

# Department of Natural Resources

## SMART Act Presentation

### *Energy & Carbon Management Commission (ECMC)*



Joint Energy Committee  
*January 16, 2024*



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# Agenda

1. Department Overview
2. Wildly Important Goals
3. DNR Budget Request Overview
4. Legislative Agenda
5. Regulatory Agenda
6. Equity, Diversity & Inclusion
7. Produced Water Consortium Update
8. ECMC Updates
9. Geothermal Regulatory Study Update



# DNR Mission & Vision

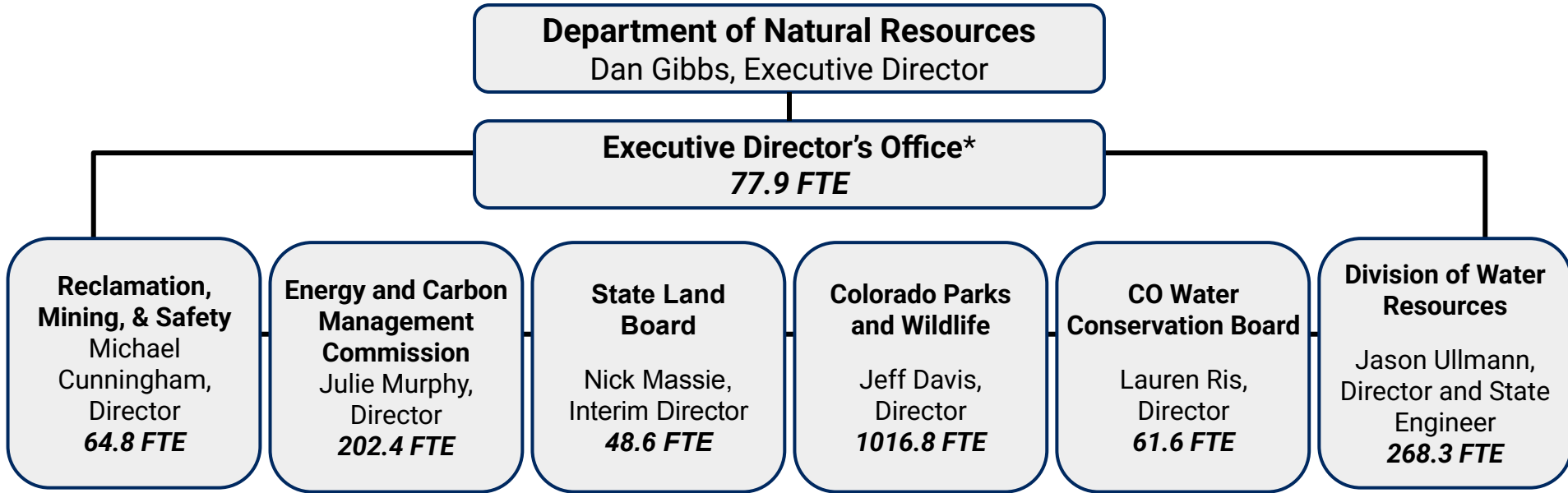
The mission of the Department of Natural Resources is:

**To develop, preserve, and enhance Colorado's natural resources for the benefit and enjoyment of people today and tomorrow.**

DNR's vision:

**Colorado will be a national leader in promoting the responsible use and conservation of natural resources for this and future generations.**

# DNR Organizational Chart



*\*Includes CO Avalanche Information Center, COSWAP, Colorado River Program, and Produced Water Consortium*

# FY24-25 Wildly Important Goals

1. Keep Colorado Wild Pass Opt-in Rate
2. Balance Outdoor Recreation and Conservation
3. Water Plan Implementation
4. Clean Energy Transition on State Lands



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# WIG - KCW Pass Opt-in Rate

Increase the percentage of vehicle registration renewals that opt-into the Keep Colorado Wild (KCW) pass from 27% to 29% by June 30, 2025.

- Promote the KCW Pass
- Increase Number of Campsites
- Encourage KCW Pass Promotions
- Media Impressions for KCW
  - Over 6 million impressions





# WIG - Balance Outdoor Recreation and Conservation

Complete Colorado's Outdoors Strategy that ensures a future where our outdoors, people, and way of life endure by delivering Colorado's communities a toolkit for conservation, climate resilience, and sustainable outdoor recreation by June 30, 2025

- Increase Regional Partnership
- Receive Input on Draft of Colorado's Outdoors Strategy
  - Feedback received from over 60 stakeholder groups
- Deliver Colorado's Outdoors Strategy Toolkit
- Extend Pathways to State Departments



# WIG - Water Plan Implementation

The Colorado Water Conservation Board will take action on 20 Agency Actions from the Colorado Water Plan by June 30, 2027.

- Compile a Progress Report on the Water Plan
- Implement Transformative Landscape Change Local Projects
  - 8 projects completed
- Develop a DIY Guide for Turf Removal for residents
- Develop a State of the Science Turf Replacement Report





## WIG - Clean Energy Transition

Increase renewable energy generation on State Land Board properties from 550MW to 750MW by June 30, 2027.

- Convert Planning Leases to Production Leases
- Meet with Operators
  - 12 meetings already held
- Attend Renewable Energy Industry Conference



# More Information

To view monthly updates on Wildly Important Goals and corresponding lead measures, please visit the [Governor's Dashboard](#).

