

November 1, 2016

Members of the Colorado General Assembly  
c/o the Staff of the Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, Colorado 80203

Dear Members of the General Assembly:

I am pleased to submit the Department of Natural Resources 2016 Regulatory Agenda Report and 2017 Regulatory Agenda, in compliance with Colo. Rev. Stat. 52-7-203, as amended by House Bill 12-1008. The Department's 2017 Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register, and will be posted to our website.

The Department's 2016 Regulatory Agenda Report provides a brief summary of all permanent, temporary and emergency rules reviewed, revised and adopted since the Department's 2016 Departmental Regulatory Agenda was filed on November 1, 2015, as well as the status, comments, and information relative to stakeholder input. Pursuant to Colo. Rev. Stat. 5 24-4-103.3(4), the 2016 Regulatory Agenda Report also reflects the results of the Department's mandatory rule review activity over the past year. Effective July 1, 2016, all permanent rules adopted by the Department, as reflected in the 2016 Regulatory Agenda Report, involved early stakeholder engagement, as described by the Department's procedures for public participation in rulemaking (available online at <https://cdnr.us/#/start>).

Information pertaining to a specific rule can be obtained by contacting Virginia Brannon, Deputy Executive Director, whose contact information is available on the Department's web-site at <http://mining.state.co.us/>.

Pursuant to Colo. Rev. Stat. 52-7-203(2)(a)(II), we will be prepared to discuss our 2016 Regulatory Agenda Report and 2017 Regulatory Agenda with the Department's Joint Committee of Reference during our upcoming SMART Act hearing.

Sincerely,



Robert Randall, Executive Director  
Department of Department of Natural Resources

cc: Joe Neguse, Executive Director, Department of Regulatory Agencies  
Bruce Harrelson, Director, Colorado Office of Policy, Research and Regulatory Reform





# 2016

## Regulatory Agenda Report



**COLORADO**

Department of Natural Resources

### Overview

Pursuant to Colo. Rev. Stat. §2-7-203(4), Colorado Department of Natural Resources submits the following 2016 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department's Regulatory Agenda, this Regulatory Agenda Report details the results of the past year's rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4) as part of the Department's "Regulatory Efficiencies Reviews."

This report includes the following items:

- "Rulemaking included in 2016 Regulatory Agenda," providing an update of rules included in the Department's 2016 Regulatory Agenda (filed on November 1<sup>st</sup>, 2015)
- "Results of Mandatory Rules Review," providing a summary of the activities and outcomes associated with the Department's mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4)

- “Unplanned Rulemaking”, summarizing rule activity that was not neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

**\*You should not have to duplicate information in any sections- content for each of the three sections is mutually exclusive\***

### Rulemaking included in 2016 Regulatory Agenda\*-- Colorado Parks and Wildlife

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgrup is responsible for the rule?		The statutory or other basis for adoption of the proposed rule	The purpose of the proposed rule	Listing of persons or parties that may be affected positively or negatively by the rule	Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing	Consider including critical outcomes, milestones, etc.
2 CCR-406-1 Fishing (and	Colorado Parks and Wildlife	Revision and New	33-1-101(4)	Open annually for all issues	Anglers	Adopted 11/19/2015	Changes included, but not limited to, regulations regarding seasons and season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state.
related provisions of 2 CCR-406-0 Chapter W-0 - General Provisions)		Rules					

2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-4-102 (1)(IV)(b)	Open annually for CPI adjustments to nonresident big game license fees	Hunters	Adopted 11/19/2015	Finalized regulations of statutorily-required nonresident license price adjustments associated with the Consumer Price Index (CPI), and associated license agent commission fees. CPI discounts were continued for nonresident bear, mountain lion, and antlerless elk.
2 CCR-406-3 Furbearers and Small Game, Except Migratory Birds	Colorado Parks and Wildlife	Revision	33-1-101(4)	Annual changes to turkey seasons and quotas	Hunters	Adopted 11/19/2015	Finalized turkey regulations, season dates and quotas for the 2016 spring and fall seasons.
2 CCR-406-15 License Agents	Colorado Parks and Wildlife	Revision	33-4-101	Open annually for CPI adjustments to agent commission rates	License Agents	Adopted 11/19/2015	Finalized statutorily-required nonresident license price adjustments associated with the Consumer Price Index (CPI), and associated license agent commission fees.
2 CCR-406-0 General Provisions	Colorado Parks and Wildlife	Revision and New Rules	33-1-101(4)	Open annually for all issues	Hunters/Anglers	Adopted 01/13/2016	Changes include, but not limited to, Game Management Unit boundaries, regulations relating to fish management, health, importation, prohibited species, and other annual changes.
2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, sheep,	Hunters	Adopted 01/13/2016	Changes included, but not limited to, the following: <input type="checkbox"/> Annual changes to season dates, limited license areas.

