



## ECMC LESSER IMPACT AREAS OPERATOR GUIDANCE

### FORM 2A

### Rule 304.d. - Lesser Impact Areas

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#### Document Control

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- Change log may be viewed at the bottom of the document.

#### Rule Citation

##### 304.d. Lesser Impact Areas

The Director may exempt an Operator from submitting any of the information required by Rule 304.b., except for the Alternative Location Analysis and Cumulative Impacts Analysis as part of Rule 304.b.(2)., or any plan required by Rule 304.c., under the following circumstances:

- 1) If the Operator requests an exemption from the Director based on evidence showing the information or plan is unnecessary because:
  - a) The impacted resource or resource concern are not present in the area;  
or
  - b) Impacts to the resource will be so minimal as to pose no concern.
- 2) Operators may request an exemption from the Director in writing, without proceeding through the ordinary Rule 502 variance process. A request for an exemption will be provided with the Form 2A at the time the form is submitted.
- 3) The Director may grant an exemption as part of the completeness determination if the Director concurs with the Operator that providing the

information or plan is unnecessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources.

- 4) If the Director grants an exemption, the Commission may nevertheless request the information or plan subject to the exemption, or related information, if the Commission determines that reviewing the information or plan is necessary to protect and minimize adverse impacts.
- 5) The Director may not grant an exemption for Oil and Gas Locations that are within 1/2 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center, or within 1 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center within a Disproportionately Impacted Community.

## **Purpose of Attachment**

The Commission recognizes that not all proposed Oil and Gas Locations have equivalent resources or impacts. Accordingly, the Commission adopted an option to apply more relaxed standards for areas where oil and gas operations are likely to have less impacts on public health, safety, welfare, the environment, and wildlife resources. Therefore, the Lesser Impact Area exemption option exists as an avenue separate from the Rule 502 Variance process for an Operator to request an exemption from providing information required by Rule 304.b. or a plan required by Rule 304.c., based on the site-specific elements for a given proposed location where different resource concerns may be limited or nonexistent.

## **Guidance/Requirements**

### **Set of Requirements**

1. An Operator requests a Rule 304.d. Lesser Impact Area exemption through the following steps on the webform:
  - a. Form 2A, Variances & Exemptions tab: check the boxes for the Rule 304.b. informational requirements and/or the Rule 304.c. plans that you are seeking exemptions from.

- b. Form 2A, Plans tab: do NOT upload a plan if you have requested an exemption from doing so.
  - c. Form 2A, Attachments tab: attach a single Lesser Impact Area Exemption Request document to the Form 2A.
2. The Lesser Impact Area Exemption Request attachment will list the following for each requested exemption:
- a. Which of the 304.b. informational requirements or 304.c. plans you are seeking an exemption from.
    - i. For example: Rule 304.c.(3) Light Mitigation Plan.
  - b. What the resource(s) or resource concern the Rule describes. Many of the Rules state a specific resource or resource concern, while others may not. Ask ECMC Staff if questions arise.
  - c. A description of how the resource is not present or how impacts to the resource will be so minimal as to pose no concern.

## **Additional Information**

### **Common Errors and Issues Encountered by ECMC Staff**

- 1. Not checking the boxes on the Form 2A indicating which exemptions are being requested.
- 2. Attaching multiple Lesser Impact Area Exemption Request documents instead of only attaching one.

### **General Notes**

- 1. Operators are encouraged to refer to drawings and other documents attached to the Form 2A that support or provide additional detail for their Lesser Impact Area Exemption Request attachment.

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2. If needed, an Operator may choose to provide figures or exhibits as part of their Lesser Impact Area Exemption Request attachment if they will aid in the determination of granting a Lesser Impact Area exemption.
3. The Lesser Impact Area Exemption Request attachment must be uploaded as a PDF in either a narrative text/Word document format or a spreadsheet format.
4. A Lesser Impact Area exemption from a plan or attachment does not eliminate the need for site-specific Best Management Practices that would otherwise be provided in a plan or attachment (e.g. low-odor drilling fluids, soundwalls, shielded lighting, etc.).
5. If substantially equivalent information or plans were developed through a local permitting process per Rule 304.e., and the Operator wishes to submit that information in lieu of information or plans required by Rule 304.b. or 304.c., then substantially equivalent information should NOT be included in the Lesser Impact Area Exemption Request.
6. The Rules effective April 30, 2025, no longer allow the Director to exempt an Operator from an Alternative Location Analysis or Cumulative Impacts Analysis as part of Rule 304.b.(2).
7. The Rules effective April 30, 2025, no longer allow the Director to grant an exemption for Oil and Gas Locations that are within ½ miles of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center, or within 1 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center within a Disproportionately Impacted Community.
8. Each exemption request will be reviewed on a site-by-site basis given the unique characteristics of each proposed location. It is ultimately the decision of the Director to grant any exemption requested.

9. While the Director may exempt an Operator from submitting any of the information required by Rule 304.b. (except for the Alternative Location Analysis and Cumulative Impacts Analysis as part of Rule 304.b.(2) or any plan required by Rule 304.c.), the Commission may nevertheless request the information or plan subject to the exemption, or related information, if the Commission determines that reviewing the information or plan is necessary to protect and minimize adverse impacts.

## **Frequently Asked Questions**

1. N/A

## **Document Change Log**

<b>Change Date</b>	<b>Description of Changes</b>
February 18, 2021	First version of this guidance document finalized
May 28, 2025	Guidance revision to reflect Dec 2024 Rules
June 17, 2025	Reviewed, ADA accessibility verified, prepared for publication