For more information on additional Department of Natural Resources goals, view our FY 2024-25 Performance Plan at:

<https://operations.colorado.gov/performance-management/department-performance-plans/natural-resources>

# DNR FY 2025-26 Budget Request

## Division of Water Resources

6.3%

## CO Water Conservation Board

2.5%

## Colorado Parks and Wildlife

53.2%

## Executive Director's Office

25.1%

## Div Reclamation, Mining, Safety

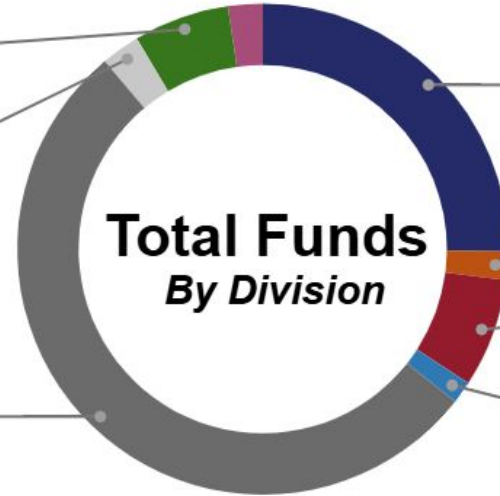
1.9%

## Energy & Carbon Mgmt Commission

7.2%

## State Land Board

1.5%



**Total Funds: \$470.3M**  
**General Fund: \$60.3M**  
**FTE: 1,809.3**



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# FY 2025-26 Budget Request Detail

## Colorado Parks and Wildlife Capacity Building



- **Keep Colorado Wild Pass Staff and Operating (R-01)**  
\$6.6M cash funds, 31.7 FTE
- **Outdoor Equity Grant Program Increase (R-02)** \$1.3M cash funds, 0.9 FTE.
- **Digital Video Evidence System for CPW Officers (R-06)(BA-01) (S-01)** \$1.1 million cash funds, 2.0 FTE
- **Resources for Wildlife Conservation and Management (R-08)**  
\$2.3M cash funds, 11.1 FTE

# FY 2025-26 Budget Request Detail (Continued, 2 of 4)

## Water

- **Adjust Water Commissioner Job Classifications (R-05)** \$120,000 General Fund
- **Water Plan Technical Update Coordination (R-07)**  
\$139,000 cash funds, 0.9 FTE
- **Legislative Proposals:** Water Supply Measurement, CWCB Projects Bill



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# FY 2025-26 Budget Request Detail (Continued, 3 of 4)

## Program and Service Delivery Enhancements

- Scale Department Administrative Support (R-04)
- Implement Information Technology Product Owners (R-05)
- State Land Board Working Lands Internship Program (R-09)
- CSFS Budget Line Items Move to DNR (CSFS R-01)
- CSFS Forestry Workforce Development Internships (CSFS R-02)



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# FY 2025-26 Budget Request Detail (Continued, 4 of 4)

## Severance Tax Operational Fund Refinance (R-10)

- Modifies the funding of 3 traditional DNR Severance Tax programs to the General Fund: Species Conservation Trust Fund, Colorado Avalanche Information Center, and the Colorado Strategic Wildfire Action Program.
- Scales down the required Severance Tax Operational Fund Reserve from 200% to 100% of appropriations.
- Modifies the distribution from 25% to the Operational Fund and 25% to the Perpetual Base Fund (PBF) to 23% Operational Fund and 27% PBF
- Changes spillover of any excess revenue from the PBF to the General Fund.
- This request requires legislation.