<p>2 CCR-405-1 Parks and Outdoor Recreation Lands (and related provisions of 2 CCR-406-5 Chapter W-5 - Small Game Migratory Game Birds Regulations)</p>				<p>goat, and lion seasons</p>			<p>license numbers, and manner of take provisions for Bighorn sheep and Rocky Mountain goat.</p> <ul style="list-style-type: none"> <li>Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, mountain lion, and bear.</li> <li>Annual changes to limited license application and drawing process.</li> </ul>
	<p>Colorado Parks and Wildlife</p>	<p>Revision and New Rules</p>	<p>33-10-106 33-10-101 (2)(e)</p>	<p>Open annually for all issues</p>	<p>Park Users and Hunters</p>	<p>Adopted 03/09/2016</p>	<p>Changes included the following:</p> <ul style="list-style-type: none"> <li>Opening a portion of Highline Lake State Park to small game hunting on weekdays.</li> <li>Establishing park- specific regulations on the archery range at Trinidad Lake State Park.</li> </ul>
<p>2 CCR-405-7 Passes, Permits and Registrations</p>	<p>Colorado Parks and Wildlife</p>	<p>Revision and New Rules</p>	<p>33-12-100.2</p>	<p>Open annually for all issues</p>	<p>Park Users</p>	<p>Adopted 03/09/2016</p>	<p>Changes include the following:</p> <ul style="list-style-type: none"> <li>Expanding eligibility for a volunteer parks pass to all CPW volunteers who have donated 48 hours of approved service within a twelve month period.</li> <li>Adding definitions of "camping/to camp", "camping unit" and "passenger vehicle" to chapter P-7.</li> <li>Making camping permits purchased before 5am only</li> </ul>

							valid until noon on the same day. <ul style="list-style-type: none"> <li>Administrative clean-ups to comply with reservation system requirements.</li> </ul>
2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)	Annual big game clean-up	Hunters	Adopted 03/09/2016	Finalized necessary corrections and administrative clean-ups to regulations previously adopted by the Parks and Wildlife Commission.
2 CCR-406-3 Furbearers and Small Game, Except Migratory Birds	Colorado Parks and Wildlife	Revision and Repeal	33-1-101(4)	Open for annual review including all issues, excluding turkey	Hunters	Adopted 03/09/2016	Set 2016-2017 small game season dates. Changes also include reopening GMU 201 to greater sage-grouse hunting and removing the chukar hunting closure in GMUs 9, 19, and 191.
2 CCR-406-5 Small Game and Migratory Game Birds, (and related provisions of 2 CCR-405-1 Chapter P-1 - Parks and Outdoor Recreation Lands)	Colorado Parks and Wildlife	Revision and New Rules	33-1-101(4)	Open annually for all issues	Hunters	Adopted 03/09/2016	Set 2016-2017 migratory bird hunting dates and bag limits. Changes also include establishing new Pacific Flyway hunting zones (eastern and western) for both ducks and geese.
2 CCR-406-9 Division Properties	Colorado Parks and Wildlife	Revision and New Rules	33-1-107	Open annually for all issues	Hunters/Anglers	Adopted 03/09/2016	Changes include, but not limited to, generally applicable and property-specific requirements for, or restrictions on use of, wildlife properties controlled by the Colorado Parks and Wildlife, including State Trust Lands leased by the Division.

2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, and moose quotas	Hunters	Adopted 05/12/2016	Approved the 2016 limited license numbers for deer, elk, pronghorn, bear and moose for all Game Management Units in the state that have limited licenses for these species.
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### Unplanned 2016 Rulemaking\* - Colorado Parks and Wildlife

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?		The statutory or other basis for adoption of the proposed rule	The purpose of the proposed rule		Listing of persons or parties that may be affected positively or negatively by the rule	Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing.	Consider including critical outcomes, milestones, etc.
2 CCR-406-16 Procedural Rules	Colorado Parks and Wildlife	New Rule	33-4-102(6)(a)	Established new deadline for refund or restoration of preference point requests	Adopted 11/19/2015.	Hunters	Adopted 11/19/2015	Set a new 30day deadline prior to the start of the season for refund or restoration of preference point requests and deducting a \$15 processing fee off all refunds to help



									recover GPW's administrative costs.
2 CCR-405-1 Parks and Outdoor Recreation Lands (and related provisions of 2 CCR-405-7 Chapter P-7 Passes, Permits and Registrations)	Colorado Parks and Wildlife	Revision	33-10-101(2)(d)	Modification of regulations pertaining to special activities on state parks	Adopted 01/13/2016	Park Users	Adopted 01/13/2016	Clarified special activities on state parks are intended to be noncommercial and local activities of limited impact to park resources.	
2 CCR-405-2 Boating (and related provisions of 2 CCR-405-4 Chapter P-4 - Snowmobile Regulations and 2 CCR-4055 Chapter P-5 - Off-Highway Vehicle Regulations)	Colorado Parks and Wildlife	Revision	33-13-109	Opened to increase the property damage threshold	Adopted 01/13/2016	Park Users	Adopted 01/13/2016	Increased the property damage threshold for a reportable boat accident from \$500 to \$2,000.	
2 CCR-405-3 River Outfitters	Colorado Parks and Wildlife	Revision	33-32-101	Opened for changes to regulations requiring hands-on CPR training for river guides, trip	Adopted 03/09/2016	Park Users	Adopted 03/09/2016	Requiring hands-on CPR training for river guides, trip leaders, and guide	
			33-13-103 33-14-103 33-14.5-104	Opened for defining acceptable forms of proof of ownership.	Adopted 03/09/2016	Park Users	Adopted 03/09/2016	Defined acceptable forms of proof of ownership for registering boats, snowmobiles, and OHV's in Colorado.	

