



ECMC GUIDANCE

FORM 2A - OIL AND GAS LOCATION ASSESSMENT APPLICATION

PRE-APPLICATION - COMMUNITY MEETING 301.g.(2)

Document Control:

Posting Date:	October 20, 2025
Last Updated Date:	October 20, 2025
Last Updated By:	Yesica Chavez and Steve Arauza
Document Owner:	ECMC Community Relations Unit

Purpose of the Rule 301.g.(2) Pre-Application Community Meeting

The Energy and Carbon Management Commission (ECMC) requires a Pre-Application Community Meeting, as outlined in Rule 301.g.(2), for proposed Oil and Gas Locations that meet the criteria outlined below. This Rule aims to enhance outreach and maintain transparent communication with Colorado communities. The full text of Rule 301.g.(2) is provided in Appendix A of this guidance document.

The primary purpose of the Pre-Application Community Meeting is for the Operator to provide an overview of its proposed Oil and Gas Development Plan (OGDP) or Comprehensive Area Plan (CAP) application and solicit feedback and input from the community. Operators are then required to summarize this feedback and provide possible measures intended to address any concerns from the community. This summary will then be included as an attachment to Form 2A, in accordance with Rule 301.g.(2).B.v. Additionally, the findings from the Pre-Application Community Meeting should be incorporated into the Community Engagement Plan, as required by Rule 304.c.(19). ECMC Rules establish a minimum compliance threshold. Operators are encouraged to increase their community engagement efforts to build and maintain trust of nearby communities.

Not all OGDPs require a Pre-Application Community Meeting. It is only necessary if a proposed Oil and Gas Location within the OGDP or CAP meets the criteria outlined in Rule 301.g.(2).A. Specifically, a meeting is required if the OGDP or CAP application includes:

- an Oil and Gas Location within one-half mile of a Residential Building Unit (RBU), High Occupancy Building Unit (HOBV), School Facility, or Child Care Center; or

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- an Oil and Gas Location within 4,000 feet of an RBU, HOBUs, School Facility, or Child Care Center in a Disproportionately Impacted Community.

Guidance for Pre-Application Community Outreach Meeting

Regarding Rule 301.g.(2).B., the Operator will hold a Pre-Application Community meeting no less than 30 days prior to submitting any OGD or CAP application if an Oil and Gas Location associated with the OGD or CAP meets the criteria outlined under Rule 301.g.(2).A.

Compliance with Rule 301.g.(2).B. is obtained by hosting a community meeting at least 30 days before submitting an OGD or CAP application. Additional meeting types (e.g., virtual or individual) can be discussed on a case-by-case basis with the Community Liaison.

Regarding Rule 301.g.(2).B.ii., the Operator, when hosting the Pre-Application Community Meeting, will, at a minimum, invite the ECMC Director, the Community Liaison, Relevant and Proximate Local Governments, and all residents indicated in Rule 301.g.(2).B.ii.dd.

Compliance with 301.g.(2).B.ii is obtained by demonstrating that an invitation was extended, though attendance of these participants is not required. The Community Liaison should be invited as a designee of the Director.

Note that the list of stakeholders required to be invited to the Pre-Application Community Meeting is partially based on Residential Building Units or High Occupancy Building Units located within prescribed setbacks of a proposed Oil and Gas Location pursuant to this rule. IN ADDITION TO RBU/HOBUs owners, agents, and tenants described in this rule, the list of stakeholders required to receive Notice of the Pre-Application Community Meeting per Rule 301.g.(2).B.iv.aa also includes all Surface Owners within the prescribed setback distances.

Regarding Rule 301.g.(2).B.iii., prior to scheduling the meeting, the Operator will consult with the Community Liaison regarding the date, time, type, and location of the meeting. The meeting will be held within or near the residents as described in Rules 301.g.(2).A.i and ii. The Pre-Application Community Meeting will be open to the general public. The Operator will provide attendees with an opportunity to share an

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email address to receive correspondence from the Operator, Community Liaison, or Commission regarding any information related to the proposed Oil and Gas Location(s).

Compliance with 301.g.(2).B.iii is obtained by carefully considering the date, time, and location, which should be carefully determined with input from the Community Liaison and ensuring the meeting is held in an accessible location for public participation. It is recommended that the Operator consult with the ECMC Community Liaison at least 21 days prior to scheduling the Pre-Application Community Meeting to ensure that the meeting will satisfy the requirements of this Rule.

Additionally, the Operator is required to collect email addresses for correspondence. Upon request from ECMC, the Operator will provide relevant email addresses gathered during Pre-Application Community Meetings; however, if a member of the public provides their contact information to the Operator and expresses a desire to withhold their information from ECMC, the Operator will respect the wishes of the person providing their contact information. To protect Personally Identifiable Information, contact information provided by members of the public should never be included on ECMC Forms or attachments.