# Legislative Priorities

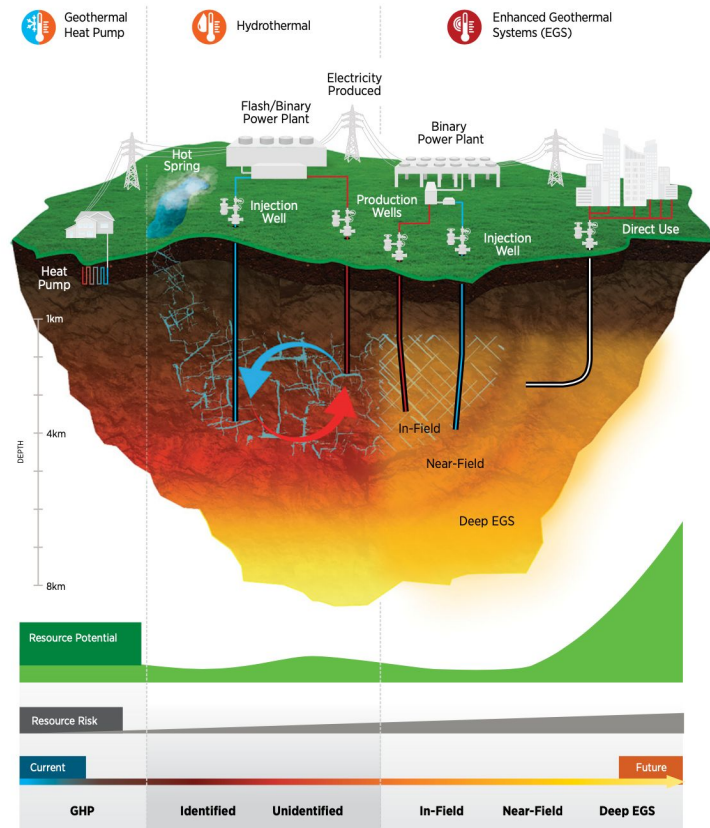
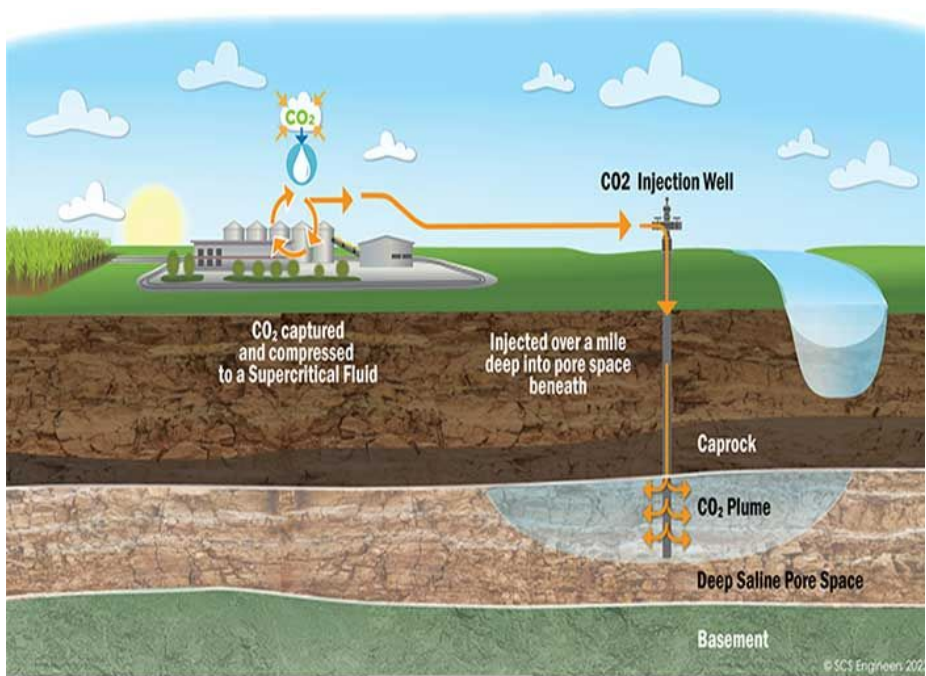
The Department respectfully requests the General Assembly consider legislation on the following:

- Wildlife Trafficking
- Free Access to State Parks for Colorado Tribes
- Carbon Management & Geothermal Regulation
- Water Supply Forecasting & Mapping
- Legacy Mining & Modernization
- Reauthorization of Habitat Stamp Program
- Efficiency of Division of Water Resources Processes
- Annual Water Project Funding
- Annual Species Conservation Trust Fund Project Funding



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# Carbon Management & Geothermal Regulation Legislation



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# Regulatory Agenda

Some Upcoming Rulemakings and Regulations Hearings:

- ECMC - Produced water, high priority habitat (both in-process); support APCD rulemaking efforts related to energy development
- DRMS - Modernization Act rulemaking
- CPW - Ongoing annual rules for properties, wildlife, boating, and outfitter regulations
- DWR - Geothermal well permitting & development, measurement rules for Western slope divisions, groundwater management
- CWCB - Colorado Instream Flow and Natural Lake Level Program
- SLB - Ongoing State Forest Lands updates
- More information available in the 2025 DNR Regulatory Agenda Report

# Equity, Diversity, Inclusion, & Accessibility

In addition to the Outdoor Equity Grant Program outlined on the next slide, DNR's efforts include:

- Organizational development and workforce efforts, including Employee Resource Groups
- Implementing Environmental Justice Task Force Recommendations
  - Tribal Liaison - Stacy Coleman, Asst Director of Tribal Affairs
  - Enviroscreen and disproportionately impacted communities considerations in permitting and rulemaking
  - Spanish language access to information and public meeting content
- Digital Accessibility & Outdoors for All
  - [accessdnr@state.co.us](mailto:accessdnr@state.co.us) - Central email for immediate contacts at all divisions
  - CPW expanded Aira (digital tool for low vision/blind) to access State Parks info in real time
  - CPW expanded track chair program



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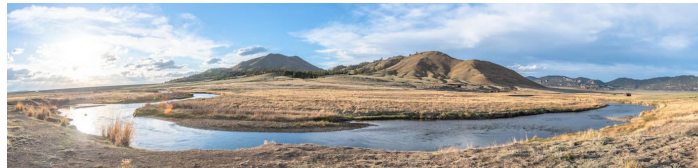


# Colorado Produced Water Consortium Update

Statutory Direction: To reduce the use of freshwater and increase the recycling of produced water in oil and gas operations

Established in July 2023, the 31-member Colorado Produced Water Consortium completed the following in 2024:

- Completed 8 legislatively required, data-driven reports on produced water (HB23-1242)
  - Best Practices for In-field Recycling and Reuse of Produced Water (March 1, 2024)
  - Regulatory Policy Coordination Report (May 1, 2024)
  - Current State of Produced Water Infrastructure, Storage, and Treatment Facilities (July 1, 2024)
  - Availability of Produced Water for Reuse and Recycling (August 1, 2024)
  - Strategic Priorities Related to Produced Water (August 16, 2024)
  - Infrastructure Necessary to Achieve Different Levels of Recycling & Reuse (August 30, 2024)
  - Identifying Barriers to the Safe Recycling and Reuse of Produced Water (October 30, 2024)
  - Produced Water Reuse and Recycling Goals with Decreases in Fresh Water Use (December 2, 2024)
- Provided written recommendations for 2024 ECMC Produced Water Rulemaking (September 17, 2024)
- Added Identify In-Field Uses for Water Produced During Oil and Gas Operations to the EPA Water Reuse Action Plan





# Energy & Carbon Management Commission

**As a result of SB 23-016 & SB 23-285**, the Division became the Colorado Energy & Carbon Management Commission (ECMC) with increased regulatory authority on July 1, 2023.