					leaders, and guide instructors.				instructors.
2 CCR-406-0 General Provisions	Colorado Parks and Wildlife	Revision	33-1-101(2)	Opened for changes to the no release provision for terrestrial invasive species	Adopted 03/09/2016	Hunters/Wildlife Rehabilitators	Adopted 03/09/2016	Established Director authority to grant exemptions to the no release provision.	
2 CCR-406-16 Procedural Rules (and related provisions of 2 CCR-406-2 Chapter W-2 - Big Game)	Colorado Parks and Wildlife	Revision	33-4-102(6)(a)	Opened for changes to final regulations pertaining to reissuance of returned limited licenses	Adopted 03/09/2016	Hunters	Adopted 03/09/2016	Changes made to regulations pertaining to reissuance of returned limited licenses.	
2 CCR-405-7 Passes, Permits and Registrations	Colorado Parks and Wildlife	Revision	33-12-100.2	Opened to update the annual poverty guidelines related to issuing Centennial annual parks passes	Adopted 05/12/2016	Park Users	Adopted 05/12/2016	Updated the annual poverty guidelines related to issuing Centennial annual parks passes.	
2 CCR-406-1 Fishing	Colorado Parks and Wildlife	Revision	33-1-101(4)	Opened to correct administrative errors or omissions discovered since the adoption of 2016 fishing regulations by the Commission at its November 2015 meeting	Adopted 05/12/2016	Anglers	Adopted 05/12/2016	Made corrections and administrative clean-ups to fishing regulations previously adopted.	
2 CCR-406-9 Division Properties (and related)	Colorado Parks and Wildlife	New Rules	33-1-107	Opened to streamline the process for approving normal	Adopted 05/12/2016	Easement Holders/Landowners	Adopted 05/12/2016	Streamlined the process for approving normal utility	

provisions of 2 CCR-405-1 Chapter P-1 - Park and Outdoor Recreation Lands)				utility easements, lease extensions/renewals and amendments by delegating approval authority to the Director.				easements, lease extensions/renewals and amendments by delegating approval authority to the Director.
2 CCR-406-11 Wildlife Parks and Unregulated Wildlife	Colorado Parks and Wildlife	Revision and New Rules	33-1-101(2)	Opened for changes to final regulations pertaining to citizen petitions requesting to unregulate, list, or delist a species	Adopted 05/12/2016	General Public	Adopted 05/12/2016	Changes made to citizen petition requirements requesting to un-regulate, list, or delist a species within Chapter W-11.
2 CCR-406-2 Big Game (and related provisions of 2 CCR-406-0 Chapter W-0 - General Provisions)	Colorado Parks and Wildlife	Revision	33-1-101(4)	Opened for annual changes to mountain lion harvest limit quotas and addition of fluorescent pink	Adopted 06/09/2016	Hunters	Adopted 06/09/2016	Approved mountain lion harvest limit quotas for the 2016-2017 hunting season. The Commission also approved regulations including fluorescent pink as an acceptable color for hunter safety garments in compliance with the adoption of SB 16-068.
2 CCR-406-16 Procedural Rules	Colorado Parks and Wildlife	New Rules	33-1-101(2)	Opened to set minimum requirements, timing restrictions,	Adopted 07/08/2016	General Public	Adopted 07/08/2016	Set minimum requirements, timing restrictions,

2. CCR-405-1 Park and Outdoor Recreation Lands (and those related provisions of 2 CCR-406-1 Chapter W-5 - Small Game - Migratory Birds)	Colorado Parks and Wildlife	Revision	33-1-101(4) 33-10-101 (2)(e)	and guidelines for submitting citizen petitions to the Parks and Wildlife Commission		Park Users/Hunters	Adopted 09/08/2016	and guidelines for submitting citizen petitions to the Parks and Wildlife Commission.
2. CCR-406-7 Passes, Permits and Registrations	Colorado Parks and Wildlife	Revision	33-12-100.2	Opened to remove the two night minimum camping reservation requirements	Adopted 09/08/2016	Park Users	Adopted 09/08/2016	Removed the two night minimum camping reservation requirements.
2. CCR-406-6 Falconry (and those related provisions of 2 CCR-406-13 Chapter W-13 - Wildlife Possession, Scientific Collecting & Special Licenses and 2 CCR-406-14 Chapter W-14 - Wildlife Rehabilitation)	Colorado Parks and Wildlife	Revision and New Rules	33-1-101(2) and 33-1-101(4)	Opened for changes to raptor regulations related to education and abatement. Also general clean-up of the chapter.	Adopted 09/08/2016	Falconers/ Educators/ Wildlife Rehabilitators	Adopted 09/08/2016	Exempted both residents and non-residents from state licensing requirements when conducting federally permitted educational raptor programs in Colorado. Limited nonresident educational

									raptor possession in Colorado to 30 days or less annually.
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\*All rules were part of the mandatory efficiency review.