Regarding Rule 301.g.(2).B.iv., the Operator will notify all listed parties in Rule 301.g.(2).B.iv. The notice must meet the procedural and substantive requirements outlined in Rules 303.e.(2) & (3). The Operator may send the notice addressed to "Current Resident." Additionally, the Operator may but is not required to, post information about the meeting on its website or social media accounts

Compliance with 301.g.(2).B.iv is obtained by certifying that required notice was given to community members in accordance with Rule 303.e.(2) & (3). In addition to the list of stakeholders required to be invited to the Pre-Application Community Meeting, Rule 301.g.(2).B.iv requires the Operator to provide notice to all Surface Owners of both residential and commercial properties within 1/2-mile of a proposed Oil and Gas Location, and within 4,000 feet of a proposed Oil and Gas Location for any Building Units or High Occupancy Building Units within a Disproportionately Impacted Community. Failure to provide notice to all required stakeholders pursuant to this Rule may delay the OGD process as an additional Pre-Application Community Meeting would be required to bring the application into compliance.

Pursuant to Rule 303.e.(2).I, the Operator will provide written materials in all languages spoken by 5% or more of the population within Census Block Groups located

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within 2,000 feet of a proposed Oil and Gas Location. In making this determination, the Operator will use data from census.gov pertaining to the Language(s) Spoken At Home within the census block. The Operator is encouraged to provide samples of translated materials presented to the community during the pre-application phase.

It is recommended that the Operator notify all parties listed in this Rule at least 14 days before the scheduled Pre-Application Community Meeting. The notice does not need to be mailed and, per the Rule 303.e.(3).C & D, may be provided via email or other delivery service with receipt confirmation.

Regarding Rule 301.g.(2).B.v., the Operator will provide a written summary of the Pre-Application Community Meeting as part of the OGD application as an attachment to the Form 2A(s), or with the CAP application. It is recommended that the Operator's summary should include, but not be limited to, the following information:

- The date, time, location, and format of the meeting;
- How the Operator incorporated input from the Director or Community Liaison regarding these details, ensuring alignment with Rule 301.g.(2).B.iii;
- Number of community members in attendance;
- Number of requests for future email correspondence;
- The Operator's procedure for providing future email correspondence;
- A summary of comments that were expressed during the meeting and an explanation of how the Operator plans to address any concerns raised; and
- Any other information pertaining to lessons learned from the Pre-Application Community Meeting.

Compliance with 301.g.(2).B.v. is obtained by providing a written summary of the Pre-Application Community Meeting as an attachment to Form 2A(s) or with the CAP application.

Contact: Please reach out to our ECMC's community relations team with any questions at dnr_ecmc_communityliaison@state.co.us. For more information, please also visit our website: <https://ecmc.colorado.gov/community-resources/environmental-justice>

Appendix A

Rule Citation - 301.g.(2)

- A. **Applicability.** This Rule 301.g.(2) applies to any Oil and Gas Development Plan or CAP application where an Oil and Gas Location may be proposed:

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- i. Within 1/2 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center;
 - ii. or Within 4,000 feet of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center in a Disproportionately Impacted Community.
- B. An Operator will hold a pre-application community meeting no less than 30 days prior to submitting an Oil and Gas Development Plan or CAP application that meets the criteria of Rule 301.g.(2).A. 300-4
- i. **Purpose.** The purpose of the pre-application community meeting is to facilitate an opportunity for the Operator to provide an overview of its proposal and solicit feedback and input from local community members that will be considered by the Operator prior to submitting an Oil and Gas Development Plan or CAP application that meets the criteria in Rule 301.g.(2).A.
 - ii. **Participants.** The Operator will host the pre-application community meeting and invite the following persons to attend, at minimum:
 - aa. The Director;
 - bb. The Community Liaison, if the Oil and Gas Development Plan or CAP application involves an Oil and Gas Location that may be proposed within 4,000 feet of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center in a Disproportionately Impacted Community;
 - cc. All Relevant and Proximate Local Governments; and
 - dd. All residents (including owners, agents, or tenants) of a Residential Building Unit or High Occupancy Building Unit, and administrators of School Facilities and Child Care Centers, if the Oil and Gas Development Plan or CAP application may involve an Oil and Gas Location that is:

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1. Within 1/2 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center; or
2. Within 4,000 feet of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center in a Disproportionately Impacted Community.

iii. The Operator will determine the date, time, type, and location of the meeting with input from the Director or Community Liaison, and the meeting will be held within, or in close proximity to, the residents as described in Rules 301.g.(2).A.i and ii. The pre-application community meeting will be open to the general public. The pre-application community meeting will include an opportunity for attendees to provide an electronic mail address in order to receive written correspondence from the Operator, Community Liaison, or Commission regarding the proposed Oil and Gas Location(s).

iv. Notice.

aa. The Operator will provide notice of the pre-application community meeting to all Surface Owners, Building Unit and High Occupancy Building Unit owners and tenants, and residents, including tenants of both residential and commercial properties, within 1/2 mile of a proposed Oil and Gas Location, and within 4,000 feet of a proposed Oil and Gas Location for any Building Units or High Occupancy Building Units within a Disproportionately Impacted Community.

bb. Notice of the pre-application community meeting will comply with the procedural and substantive requirements of Rules 303.e.(2) & (3). Notice may be accomplished by sending the notice addressed to “Current Resident.” The Operator may also post information about the meeting on its website or social media accounts.

v. Written Summary. The Operator will provide a written summary of the pre-application community meeting as part of the Oil and Gas Development Plan application as an attachment to the Form 2A(s), or with

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the CAP application. The Director may include a discussion of the written summary of the pre-application community meeting in the Director's Recommendation.