

**Archived:** Wednesday, November 17, 2021 5:41:31 PM  
**From:** [Kelly Alvarez](#)  
**Sent:** Wednesday, November 17, 2021 12:31:55 PM  
**To:** [gwen.brodsky@aota.tech](mailto:gwen.brodsky@aota.tech)  
**Subject:** RE: Confirming Oil and Gas Well Requirements  
**Sensitivity:** Normal

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Gwen,  
I spoke with the County Commissioners and the County Attorney.  
You are correct that permits would not be required.  
However, we would like to receive information on where things will be located. Maps, and descriptions of the projects.  
Regards,

**Kelly Alvarez**  
**Environmental Health Specialist**  
**719-346-7158 Ext 420**

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**From:** [gwen.brodsky@aota.tech](mailto:gwen.brodsky@aota.tech) [mailto:[gwen.brodsky@aota.tech](mailto:gwen.brodsky@aota.tech)]  
**Sent:** Thursday, November 11, 2021 11:31 AM  
**To:** Kelly Alvarez  
**Subject:** Confirming Oil and Gas Well Requirements

Kelly,

Thank you very much for forwarding the latest Land Use Code. Can we confirm our understanding below of the county Land Use Code requirements that will apply to the proposed development of two shallow vertical helium gas wells in Kit Carson County? The wells will be developed primarily for extraction of helium gas but also are expected to produce some amount of oil and natural gas. According to the Land Use Code:

1. There are no *siting* requirements that apply to the well locations. The wells will be located on rural agricultural lands under a surface use agreement with the landowner.
2. A land use change permit is not required provided that the entity commencing oil and gas exploration provides the county Administrator with a copy of the permit issued by the Colorado Oil and Gas Conservation Commission (COGCC) and a map of all drilling sites (LUC Section 2-104.B).
3. A land use change permit is required for any structure erected for a period of 1 year or more (LUC Section 2-104.B).
4. However, according to Article 10, a pre-fabricated tank is not considered a structure because it is not "constructed or erected" and is not structural. It's a purchased product that's transported to the location and placed on site without any structural engineering that requires engineering review.

If the above are consistent with your understanding, the operator will plan to provide a copy of the COGCC permit and a map of the drilling sites after the permit is issued by COGCC. COGCC also requires a 30-day notice to the local government before an application is filed, which will describe the development in more detail and provide fact sheets for following the COGCC permitting process.

Many thanks for your assistance with confirming the requirements. Please let me know if I can help with any questions.

Regards,  
Gwen

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