**Rulemaking included in 2016 Regulatory Agenda – Colorado Oil and Gas Conservation Commission**

Rule Number (CGR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?		The statutory or other basis for adoption of the proposed rule	The purpose of the proposed rule	Listing of persons or parties that may be affected positively or negatively by the rule	Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing	Consider including critical outcomes, milestones, etc.
2 CCR 404-1, Rules 100-Series; 301.c.; 303.b, B.c.; 305A; 305.a, B.d.; 604.B, B.c.	COGCC	New rules and revisions.	ss. 34-60-105, -106(1)(b), (c), B (d), B 106(11)(II), C.R.S.	Implementing Recommendations 17 and 20 from the 2014 Governor's Task Force on State and Local Regulation of Oil and Gas Operations.	The changes to COGCC's rules will positively impact local governments, operators, and COGCC by facilitating increased planning, which will come at some cost or burden to each.	Adopted January 25, 2016; effective March 16, 2016.	This rulemaking implemented two critical recommendations from the 2014 Governor's Task Force on State and Local Regulation of Oil and Gas Operations.

## Results of Mandatory Rules Review - Colorado Oil and Gas Conservation Commission

Rule Number (GCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire GCR volume?	Adoption date (if applicable)
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?	The statutory or other basis for adoption of the proposed rule		Y/N	Y/N - if yes, how many rules?	Y/N	If date is not yet identified, label as "pending"
1000 Series Rules (Reclamation)	COGCC	n/a-no rule changes planned.	January 2016	No	No	No	N/A
1100 Series Rules (Pipelines)	COGCC		December 2016	Not yet-review on-going	Unknown	Unknown	Unknown
1200 Series Rules (Wildlife Resources)	COGCC	s. 34-60-128, C.R.S., and EO D2015-004.	October 2016.	Not yet, but wildlife maps need to be updated	No	No	Pending

## Rulemaking included in 2016 Regulatory Agenda – Colorado Division of Water Resource's

Rule Number (GCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
List of new rules or amendments that the department/ its divisions	Within the Department, what subgroup is responsible for the rule?		The statutory or other basis for adoption of the proposed rule	The purpose of the proposed rule	Listing of persons or parties that may be affected positively or negatively by the	Select one of the following options: (a) adopted (include date of adoption),	Consider including critical outcomes, milestones, etc.

<p>have reviewed, revised, or adopted in the past year</p>					<p>rule</p>	<p>(b) not adopted, (c) withdrawn, or (d) ongoing</p>	
<p>2 CCR 402-2 Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation and Monitoring and Observation Hole/Well Construction</p>	<p>Colorado Board of Examiners of Water Well Construction and Pump Installation Contractors</p>	<p>Revisions</p>	<p>37-91-104(1)(c), (j) and (k), 3791-106(4) &amp; 37-91-110(2); 24-4-103</p>	<p>Protect public health, protect ground water of state, set standards for well construction and pump installation</p>	<p>Public at large, well owners, well construction contractors, water users, pump installers, Colorado Ground Water Assoc., Colorado Well Contractors Assoc</p>	<p>(a) 5/16/16</p>	<p>Effective 09/01/16</p>
<p>2 CCR 402-5 Procedural Regulations for State Engineer Hearings</p>	<p>Division of Water Resources</p>	<p>Revisions</p>	<p>24-4-101, et seq.</p>	<p>Govern rule making and adjudicatory hearings before the State Engineer with open and clear procedures</p>	<p>Water users statewide, water attorneys, water engineers</p>	<p>(a) 11/25/15</p>	<p>Effective 01/15/16</p>

## Results of Mandatory Rules Review – Colorado Division of Water Resources

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?	The statutory or other basis for adoption of the proposed rule		Y/N	Y/N - if yes, how many rules?	Y/N	If date is not yet identified, label as "pending"
2 CCR 402-1 Rules and Regulations for Dam Safety Construction	Division of Water Resources	Sections 37-87102, 105, 37-80102(k), 24-4-103	Ongoing	Not as of this date	Not as of this date	No	Pending
2 CCR 402-3 Rules of Procedure for All Adjudicatory Hearings before the Ground Water Commission	Colorado Ground Water Commission	Sections 37-90111(1)(h), 24-4131	September 2016	Not as of this date	Not as of this date	No	Pending
2 CCR 402-8 Senate Bill 181 Rules (Water Quality Coordination)	Division of Water Resources	Sections 37-80102(1)(g) & (k), 25-8-202(7)	Ongoing	Not as of this date	Not as of this date	No	Pending
2 CCR 402-11 Rules for the Permitting and Use of Waters Artificially Recharged into the Denver Basin	Division of Water Resources	Sections 37-80102(1)(g) & (k), 37-90-138, 37-90137(9)(d)	Ongoing	Not as of this date	Not as of this date	No	Pending