**ECMC Mission:** To regulate the development and production of oil & gas, deep geothermal resources, the capture and sequestration of carbon, and the underground storage of natural gas in a manner that protects public health, safety, welfare, wildlife resources and the environment.

**202.4 FTE** (includes the 43 new FTE allotted from FY23)

## Five Full-Time Commissioners

Brett Ackerman

Mike Cross

John Messner

Trisha Oeth

Jeff Robbins (Chair)



*Julie Murphy, Director*

# Recent Highlights at ECMC

- Adopted and implemented first-in-the-nation Cumulative Impacts rules
- Adopted and implemented geothermal rules
- Adopted Class VI primacy rules
- Published six studies per direction from GA
- Reviewed 61 Oil and Gas Development Plans
- Grew team by 74% to account for expanded regulatory scope since 2018-19
- Presented to delegations from Canada, Iceland, Iraq, Finland, Southeast Asian nations, and Turkmenistan on CO's regulatory approach



## ENERGY IN COLORADO

- Most protective oil & gas regulations in the nation
- Top 10 state in total energy production
- Fourth state in nation to pursue Class VI primacy
- Renewable energy accounts for 39% of CO's total in-state electricity net generation



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# General Assembly Provided ECMC with Additional Authority

- **SB23-016**
  - Regulate carbon sequestration; Pursue Class VI primacy
- **SB23-285**
  - Change name of Commission; Adopt geothermal rules
- **HB23-1242**
  - Adopt rules requiring reduction in fresh water use in O&G operations
- **HB23-1294**
  - Adopt cumulative impact rules
- **SB24-185**
  - Prohibit forced pooling of local government mineral interests
- **SB24-212**
  - Provide support for renewable siting
- **SB24-229**
  - Adopt enhanced systems and practices rules to reduce NOx emissions
  - Plug marginal wells
- **SB24-230**
  - Support collection of oil and gas production fee
- **HB24-1346**
  - Establish pore space ownership



# All Rules Promulgated since SB19-181

## Completed Rulemakings Since SB 19-181 (Docket No. in parentheses):

- 500 Series Practice and Procedure (190600531)
- Flowline (191100692)
- Wellbore Integrity (191200574)
- Mission Change: 200-600 Series (200300071)
- Mission Change: 800, 900, 1200 Series (200600155)
- Mill Levy (200600152)
- Financial Assurance (210600097)
- Orphan Well Mitigation Fee (220500106)
- High Priority Habitat Maps #1 (211200249)
- High Priority Habitat Maps #2 (230200062)
- High Priority Habitat Maps #3 (240200054)
- Deep Geothermal (240500115)
- Cumulative Impacts and Enhanced Systems and Practices (240600145)
- Class VI (241000246)

## Pending/Upcoming Rulemakings (Docket No. in parentheses):

- Produced Water (240900229)
- High Priority Habitat Maps #4 (241200329)
- Worker Certification (Not Yet Noticed)
- Cleanup (Not Yet Noticed)



# ECMC Studies Directed by Recent Legislation

ECMC published six studies in 2024 as directed by **SB23-016 & SB23-285**:



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# Hydrogen Storage and Transport Regulation Study

ECMC was directed to study the regulation and permitting of hydrogen related operations including hydrogen underground storage and its transportation through pipelines

- Released on July 1, 2024
- Informed by a thorough stakeholding process including state and federal agencies, local governments, environmental organizations, industry, and national experts
- Summarizes hydrogen technologies & existing regulations
- Provides a regulatory gap analysis and considerations for state agencies as the hydrogen industry develops



# Pipeline Safety and Siting Study

In collaboration with the PUC, ECMC was directed to study intrastate pipeline siting and safety regulation

- Released on 11/27/2024
- ECMC led a stakeholding process resulting in over 40 meetings and including state and federal agencies, local governments, environmental organizations, industry, and national experts
- The report includes an analysis of pipeline incidents and causes, as well as recommendations and considerations to increase safety and education and improve coordination across agencies, stakeholders, and the public.

