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

|  |   |                       |
|--|---|-----------------------|
| IN THE MATTER OF CHANGES TO THE RULES OF | ) | CAUSE NO. 1R          |
| PRACTICE AND PROCEDURE OF THE OIL & GAS  | ) |                       |
| CONSERVATION COMMISSION OF THE STATE OF  | ) | DOCKET NO. 1307-RM-01 |
| COLORADO                                 | ) |                       |

NOTICE OF RULEMAKING HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Oil and Gas Conservation Commission of the State of Colorado ("Commission"), on its own motion, will consider additions and amendments to the Rule 100 Series (Definitions), Appendix VII (Restricted Surface Occupancy Area Maps), and Appendix VIII (Sensitive Wildlife Habitat Maps) of the Rules of Practice and Procedure of the Commission, 2 Code Colo. Regs. 404-1 ("Commission Rules"), to update the Commission's Sensitive Wildlife Habitat Maps and Restricted Surface Occupancy Area Maps. Draft proposed new and amended rules are attached hereto as Appendix A.

The Sensitive Wildlife Habitat Maps and Restricted Surface Occupancy Area Maps contain the ranges of animals of special interest to the State of Colorado. The maps depict features that are variable both over time and over the landscape. As such, when new or more accurate data becomes available, the maps need to be modified. The Commission believes the current maps, adopted December 11, 2008, should be reviewed and updated where appropriate. The Commission's authority to conduct this rulemaking includes §§ 34-60-105 and 34-60-106(2)(d) C.R.S.

NOTICE IS HEREBY GIVEN that the Commission has scheduled the above entitled matter for a rulemaking hearing commencing on:

|        |  |
|--------|--|
| Date:  | Monday, July 29, 2013<br>Tuesday, July 30, 2013  |
| Time:  | 9:00 a.m.  |
| Place: | Colorado Oil and Gas Conservation Commission<br>1120 Lincoln Street, Suite 801<br>Denver, CO 80203 |

**Party Status.** If a party, a person or an organization wants to participate in this rulemaking they must file a written request for party status with the Commission that shall include the following information: (1) name of the applicant and their representative (if different); (2) the street address, electronic mail address, and telephone and facsimile numbers of the applicant or their representative; and (3) a brief summary of any policy, factual, or legal issues the applicant has with the proposed regulations as of the time of filing the application for party status. Applications for party status must be filed, in the manner set forth below, with the Commission by 5:00 pm on July 1, 2013. The Commission staff will compile a list of all parties, their street addresses and electronic mail addresses and post it on the Commission website.

**Public Participation.** The Commission encourages the public to participate in the rulemaking hearing by commenting on the proposed regulations. Persons who do not desire party status, but would like to participate in the rulemaking process, will be able to make their

views known to the Commission either by submitting comments in writing in advance of or at the rulemaking hearing, or by speaking during the public comment period allotted during the hearing. Depending on the number of people seeking to make oral comments at the hearing, the Commission may need to limit such comments. Organized groups of individuals are urged to identify one spokesperson. Speakers are asked to be as concise as possible, and to avoid repeating comments made by others. If members of the public desire to have the Commission review written material, such documents should be emailed to [DNR\\_COGCC.Rulemaking@state.co.us](mailto:DNR_COGCC.Rulemaking@state.co.us) by July 12, 2013. Comments by non-parties need not be submitted in paper format.

**Prehearing Statements.** Each party must file and serve, in the manner set forth below, a prehearing statement by July 12, 2013. Parties' prehearing statements: shall be limited to 5 pages single spaced, excluding exhibits; shall succinctly summarize the factual and legal issues that arise from the rulemaking proposal, and what position is being taken on each such issue and the basis for that position; shall attach copies of all exhibits to be introduced, and shall list the name and occupation of all witnesses that may be called.

**Filing and service.** Filings by parties must be served via first class mail on the Commission in hard copy and electronic copy as follows: 1) hard copies for the Commission - the original and 13 copies delivered to Robert J. Frick, Hearings Manager, Docket No. 1307-RM-01, Colorado Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203; and 2) an electronic copy emailed, preferably in portable document format (pdf), to [DNR\\_COGCC.Rulemaking@state.co.us](mailto:DNR_COGCC.Rulemaking@state.co.us) for posting to the Commission website.

The Commission may take actions, including without limitation, modifying or amending the existing rules described or proposed herein and making conforming modifications to other rules, which it determines are reasonably necessary.

In accordance with the Americans with Disabilities Act, if any party or interested person requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and reasonable arrangements will be made.

Copies of the current and proposed Rules are available on the Commission's internet homepage at <http://cogcc.state.co.us> or available upon request at the Commission.

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO



By \_\_\_\_\_  
Robert J. Frick, Secretary

Dated: June 14, 2013

## **Appendix A**

### **Proposed changes to COGCC 100-series rules for Sensitive Wildlife Habitat**

**SENSITIVE WILDLIFE HABITAT** shall mean:

- mule deer critical winter range (being both mule deer winter concentration areas (that part of the winter range where densities are at least 200% of the surrounding winter range density during the same period used to define winter range in 5 out of 10 winters), and mule deer severe winter range (that part of the winter range where 90% of the individuals are located during the average 5 winters out of 10 from the first heavy snowfall to spring green-up) in Data Analysis Units with > 7 deer per square kilometer) (west of Interstate 25 and excluding Las Animas County);
- elk winter concentration areas (west of Interstate 25 and excluding Las Animas County);
- pronghorn antelope winter concentration areas (west of Interstate 25);
- bighorn sheep winter range;
- elk production areas (being that part of the overall range occupied by the females for calving) (west of Interstate 25 and excluding Las Animas County);
- Columbian sharp-tailed grouse and plains sharp-tailed grouse production areas (being an area that contains 80% of nesting and brood rearing habitat for any identified population);
- greater sage-grouse priority habitat (being and areas of high probability of use (modeled summer or winter, or breeding) within a 4 mile buffer around leks that have been active within the last 10 years within grouse occupied range. (Colorado Greater Sage-Grouse Priority Habitat map (2012)).
- Gunnison sage-grouse production areas (being an area that includes a 4 mile buffer on active lek sites),
- lesser prairie chicken production focal areas (being an area that includes 80% of nesting and brood rearing core populations and habitat necessary for a viable population);
- black-footed ferret release areas;
- Bald Eagle nest sites and winter night roost sites; and
- Golden Eagle nest sites.

Maps showing and spatial data identifying the individual and combined extents of the above habitat areas shall be maintained by the Commission and made available on the Commission website, and copies of the maps shall be attached as Appendix VIII. The extent of sensitive wildlife habitat is subject to update on a periodic but no more frequent than biennial basis and may be modified only through the Commission's rulemaking procedures, as provided in Rule 529. Any modifications to sensitive wildlife habitat shall not affect Form 2As or Comprehensive Drilling Plans approved prior to the effective date of such changes.