

2021

Regulatory Agenda

January 1, 2021 -December 31, 2021



COLORADO

Department of
Natural Resources

Overview

The Colorado Department of Natural Resources submits the following 2021 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 2018 (which are denoted as such in the “purpose” column). The DRA is to be filed with the 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).

The following constitutes the Department’s Regulatory Agenda for 2021 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):



Colorado Parks and Wildlife							
Anticipated Hearing or Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders <i>Consider including high-level outreach bullets</i>	List of all rules adopted since previous DRE was filed
11/19/2020	2 CCR-405-1 2 CCR-405-7	Parks and Outdoor Rec Lands	New Rule	33-10-101; 33-10-106	Opened for implementation of revised park-specific regulations.	Park Users	Changes include, but are not limited to, park-specific regulations for Fishers Peak State Park necessary to ensure public safety, to protect natural and cultural resources, and for CPW and its partners to continue collecting further cultural and biological data while allowing for some limited trail and public hunter access during the master planning process.
11/19/2020	2 CCR-405-7	Passes, Permits, and Registrations	New Rule and Revision	33-12-100.2	Opened for implementation of revised parks pass regulations.	Park Users	Changes include, but are not limited to, increasing daily vehicle pass fees by \$1 at several high-use parks.
11/19/2020	2 CCR-406-1	Fishing	New Rule and Revision	33-1-101(4)	Open annually for all issues	Anglers	Changes include, but are not limited to, clarifying the criteria for establishing an emergency closure of fishing waters, and site-specific fishing regulation changes for waters including Meadow

							Creek Reservoir (Grand and Jackson counties), the Colorado River below Shadow Mountain Reservoir, Berthoud Reservoir, and Boedecker Reservoir.
11/19/2020	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Opened for implementation of revised license allocation regulations	Hunters	Changes include, but are not limited to, modifying the method used to determine the resident/nonresident allocation of licenses in the regular limited license draw and/or hybrid draw.
11/19/2020	2 CCR-406-3	Furbearers and Small Game, Except Migratory Birds	New Rule and Revision	33-1-101(4)	Open for annual review of turkey seasons, quotas and issues	Hunters	Finalized turkey regulations, season dates and quotas for the 2020 spring and fall seasons.
11/19/2020	2 CCR-406-0 2 CCR-406-2 2 CCR-406-3 2 CCR-406-11 2 CCR-406-15 2 CCR-405-7	General Provisions	Revision	33-4-101 33-4-102(1.6)	Open annually for CPI adjustments to license fees and commission rates for license agents	Hunters, Anglers, License Agents	Open for annual review and final consideration of regulations including, but not limited to, adjusting license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
1/13/2021	2 CCR-406-0	General Provisions	Revision	33-1-101(4)	Open annually for all issues	Hunters/ Anglers	Changes include, but are not limited to, Game Management Unit boundaries, regulations relating to fish management, health, importation, prohibited species, and other annual changes.
1/13/2021	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear,	Hunters	Changes include the following:

					moose, sheep, goat, and lion seasons; annual changes to sheep and goat quotas, and lion harvest limits		<ul style="list-style-type: none"> • Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, mountain lion and bear. • Annual changes to limited license application and drawing process. • Annual changes to sheep, goat quotas, and lion harvest limits. • Necessary revisions pursuant to the adopted western slope mountain lion management plan
1/13/2021	2 CCR-406-16	Parks and Wildlife Procedural Rules	Revision	33-6-106	Open for implementation of revised license suspension regulations	Hunters	Open for consideration of regulations including, but not limited to, adding a process for a person to petition the commission to end or modify a current license suspension under certain conditions.
1/13/2021	2 CCR-406-9 2 CCR-406-0	Wildlife Properties	Revision	33-1-105; 33-1-107	Open for implementation of revised state wildlife area and state trust land license requirement regulations	Hunters/Anglers/Wildlife Watchers/Hikers	Open for consideration of regulations related to the license requirements to access State Wildlife Areas and State Trust Lands leased by the Division.
3/17/2021	2 CCR-406-3	Furbearers and Small Game, Except Migratory Birds	Revision	33-1-101(4)	Open for annual review including all issues, except turkey	Hunters	Finalize regulations setting 2021-2022 small game season dates, excluding turkey, with related provisions, including bag and possession limits and definitions.