2 CCR 402-14 Administration of Licensing, Financial Responsibility, Continuing	Colorado Board of Examiners of Water Well Construction and Pump Installation	Section 37- 91104(1)	Ongoing	Not as of this date	Not as of this date	No	Pending
Education and Remedial Action  2 CCR 402-15 Rules and Regulations for Submittal and Evaluation of Interruptible Water Supply Agreements Submitted Pursuant to 3792- 309 C.R.S. (WWSA Rules)	Contractors  Division of Water Resources	Sections 80102(1)(g) & (k), 37-92-309(5)	Ongoing	Not as of this date	Not as of this date	No	Pending
Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin (Water Court Rules)	Division of Water Resources	Sections 37- 80102(1)(g), 37- 80- 104, 37-92-501, 37-92-502(5)	September 2016	No	No	No	No revisions needed

## Rulemaking included in 2016 Regulatory Agenda – State Land Board

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
List of new rules or amendments that the department/ its divisions have reviewed, or revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?		The statutory or other basis for adoption of the proposed rule	The purpose of the proposed rule	Listing of persons or parties that may be affected positively or negatively by the rule.	Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing	Consider including critical outcomes, milestones, etc.
2 CCR 409-2: Rules Governing the Nomination, Evaluation, and Selection of Stewardship Trust Lands	Colorado State Land Board	Repeal	§36-1-131(2)	This rule was repealed because there is no longer a need for the Rules as the Stewardship Trust Lands are administered by a comprehensive policy that is responsive to statutory requirements; the repeal and deletion of the rules does not conflict with other provisions of law and removes any duplication or overlapping with other provisions of law or other regulations.	Nominating parties to the Stewardship Trust; Natural Resources interested parties; Beneficiaries of other land trusts that include parcels enrolled in the Stewardship Trust	(a) Adopted 10/1/2015	Deletion effective 1/1/2016

**Results of Mandatory Rules Review – Colorado Division of Reclamation, Mining and Safety (No 2016 Rules)**

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year	Within the Department, what subgroup is responsible for the rule?	The statutory or other basis for adoption of the proposed rule		Y/N	Y/N - If yes, how many rules?	Y/N	If date is not yet identified, label as "pending"
2 CCR 407-1 Rule 1, 5 & 7 of the Hard Rock/Metal Mining Rules	DRMS/MLRB/Minerals	C.R.S. 34-32-101	November 2016	Not as of this date	Not as of this date	No	Pending

# 2017

## Regulatory Agenda



**COLORADO**

Department of Natural Resources

### Overview

Colorado Department of Natural Resources submits the following 2017 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2017 (which are denoted as such in the "purpose" column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Colorado Parks and Wildlife DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7203(2)(a)(V):

Schedule (Month, Year) (Step 1)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Primary or other basis for adoption of rule	Part of Mandatory Rule Review? (X/ifies)	Purpose	Stakeholders Consider/including high-level outreach bullets	Anticipated Hearing Date (Step 2)
November, 2016	2 CCR-405-8 Aquatic Nuisance Species	Colorado Parks and Wildlife	Revision and New Rules	33-10-5-107		Adopting standardized ANS regulations as proposed by the Western Regional Panel	Boaters	January 2017
November, 2016	2 CCR-406-0 General Provisions	Colorado Parks and Wildlife	Revision	33-1-101(4)		Open annually for all issues	Hunters/Anglers	January 2017
November, 2016	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons; Lion harvest limits	Hunters	January 2017
January, 2017	2 CCR-405-4 Snowmobile Regulations	Colorado Parks and Wildlife	Revision	33-14-102		Open annually for all issues	Snowmobile Users	March 2017
January, 2017	2 CCR-406-3 Furbearers and Small Game, Except Migratory Birds	Colorado Parks and Wildlife	Revision	33-1-101(4)		Open for annual review including all issues, except turkey	Hunters	March 2017
January, 2017	2 CCR-406-5 Small Game Migratory Birds	Colorado Parks and Wildlife	Revision	33-1-101(4)		Open annually for all issues	Hunters	March 2017