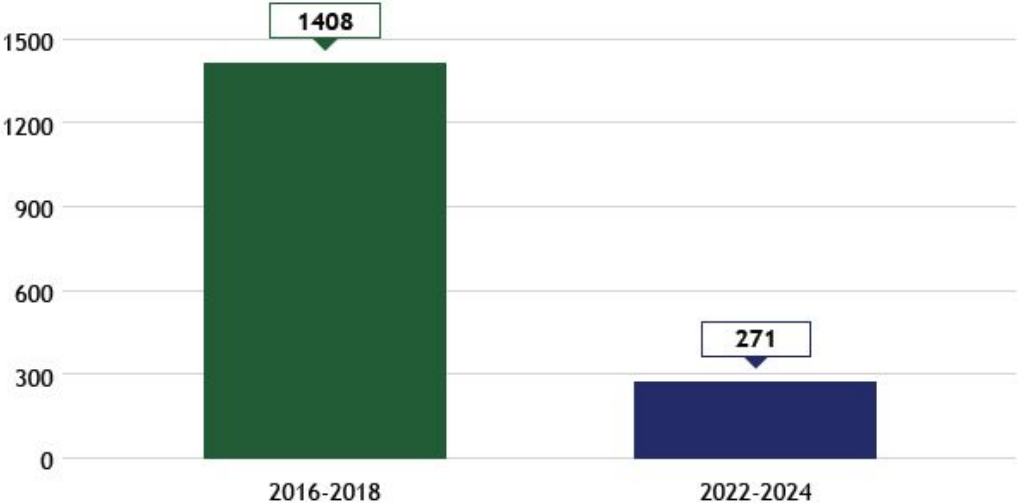
# Geothermal Regulatory Study

In collaboration with the DWR, ECMC was directed to evaluate the state regulatory structure for geothermal resources and determine if additional changes are necessary.

- Released on 12/20/2024
- ECMC and DWR
- The study includes a detailed review of applicable regulations for both shallow and deep technologies, as well as a summary of associated groundwater regulation
- The report recommends strategies to streamline regulatory processes while ensuring protection of public health, safety, the environment, and wildlife resources.

# Comparing Pre- and Post- SB19-181

Approved Oil and Gas Surface Location Permits  
81% reduction



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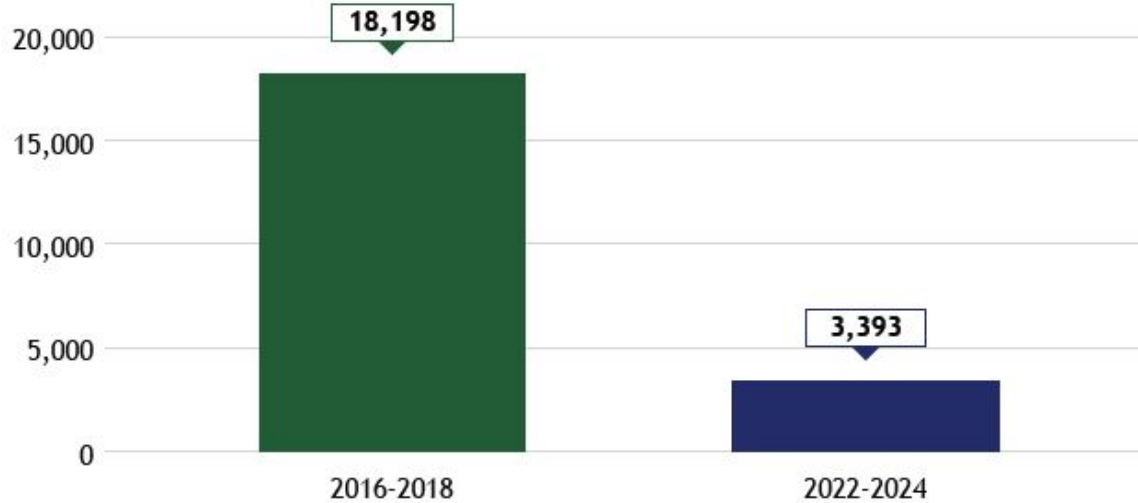


# Comparing Pre- and Post- SB19-181, Continued (3 of 11)



# Comparing Pre- and Post- SB19-181, Continued (4 of 11)

Well Permits Submitted by Operators  
82% reduction



# Comparing Pre- and Post- SB19-181, Continued (5 of 11)

Best Management Practices	Required Pre-2019?	Required Today?
Noise mitigation	Yes	Yes
Light mitigation	Yes	Yes
Odor and dust mitigation	Yes	Yes
Stormwater and erosion control	Yes	Yes
Green Completions	Yes	Yes
Leak detection plan with permit application	Yes	Yes
Consultation	Yes	Yes



# Comparing Pre- and Post- SB19-181, Continued (6 of 11)

Best Management Practices	Required Pre-2019?	Required Today?
PFAS prohibition	No	Yes
Venting and flaring prohibition	No	Yes
Compliance with AQCC Reg 7	No	Yes
Cumulative Impacts analysis	No	Yes
Alternative location analysis	No	Yes
Pre- and post- application tech consultation	No	Yes

# Comparing Pre- and Post- SB19-181, Continued (7 of 11)

Best Management Practices	Required Pre-2019?	Required Today?
Location permits approved by Commission vote at public hearing, with multiple opportunities for public comment	No	Yes
Compensatory mitigation for operations in CPW high priority habitat	No	Yes
Shapefile data	No	Yes

# Cumulative Impacts Rules Now in Effect

Cumulative impacts, as defined by HB 24-1346, are the effects on public health and the environment, including the impacts to air quality, water quality, climate, noise, odor, wildlife, and biological resources, caused by the incremental impacts that a proposed new or amended operation regulated by the Commission pursuant to Article 60 would have when added to the impacts from other past, present, and reasonably foreseeable future development of any type on the impact area or on a disproportionately impacted community.