3/17/2021	2 CCR-406-5	Small Game - Migratory Birds	Revision	33-1-101(4)	Open annually for all issues	Hunters	Finalize regulations setting 2021-2022 waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.
3/17/2021	2 CCR-406-9	Division Properties	Revision	33-1-107	Open annually for all issues	Hunters/Anglers	Changes include, but are 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.
3/17/2021	2 CCR-406-11	Wildlife Parks and Unregulated Wildlife	Revision	33-1-101(2)	Open annually for all issues including unregulated wildlife requests	General Public	Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife parks, sanctuaries and unregulated wildlife
3/17/2021	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual big game clean-up	Hunters	Finalize necessary corrections and administrative cleanups to regulations previously adopted by the Parks and Wildlife Commission.
3/17/2021	2 CCR-405-7	Passes, Permits, and Registrations	Revision	33-12-100.2	Open for necessary changes to the applicable poverty guideline for the Centennial Pass.	Park Users	Open for necessary changes to the applicable poverty guideline for the Centennial Pass.

3/17/2021	2 CCR-405-4	Snowmobile Regulations	Revision	33-14-102	Open annually for all issues	Snowmobile Users	Open for annual review of the entire chapter.
5/5/2021	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, and moose quotas	Hunters	Approval of the 2021 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.
7/15/2021	2 CCR-406-9	Division Properties	Revision	33-1-107	Open for wildlife property additions and deletions	Hunters/Anglers	Open for necessary cleanups to the list of wildlife properties in regulation.
9/1/2021	2 CCR-405-1	Parks and Outdoor Rec Lands	Revision	33-10-101	Open annually for all issues	Park Users	Open for annual review of the entire chapter including but not limited to, generally-applicable and property-specific requirements for, or restrictions on use of, parks properties controlled by Colorado Parks and Wildlife.
9/1/2021	2 CCR-405-2	Boating	Revision	33-13-101	Open annually for all issues	Boaters	Open for annual review of the entire chapter.
9/1/2021	2 CCR-405-5	Off-Highway Vehicles	Revision	33-14.5-107	Open annually for all issues	OHV Users	Opened for annual review of the entire chapter including but not limited to, regulations pertaining to registration, off-highway use permits and required equipment for safe operation of OHV's within the state.

9/1/2021	2 CCR-405-7	Passes, Permits and Registrations	Revision	33-12-100.2	Open annually for all issues	Park Users	Opened for annual review of the entire chapter including but not limited to, regulations pertaining to eligibility requirements and fees for individual and vehicle park passes, use permits, vessel, snowmobile and off-highway vehicle registrations and license agent requirements.
9/1/2021	2 CCR-405-8	Aquatic Nuisance Species	Revision	33-10.5-107	Open annually for all issues	Boaters	Opened for annual review of the entire chapter including, but not limited to, regulations pertaining to inspections, decontaminations and impounding of vessels or other floatation devices, as well as establishing monitoring, identification and reporting procedures for suspected aquatic nuisance species.
11/18/2021	2 CCR-405-3	River Outfitters	Revision	33-32-101	Open annually for all issues	River Outfitters	Open annually for review of the entire chapter.
11/18/2021	2 CCR-406-1	Fishing	Revision	33-1-101(4)	Open annually for all issues	Anglers	Listed Above
11/18/2021	2 CCR-406-3	Furbearers and Small Game, Except Migratory Birds	Revision	33-1-101(4)	Annual changes to turkey seasons and quotas	Hunters	Listed Above

11/18/2021	2 CCR-406-0 2 CCR-406-2 2 CCR-406-3 2 CCR-406-11 2 CCR-406-15 2 CCR-405-7	General Provisions	Revision	33-4-101 33-4-102(1.6)	Open annually for CPI adjustments to license fees and commission rates for license agents	Hunters, Anglers, License Agents	Open for annual review and final consideration of regulations including, but not limited to, adjusting license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
January 2022	2 CCR-406-0	General Provisions	Revision	33-1-101(2)	Open annually for all issues	Hunters, Anglers	Listed Above
January 2022	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons	Hunters	Listed Above

Colorado Oil and Gas Conservation Commission							
Schedule	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders <i>Consider including high-level outreach bullets</i>	List of all rules adopted since previous DRE was filed
April 16, 2020	700 Series Update	Financial Assurance	Revision	s.34-60-105(1), -106(2.5)(a), and (13) C.R.S.	Update rules to meet the mandate of SB 19-181.	Industry, mineral owners, surface owners, environmentalists, and ecologists.	Unknown
April 16, 2020	Worker Certification	Worker Certification	New rule	s.34-60-105(1), 106(2) C.R.S.	To adopt rules addressing worker certification as required by SB 19-181.	Industry, mineral owners, surface owners, environmentalists, and ecologists.	None