January, 2017	2 CCR-406-9 Division Properties	Colorado Parks and Wildlife	Revision	33-1-107		Open annually for all issues	Hunters/Anglers	March-2017
January, 2017	2 CCR-406-11 Wildlife Parks and Unregulated Wildlife	Colorado Parks and Wildlife	Revision	33-1-101(2)		Open annually for all issues including unregulated wildlife requests	General Public	March-2017
March, 2017	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual big game clean- up	Hunters	March-2017
May, 2017	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual changes to deer, elk, pronghorn, bear, and moose quotas	Hunters	May-2017
June, 2017	2 CCR-405-1 Parks and Outdoor Rec Lands	Colorado Parks and Wildlife	Revision	33-10-101		Open annually for all issues	Park Users	September-2017
June, 2017	2 CCR-405-2 Boating	Colorado Parks and Wildlife	Revision	33-13-101		Open annually for all issues	Boaters	September-2017

June, 2017	2 CCR-405-5 Off-Highway Vehicles	Colorado Parks and Wildlife	Revision	33-14.5-107		Open annually for all issues	OHV Users	September-2017
June, 2017	2 CCR-405-6 Procedural Rules	Colorado Parks and Wildlife	Revision/ Repeal	33-1-101(4)	X	Open for regulatory efficiency review	Hunters/Park Users	September-2017
June, 2017	2 CCR-405-7 Passes, Permits and Registrations	Colorado Parks and Wildlife	Revision	33-12-100.2		Open annually for all issues	Park Users	September-2017
June, 2017	2 CCR-405-8 Aquatic Nuisance Species	Colorado Parks and Wildlife	Revision	33-10.5-107		Open annually for all issues	Boaters	September-2017

June, 2017	2 CCR-406-8 Field Trials and Training of Hunting Dogs	Colorado Parks and Wildlife	Revision/ Repeal	33-1-101(4)	X	Open for regulatory efficiency review	Hunters	September 2017
June, 2017	2 CCR-406-12 Lake Licenses	Colorado Parks and Wildlife	Revision/ Repeal	33-4-102(2)(e)	X	Open for regulatory efficiency review	Anglers	September 2017
June, 2017	2 CCR-406-17 Game Damage	Colorado Parks and Wildlife	Revision/ Repeal	33-3-102	X	Open for regulatory efficiency review	Agricultural Operators	September 2017
September, 2017	2 CCR-405-3 River Outfitters	Colorado Parks and Wildlife	Revision	33-32-101		Open annually for all issues	River Outfitters	November 2017
September, 2017	2 CCR-406-1 Fishing	Colorado Parks and Wildlife	Revision	33-1-101(4)		Open annually for all issues	Anglers	November 2017
September, 2017	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual changes to lion harvest quotas	Hunters	September 2017
September, 2017	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-4-102 (1)(V)(b)		Open annually for CPI adjustments to nonresident big game license fees	Hunters	November 2017
September, 2017	2 CCR-406-3	Colorado	Revision	33-1-101(4)		Annual changes to turkey seasons	Hunters	November- 2017
2017	Furbearers and Small Game, Except Migratory Birds	Parks and Wildlife						2017
September, 2017	2 CCR-406-15 License Agents	Colorado Parks and Wildlife	Revision	33-4-101		Open annually for CPI adjustments to commission rates for license agents	License Agents	November 2017
November, 2017	2 CCR-406-0 General Provisions	Colorado Parks and Wildlife	Revision	33-1-101(2)		Open annually for all issues	Hunters/Anglers	January 2018

November, 2017	2 CCR-406-2 Big Game	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons	Hunters	January 2018
November, 2017	2 CCR-406-3 Furbearers and Small Game, Except Migratory Birds	Colorado Parks and Wildlife	Revision	33-1-101(4)		Annual changes to turkey quotas	Hunters	November 2017

The following constitutes Colorado Oil and Gas Conservation Commission DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(iv):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (Y/N/Yes)	Purpose	Stakeholders Consider (including high level outreach bullet)	Anticipated Hearing Date
Unknown	Wildlife Mapping Rulemaking Involving the Greater sagegrouse	COGCC	New	s. 34-60-105(1), - 106(2)(d), C.R.S.	X	To update maps showing, and spatial data identifying, the individual and combined extents of restricted surface occupancy areas and sensitive wildlife habitat areas for greater sage-grouse and address any rule changes necessary based on COGCC's 1200 Series regulatory efficiency review in 2016.	Industry; surface owners, environmentalists, ecologists, and sportsmen/women.	Unknown



Second Quarter	318A Revisions	COGCC	Revision	s. 34-60-105(1), -106(2)(a), (c), (d), C.R.S.		To improve functionality of rules for the efficient development of the Greater Wattenberg Area.	Industry, mineral owners, surface owners.	Unknown
Unknown	900 Series Update	COGCC	Revision	s. 34-60-105(1), -106(2), C.R.S.	X	To update the rules and review of Table 910-1 standards.	Industry, environmentalists, surface owners.	Unknown
Unknown	400 Series Update	COGCC	Revision	s. 34-60-105(1), -106(2), C.R.S.	X	To address any rule changes necessary based on COGCC's 400 Series regulatory efficiency review in 2017.	Industry.	Unknown
Unknown	500 Series Update	COGCC	Revision	s. 34-60-105(1), -106(2), -108, C.R.S.	X	To address any rule changes necessary based on COGCC's 500 Series regulatory efficiency review in 2017.	Industry, participants in COGCC hearings.	Unknown
Unknown	Well Category Determination Procedures Update	COGCC	Revision	s. 34-60-105(1), -106(2), C.R.S.	X	To address any rule changes necessary based on COGCC's Well Category Determination Procedures regulatory efficiency review in 2017.	Industry.	Unknown