# Comparing Pre- and Post- SB19-181, Continued (8 of 11)

Requirements for Oil and Gas Development within 2,000ft of RBUs in DI Communities	Required Pre-2019?	Required Today?
Environmental Justice Liaison positions	No	Yes
Operator's community outreach plan	No	Yes
Expanded public notice radius	No	Yes
Expanded public comment period	No	Yes
Language translation and interpretation	No	Yes
EnviroScreen scoring and analysis	No	Yes

# Comparing Pre- and Post- SB19-181, Continued (9 of 11)

Requirements for Oil and Gas Development within 2,000ft of RBUs in DI Communities	Required Pre-2019?	Required Today?
Pre- and post- application meetings	No	Yes
Posted outreach practices	No	Yes
Informed consent materials	No	Yes
Community benefit descriptions	No	Yes

# Comparing Pre- and Post- SB19-181, Continued (10 of 11)

Ozone Non-attainment Areas	Required Pre-2019?	Required Today?
Use of grid power for permanent powered production equipment	No	Yes
Use of grid power for heavy equipment	No	Yes
No permanent produced water tanks	No	Yes
Demonstration of compliance with NO <sub>x</sub> Intensity Target	No	Yes



# Comparing Pre- and Post- SB19-181, Continued (11 of 11)

Ozone Non-attainment Areas	Required Pre-2019?	Required Today?
No hydrocarbon liquid storage in permanent tanks	No	Yes
Pipeline takeaway capacity	No	Yes
Temporary surface lines to transport water	No	Yes

# Budget & Hiring Updates

- Cash and Federally funded
- \$32,743,475 total funds
- \$2M IT capital request
- ECMC personnel has expanded 74% since 2018-19 to account for the agency's expanded regulatory scope.



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# Legislation Directing FTE Growth

- SB19-181, Protect Public Welfare Oil and Gas Operations
  - 12 FTE
- SB21-264, Adopt Programs Reduce Greenhouse Gas Emissions Utilities
  - 0.5 FTE
- HB22-1348, Oversight of Chemicals Used in Oil & Gas
  - 4 FTE
- SB23-285, Energy & Carbon Management Regulation in Colorado
  - 7.5 FTE
- SB23-016, Greenhouse Gas Emissions Reductions Measures
  - 5.8 FTE
- HB23-1294, Pollution Protection Measures
  - 2 FTE
- HB23-1242, Water Conservation in Oil and Gas Operations
  - 2 FTE
- DI - 30.6 FTE
- SB24-229, Ozone Mitigation Measures
  - 2 FTE
- SB24-212, Local Govs Renewable Energy Projects
  - 0.8 FTE



# Orphan Wells Mitigation Enterprise

## SB22-198 established Orphan Wells Enterprise Board

- Jeff Robbins, Chair
- Cassie Archuleta
- Christopher Simmons
- Julie Murphy
- Kimberly Mendoza-Cooke

## Enterprise Collects Fees to Fund Well Plugging

- Orphan Wells Mitigation Fee
  - \$225 per well with average daily production greater than 15 BOE or 22 MCFE
  - \$125 per well with average daily production less than or equal to 15 BOE or 22 MCFE
- Marginal Well Mitigation Fee (HB24-229)
  - \$115 per well
  - ~\$5 million annually to plug marginal wells
- By 2030, Colorado will have devoted \$129 million to plugging wells. None from state tax dollars.

# Ongoing Investigations into Data Falsification

Two environmental consultants hired by oil and gas operators submitted falsified laboratory data reports to ECMC.

**No new risks to public health** because the scope of the impacted data is limited to Site Investigation and Remediation Workplans for sites that have already been disturbed by oil and gas development.

Investigations underway to determine the extent to which sites impacted by falsified data may need adjustments to remediation plans.

# Looking Ahead: Supporting Colorado's Climate & Energy Goals, Cont'd

- Implementing US DOE Methane Emissions Reduction Program and industry funded marginal well plugging program
- Coordinating with US DOI to plug orphaned wells on federal land
- Collaborating with CEO, CPW, and local governments to support renewable siting
- Implementing US EPA Climate Pollution Reduction Program grant to reduce natural methane seepage
- Collaborating with DRMS and CDPHE to reduce coal mine methane emissions
- Implementing 11 recommendations from GHG Pollution Reduction Roadmap 2.0



## Questions?

*Daphne Gervais*  
*DNR Director of Legislative Affairs*  
*[daphne.gervais@state.co.us](mailto:daphne.gervais@state.co.us)*



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# SB 19-181: Five-Year Review

The primary changes associated with SB19-181 is that the mission of ECMC changed from “fostering” the oil and gas industry to “regulating” the industry in order to prioritize public health, safety and environmental concerns. It also enabled local governments to have increased oversight of land use related oil and gas activities in their communities.



SENATE BILL 19-181

BY SENATOR(S) Fenberg and Foote, Court, Gonzales, Lee, Moreno, Story, Williams A., Winter;  
also REPRESENTATIVE(S) Becker and Caraveo, Arndt, Benavidez, Bird, Buckner, Duran, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lottine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman.