January 1, 2020	Fees	Fees	Revision	s.34-60-105(1), 106(7) C.R.S.	Update rules to meet the mandate of SB 19-181.	Industry, mineral owners, surface owners, environmentalists, and ecologists.	Unknown
October 29, 2021	100-600, 800, 900 and 1200 Series Clean-up	Rule clean-up	Revision	s.34-60-105(1)(a) C.R.S.	Finalize necessary corrections and administrative cleanups to regulations previously adopted by the COGCC	Industry; surface owners, environmentalists, ecologists, and sportsmen/women	Unknown
November 12, 2021	1000 Series Update	Reclamation	Revision	s.34-60-105(1), -106(2)(a), (c), and (2.5)(a) C.R.S.	Update rules to meet the mandate of SB 19-181.	Industry, mineral owners, surface owners, environmentalists, and ecologists.	Unknown

Colorado Division of Reclamation, Mining and Safety							
Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision, or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/ Ongoing</i>
2020	2 CCR 407-2f	Coal Rules Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal Mining previously identified by OSM* as requiring revision.	Revisions	34-33-108(1), C.R.S., and 30 C.F.R. §§ 732.17, 733.12 and 733.13	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 jurisdiction. No opposers.	All Coal Rules must first receive final OSM approval, which occurred in October 2019. The Coal Program initiated state rulemaking in November 2019 and held a formal public hearing in April 2020. The Rules became final and were adopted in August 2020.
2021	CCR 407-1 Rule 1,3 and 4, possible 6 and 7	Hard Rock/Metal Mining Rules	New + Revisions	C.R.S. 34-32-101	Implementation of HB19-1113 regarding perpetual water treatment and repeal of self-bonding. Revise Temporary Cessation Rules to address Court of Appeals Decision and process issues.	Hard Rock Mining Community (generally opposed but not adamant) and Environmental Community (in favor).	Public scoping meeting was held in January of 2020, stakeholder meetings in January of 2021, Rulemaking in late Spring 2021.
2019	2 CCR 407-1	Hard Rock and Construction	Revisions	C.R.S.	Align Act and rule requirements for	Operators and Environmental	Adopted and in effect July of 2019

	Rule 1, 2, 3 and 6	Material Rules and Regulations		34-32-101 34-32.5-101	submission of annual fees, reports and maps.	Community. No opposers.	
--	--------------------	--------------------------------	--	--------------------------	--	-------------------------	--

Colorado Division of Water Resources							
Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision, or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/ Ongoing</i>
Hearing Scheduled for 01/20/21	2 CCR 402-7	Statewide Nontributary Rules	Review for revisions	Sections 37-90-137(9)(a), (b) and 37-80-102(1)(g)	<i>Governs well permitting of nontributary water statewide. The review will be conducted to update the provisions of the rules.</i>	Water users throughout the state, water lawyers, water engineers, ground water modelers	Ongoing
Hearing to be held in fall 2021	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 Monitoring System Cash Fund	Review for revisions	Sections 37-80-111.5, 37-80-102(1)(h), 24-72-205, 24-4-103	<i>Governs fees charged for satellite system use, data and document costs to the public</i>	Water users, satellite system users, CWCB, water engineers and firms, public at large, water lawyers	Ongoing
Potential hearing in late 2021	2 CCR 402-10	Rules for Permitting the Development and Appropriation of Geothermal	Review for revisions	Sections 37-80-102(1)(g) & (k), 37-90-138, 37-90.5-106 thru 108	<i>Governs geothermal well permitting and development.</i>	Water users, specific towns and areas of the state where geothermal resources exist,	Ongoing

		Resources through the use of Wells (Geothermal Rules)				water resources engineers, geologists, geothermal resource developers, water lawyers, & public at large,	
Pending before Water Court.		Water Court Republican River Compact Rules	New Rules	U.S. Supreme Court in Kansas v. Nebraska & Colorado, Number 126, Original, Sections 37-80-102(1)(a) & 37-80-104	<i>The rulemaking considers the requirement to offset impacts in excess of Colorado's apportionment 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</i>	Water users in the Northern High Plains designated ground water basin.	Ongoing

Colorado State Board of Land Commissioners							
Anticipated Hearing or Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders Consider including high-level outreach bullets	Status Adopted/ Not Adopted/ Withdrawn/ Ongoing

2018	2 CCR 409-1;	State Forest Lands	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	Ongoing (Last reviewed 2018)
------	--------------	--------------------	-------------------------	---------------------------------	--	---	------------------------------

Colorado Water Conservation Board							
Anticipated Hearing or Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders Consider including high-level outreach bullets	Status Adopted/ Not Adopted/ Withdrawn/ Ongoing
January 26, 2021	2 CCR 408-2	Rules Concerning the Colorado Instream Flow and Natural Lake Level Program	Revisions	Sections 37-60-108, 37-83-105, and 37-92-102(3), C.R.S.	Implement HB20-1157 and update references to CWCB website and to Colorado Parks and Wildlife	Water rights owners, water conservancy and conservation districts, local governments, state and federal agencies, nonprofit organizations, conservation interests, and interested citizens.	Ongoing