The following constitutes Colorado Division of Reclamation, Mining and Safety DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/Board/Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X/yes)	Purpose	Stakeholders Considered/including high level outreach bullets	Anticipated Hearing Date
2017 Calendar Year	2 CCR 407-2, as well as numerous sections of Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal identified by OSM* as requiring revision.	DRMS/Coal Program	Revisions	34-33-108(1), C.R.S. and 30 C.F.R. §§ 732.17, 733.12 and 733.13	X	Response to Federal 732 letters previously received from OSM. Minor edits and corrections to errors and omissions, as well as substantive amendments and revisions to several sections of the rules.	Coal Mine industry, interested citizens, environmental groups, and local jurisdictions	Pending approval by Federal Solicitor, and publication in the Federal Register
February 2017	2 CCR 407-1, Rule 1, 5 & 7 of the Hard Rock/Metal Mining Rules	DRMS/MLRB/Minerals	Revision and Repeal	C.R.S. 34-32-101	X	Remove outdated rules associated with Custom Mills, Clean up language in Prospecting Section and add clarifying language to Rule 7 addressing surety releases and reductions for Designated Mining Operations.	Mining Community and Environmental Community	May, 2017

The following constitutes Colorado Division of Water Resources DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7203(2)(a)(IV):

Schedule (Month/Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeat?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X/ifies)	Purpose	Stakeholders Consider (including high-level outreach buyers)	Anticipated Hearing Date
Ongoing	2 CCR 402-1 Dam Safety and Construction Rules	Division of Water Resources	Revisions	Sections 37-87102, 105, 37-80102(k), 24-4-103	X	Contemplating amending rules in 2017 to modify spillway requirements and clarify extreme precipitation estimate methodologies	Public at large, dam owners, construction and dam design engineers, FEMA, Homeland Security	October 2017
November 2016	2 CCR 402-3 Adjudicatory Hearings before the Colorado Ground Water Commission	Colorado Ground Water Commission	Revisions	Sections 37- 90111(1)(h), 24- 4131	X	Update and revise rules that govern rule making and adjudicatory hearings with open and clear procedures	Designated Ground Water Management Districts and constituents, water lawyers	May 2017
October 2017	2 CCR 402-6 Denver Basin Rules	Division of Water Resources	Review for revisions	Sections 37-90- 137(9)(a), (b) and 37-80-102(1)(g)	X	Conduct review to ensure clear and concise. The rules govern the amounts of water that can be appropriated from the Denver Basin aquifers.	Underlying Denver basin land owners, water users, many front range metro cities, water lawyers, water engineers, water users at large, ground water modelers	Unknown
September	2 CCR 402-7	Division of	Review	Sections 37-90-	X	Governs well	Water users	Unknown

2017	Statewide Nontributary Rules	Water Resources	for revisions	137(9)(a), (b) and 37-80-102(1)(g)		permitting of nontributary water outside Denver Basin. The review will be conducted to update the provisions of the rules.	throughout the state, water lawyers, ground water modelers	
November 2016	2 CCR 402-8 Senate Bill 181 Water Quality Coordination Rules)	Division of Water Resources	Review for revisions	Sections 37-80102(1)(g) & (k), 25-8-202(7)	X	Continue review of procedures on how and when State Engineer implements water quality standards and classifications for discharges to state waters other than permitted point source discharges to surface water and discharges to ground water	Water users throughout the state, Water Quality Control Commission, environmentalist groups, water lawyers, water engineers	Unknown
November 2016	2 CCR 402-9 Fees set and collected by the State Engineer for the Water Data Bank Cash Fund, the Division of Water Resources Publication Cash Fund, and the Satellite	Division of Water Resources	Review for revisions	Sections 37-80-111.5, 37-80102(1)(h), 24-72-205, 24-4-103	X	Need to review for consistency and appropriateness	Water users, satellite system users, CW/CB, water engineers and firms, public at large, water lawyers	Unknown