CONCERNING ADDITIONAL PUBLIC WELFARE PROTECTIONS REGARDING THE CONDUCT OF OIL AND GAS OPERATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-65.1-202, repeal (1)(d) as follows:

**24-65.1-202. Criteria for administration of areas of state interest.** (1) (d) *Unless an activity of state interest has been designated or identified or unless it includes part or all of another area of state interest, an area of oil and gas development shall not be designated as an area of state interest unless the state oil and gas conservation commission identifies such*

*Digital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*



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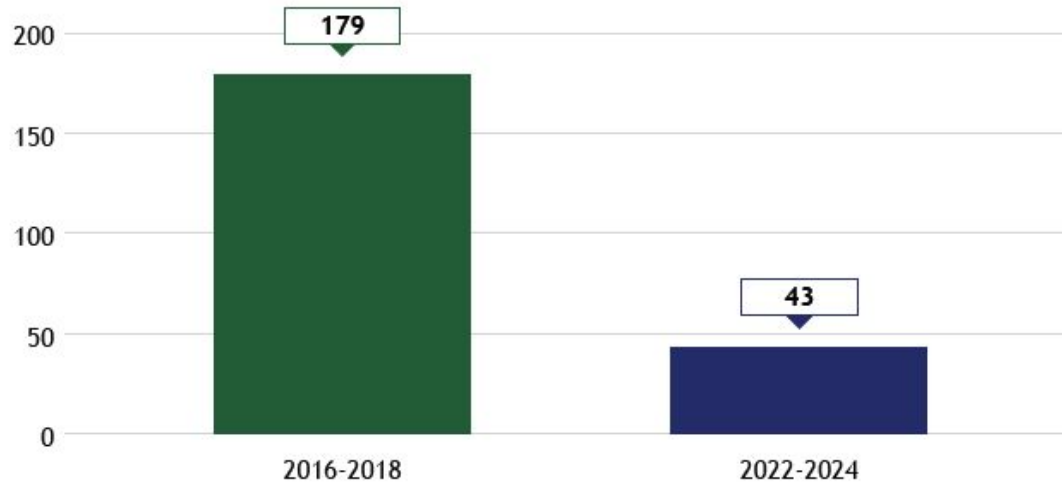
# Key Rules Promulgated from Recent Legislation

As directed by legislation passed after SB19-181, ECMC has adopted and is implementing a number of new rules, including:

- Orphan Wells Mitigation Enterprise fees (July 2022)
- Deep Geothermal Operations (August 2024)
- Cumulative Impacts and Enhanced Systems and Practices (Oct. 2024)
- Class VI (December 2024)
- Produced water (in progress)

# Comparing Pre- and Post- SB19-181, Continued (2 of 11)

Locations approved within 2,000 ft of a Residential Building Unit (RBU)  
76% reduction



# Environmental Justice at ECMC

- Took action to implement the DI Community feedback received during FY23 engagement events:
  - Updated DI community definition
  - Implemented use of Enviroscreen as a tool for decision making
  - Put in place threshold & denial criteria
  - Defined community engagement for operators
- Developing the EJ Community Relations Unit: EJ Community Liaisons serve as dedicated advocates for DI communities
- Proactive engagement methodology
  - Provide language & materials: Spanish translation/interpretation
  - Provide childcare, food, and beverage
  - Requesting 2-way feedback on how to make the rulemaking, permitting, and compliance processes more accessible for public input



# Full-Time Employees (FTE) Year-Over-Year

## 74% Growth in Six Years

- FY18-19: 116.3 FTE
- FY19-20: 140.3 FTE
- FY20-21: 147.3 FTE
- FY21-22: 147.8 FTE
- FY22-23: 151.8 FTE
- FY23-24: 199.7 FTE
- FY24-25: 202.4 FTE

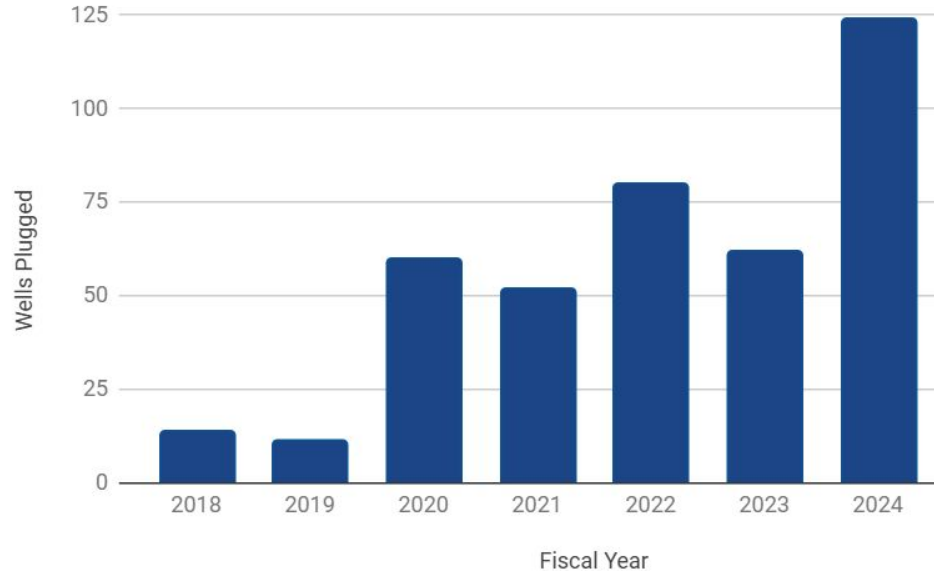


# Current and Anticipated Orphaned & Marginal Well Funding

- Financial Assurance committed: ~\$640 million
- Federal funds (IIJA): ~\$155 million received or anticipated
- Enterprise fee revenue: ~\$15 million/year

