an alternative process that satisfied the commission's request for land owner input and protections while providing industry with a parallel process to what state permitting requires," Campbell noted.

The county's location assessment process in many ways mirrors the Colorado Oil & Gas Location Assessment (OGLA) permit. Known as Form 2A, OGLA is one of two permits the operator is required to secure before drilling a well.

According to COGCC, Form 2A considers the surface impacts while the traditional drilling permit, known as Form 2, describes what the operator has planned "down-hole."

Further Notice

The biggest difference in county and state programs is in notification of nearby surface land owners.

Both the state and Weld County require operators provide location drawings, either maps drawn from on-the-ground surveys, GIS images taken from the public domain such as Google Earth or by an unmanned aerial vehicle (UAV), also known as a drone.

At a recent industry seminar in Denver, representatives from Ascent Geomatics Solutions, of Denver, demonstrated how drones can provide aerial images that can be incorporated into GIS mapping and satisfy location drawing requirements.

"Use of a drone for aerial survey projects allow the operator to capture a much larger area in a shorter time

compared to conventional on-the-ground surveys,” according to Keith Hulen, director of business development for Ascent.

The state’s Oil & Gas Land Assessment process includes a requirement that the location drawing show all visible improvements within 500 feet of the proposed well site. For a WOGLA filing,

plans that become contentious will be sent by the planning department to the commissioners for review and a hearing.

THE LIST

In creating the WOGLA rules, the commissioners said it was their intent that

landowner, if needed.

- Weld County Emergency Action Plan.
- Flood Hazard Development Plan, if applicable.
- And, an application fee of \$500.

Decisions on WOGLA applications are to be completed within 45 days, although some initial filings have been approved in less than two weeks, according to Stephens. Processing time may be extended for applications referred to the county commissioners for review.

The WOGLA process is aimed primarily at development of oil and gas wellsites. The USR process still applies to requests to develop compressor sites or to lay pipe in the ground, Stephens said.

STRIKING BALANCE

Since Weld County is by far the leading oil and gas area in Colorado, a workable process for orderly, responsible well site development was vital, county government leaders have stated. The process must balance industry calls for development and the needs of the community.

COGA, the industry trade group, supported development of the WOGLA process through a series of stakeholder meetings last summer, Campbell said.

“During the stakeholder process we heard from dozens of surface owners,” she said. “In the past, industry may not have worked as closely with land owners as they could have. Weld’s location assessment rules give the surface owner a voice in the process.”

County commissioners have requested an update on WOGLA this summer, six months after the rules went into effect. ♠



Location assessment drawings as required for Weld County drilling applicants can be provided with aerial photos from drones such as this. Photo by Ascent Geomatics Solutions.



Photos taken by unmanned aerial vehicles, or drones, can provide accurate, immediate indications of surface features such as building and roads. Photo of Clear Creek Canyon by Ascent Geomatics Solutions.

the operator’s location drawing must show visible improvements out to 1,000 feet from the site.

The operator is then required under WOGLA to send a notice, including the location drawing, to the owners of any building units and to the Weld County Local Government Designee (LGD) and the LGD of any municipality within 1,000 feet of the proposed well site. The Colorado land assessment form requires notification of building unit owners out to 500 feet.

Once notified, building unit owners have up to 28 days to respond either to the operator or the county. The Weld Planning Services Department can either approve the WOGLA application or refer it to the Board of County Commissioners for a hearing and review.

According to Ann Stephens, regulatory manager at Ascent, the county must respond to requests from land owners within the 28-day comment period. Wellsite

the land assessment process “protect and promote the health, safety, convenience, and general welfare of the present and future residents of Weld County.”

An operator’s WOGLA application must include the following:

- An application form.
- Copy of a surface use agreement (SUA) with the surface owner; if no SUA is in place, a notice of bonding the site under COGCC rules must be included.
- Location drawing.
- Completed WOGLA questionnaire describing compliance with industry standards and best practices for noise and light reduction, dust control, traffic management, waste disposal, site security and noxious weeds, among other things.
- Weld County access permit, if needed.
- Identification by county records of building owners within 1,000 feet of the wellsite.
- Proof of mineral lease or deed.
- Improvements agreement with