	Monitoring System-Cash Fund							
January 2017	2 CCR 402-10 Rules for Permitting the Development and Appropriation of Geothermal Resources through the use of Wells (Geothermal Rules)	Division of Water Resources	Review for revisions	Sections 37-80102(1)(g) & (k), 37-90-138, 37-90-5-106 thru 108	X	Potential clean up of certain areas may be useful long term dependent upon review.	Water users, specific towns and areas of the state where geothermal resources exist, water resources engineers, geologists, geothermal resource developers, water lawyers, public at large, environmentalists.	Unknown
November 2016	2 CCR 402-11 Rules for the Permitting and Use of Waters Artificially Recharged into the Denver Basin (Denver Basin Artificial Recharge Extraction Rules)	Division of Water Resources	Review for revisions	Sections 37-80102(1)(g) & (k), 37-90-138, 37-90137(9)(d)	X	Continuing review for potential amendments	Water users, water resource engineers including modelers, geologists, cities and users overlying the Denver Basin, water lawyers	Unknown
November 2016	2 CCR 402-14 Rules and Regulations for Administration of Licensing, Financial Responsibility,	Board of Examiners of Water Well & Pump Installation Contractors	Revisions	Section 37-91104(1)	X	Revise drillers and pump installers, license process, continuing education process and remedial actions.	Public at large, well owners, well construction contractors, water users, pump installers, Colorado Ground Water	July 2017

	Continuing Education and Remedial Action					Assoc., Colorado Well Contractors Assoc.	
November 2016	2 CCR 402-15 Rules and Regulations for Submittal and Evaluation of Interruptible Water Supply Agreements Submitted Pursuant to 3792-309 C.R.S. (IWSA Rules)	Division of Water Resources	Review for revisions	Sections 37-80102(1)(g) & (k), 37-92-309(5)	X	Water users of the South Platte Basin, water attorneys, water resource engineers, hydrologists, geologist	Unknown
January 2017	2 CCR 402-17 Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced through Wells in Conjunction with the Mining of Minerals (Produced Nontributary Ground Water Rules)	Division of Water Resources	Review for revisions	Sections 37-90107, 108, 109 and 111	X	Statewide surface and ground water users, environmental interests, water lawyers, water resource engineers, ground water modelers, oil & gas industry, Indian Tribe	Unknown

November 2016	Rules and Regulations for the Management and Control of Designated Ground Water	Colorado Ground Water Commission	Revisions and amendments	Sections 37-90107, 108, 109 and 111	X	This will involve three separate rulemaking processes. One will be to redefine and clarify artificial recharge, storage and replacement plans. The second will be to amend Rule 5.2.9 to determine the alluvial aquifer and all of the Fan & White River aquifers in the Upper Crow Creek basin overappropriated. Finally, an overall revision to the complete set of rules will be addressed after the amendments above are complete	Designated ground water basin water users, water lawyers, water resource engineers, local ground water management districts	Spring of 2017 for Rule 5.2.9, Summer of 2017 for artificial recharge rule and final hearing in 2018 for the remaining rules
January 2017	Water Court Rules for the Use of Tributary Water in the Arkansas River Basin	Division of Water Resources	Review	Sections 37-80102(1)(g), 37-80-104, 37-92-501, 37-92-502(5)	X	A review to ensure clear and concise language will take place	Surface and ground water users on the Arkansas River, State of Kansas, water resource engineers, geologists, hydrologists, water lawyers, ground water modelers	Unknown
February 2017	Water Court Rules for	Division of Water	Review	Sections 37-90137(12)(b)(l),	X	A review to ensure clear and concise	Surface and ground water users on the	Unknown





				102(1)(a) & 37-80-104		under the Republican River Compact as determined under the Final Settlement Stipulation, and work to ensure that all users of waters accounted for in Colorado's Republican River Compact Accounting have a stake in ensuring ongoing compact compliance		
November 2016	Rules and Regulations concerning HB 16-1228, Agricultural Water Protection Water Right Bill	Division of Water Resources	New Rules	Sections 37-80123(1)(a) and 37-92-308(12)		This rulemaking is required of the Division of Water Resources under HB 16-1228 to develop rules for substitute supply plans for decreed agricultural water protection water rights per section 37-92-305(19)	Water users in the South Platte and Arkansas River basins.	July 2017
Ongoing	Water Court Rules Governing the Withdrawal of Groundwater in Water Division No. 3	Division of Water Resources	New Rules	Sections 37-80-104 & 37-92-501		Regulation and Use of water withdrawals from the Confined and Unconfined aquifers in the San Luis Valley	Water users in San Luis Valley	Scheduled for 8 week trial beginning in Jan. 2018. Currently negotiating with objectors to obtain settlement

The following constitutes Colorado State Land Board DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(iv):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X/Yes)	Purpose	Stakeholders Consider including high level outreach bulletins	Anticipated Hearing Date
June, 2017	2 CCR 409-1; State Forest Lands	State Land Board	Revision or Repeal, TBD	\$36-7-104; \$36-7- 201; §24-4-103		Review the rule to determine if the best course of action is to revise or repeal rule to simplify and align the rule with contemporary forest management protocols and resources	Colorado State Forest Service; Beneficiaries of affected land trusts; Jackson and Larimer County governments; State Forest Steering Committee; Colorado Parks and Wildlife; lessees of affected parcels; adjacent landowners to adjacent parcels; Natural Resources stakeholder notification groups	October 2017