# Orphaned Well Program Update

Wells Plugged (Private or State minerals)



Fiscal Year	State Minerals	Fee Minerals
2024	9	115
2023	5	57
2022	1	79
2021	1	51
2020	5	55
2019	0	11
2018	2	12





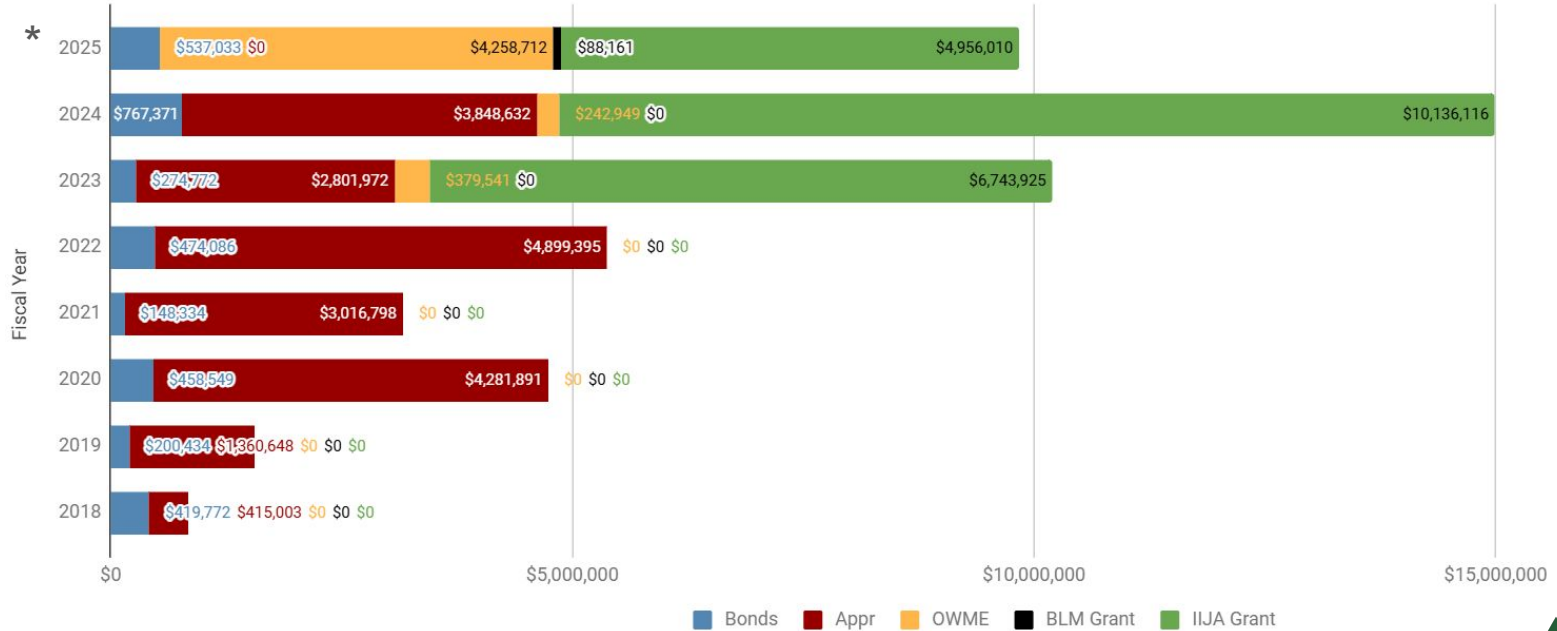
# Orphaned Well Program Update, Continued



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# Orphaned Well Program Expenditures

\* First six months of FY2025, through December



\*\*A text-only version of this chart is available on the next slide

# Orphaned Well Program Expenditures, Continued

*\*\*Below is a text-only version of the Colorado's  
Outdoors Strategy graphic on the previous slide*

- 2018
  - \$419,772 in bonds, \$415,003 appropriations, \$0 OWME, \$0 BLM Grant, \$0 IIJA Grant
- 2019
  - \$200,434 in bonds, \$1,360,648 appropriations, \$0 OWME, \$0 BLM Grant, \$0 IIJA Grant
- 2020
  - \$458,549 in bonds, \$4,281,891 appropriations, \$0 OWME, \$0 BLM Grant, \$0 IIJA Grant
- 2021
  - \$148,334 in bonds, \$3,016,798 appropriations, \$0 OWME, \$0 BLM Grant, \$0 IIJA Grant
- 2022
  - \$474,086 in bonds, \$4,899,395 appropriations, \$0 OWME, \$0 BLM Grant, \$0 IIJA Grant
- 2023
  - \$274,772 in bonds, \$2,801,972 appropriations, \$379,541 OWME, \$0 BLM Grant, \$6,743,925 IIJA Grant
- 2024
  - \$767,371 in bonds, \$3,848,632 appropriations, \$242,949 OWME, \$0 BLM Grant, \$10,136,116 IIJA Grant
- 2025\*
  - \$537,033 in bonds, \$0 appropriations, \$4,258,712 OWME, \$88,161 BLM Grant, \$4,956,010 IIJA Grant

