

2023

Regulatory Agenda

January 1, 2023 -December 31, 2023



Overview

The Colorado Department of Natural Resources submits the following 2023 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 2023 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 Consider including high-level outreach bullets	List of all rules adopted since previous DRA was filed
11/17/2022	2 CCR-405-3	River Outfitters	Revision	33-32-101	Open annually for all issues. Changes may include, but are not limited to, regulations regarding personal floatation devices.	River Outfitters	See below
11/17/2022	2 CCR-405-7	Passes, Permits and Registrations	New rule and Revision	33-12-100.2	Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to eligibility requirements for the Centennial pass, daily park pass fee, discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and the replacement of a lost or stolen non-motor vehicle individual annual pass.	Park Users	See below

11/17/2022	2 CCR-406-02 CCR-406-22 CCR-406-32 CCR-406-112 CCR-406-152 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	See below
11/17/2022	2 CCR-406-0	General Provisions	Revisions	33-1-101(1)	Open for consideration of revisions to the low-income Colorado State Wildlife Area pass, and a bighorn sheep unit boundary name.	General Public, hunters and Anglers	See below
11/17/2022	2 CCR-406-1	Fishing	Revision	33-1-101(4)	Open annually for all issues. Changes may include, but are not limited to, bag and possession limits at Rifle Gap and revisions to the fishing restrictions on Vallecito Creek.	Anglers	See below

11/17/2022	2 CCR-406- 2	Big Game	Revision	33-1-101(4)	Open for consideration for changes to license distribution and a game management boundary name.	Hunters	See below
11/17/2022	2 CCR-406- 3	Furbearers and Small Game, Except Migratory Birds	Revision	33-1-101(4)	Open annually for all issues related to turkey and annual changes to turkey seasons and Quotas.	Hunters	See below
01/17/2023	2 CCR-406- 0	General Provisions	Revision	33-1-101(2)	Open annually for all issues. Changes may include, but are not limited to, Game Management Unit boundaries, regulations relating to fish management, health, importation, prohibited species, and other annual changes.	Hunters, Anglers	See below
01/17/2023	2 CCR-406- 2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons. Annual changes to sheep and goat quotas and lion harvest	Hunters	See below

					limits.		
3/15/2023	2 CCR-406- 2	Big Game	Revision	33-1-101(4)	Annual big game clean up. Changes may include, but are not limited to, necessary corrections and administrative cleanups to regulations previously adopted by the Parks and Wildlife Commission.	Hunters	See below
3/15/2023	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. Changes may include, but are not limited to, annual changes to game bird seasons, excluding turkey, and other small game seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.	Hunters	See below
3/15/2023	2 CCR-406- 5	Small Game - Migratory Birds	Revision	33-1-101(4)	Open annually for all issues. Changes may include, but are not limited to, annual changes to waterfowl and migratory bird	Hunters	See below

					hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.		
3/15/2023	2 CCR-406-9	Division Propertie s	Revision	33-1-107	Open annually for all issues. Changes may include, but are not limited to, generally applicable and property-specific requirements for, or restrictions on use of, wildlife properties controlled by Colorado Parks and Wildlife, including State Trust Lands leased by the Division.	Hunters, Anglers	See below
3/15/2023	2 CCR-406-11	Wildlife Parks and Unregula ted Wildlife	Revision	33-1-101(2)	Open annually for all issues including unregulated wildlife requests. Changes may include, but are not limited to, regulations pertaining to wildlife parks, sanctuaries and unregulated wildlife.	General Public	See below

3/15/2023	2CCR-405-13	Wildlife Possession, Scientific Collecting & Special licenses	Revision	33-1-101(2)	Open for review of all issues. Changes may include, but are not limited to, regulations pertaining to wildlife possession, scientific collection and special licenses.	General Public	See below
3/15/2023	2 CCR-405-7, 2 CCR-406-0	Passes, Permits, and Registrations, General Provisions	Revision	33-12-100.2, 33-1-107	Open for necessary changes to the poverty guidelines for applicable passes.	Park Users, State Wildlife Area Users	See below
3/15/2023	2 CCR-405-4	Snowmobile Regulations	Revision	33-14-102	Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration and required safety equipment of snowmobiles.	Snowmobile Users	See below
5/3/2023	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, and moose quotas for all Game Management Units in the state that have limited licenses for these species.	Hunters	See below

5/3/2023	2CCR-406-3	Furbearers and Small Game, Except Migratory Birds	Revision	33-1-101	Open for necessary changes for the reintroduction of wolves.	General Public	See below
5/3/2023	2 CCR-406-10	Nongame Wildlife	New rule	33-1-101	Open for necessary changes for the reintroduction of wolves.	General Public	See below
5/3/2023	2 CCR-406-17	Damage Caused by Wildlife	New rule	33-1-101	Open for necessary changes for the reintroduction of wolves.	General Public	See below
7/20/2023	2 CCR-406-9	Division Properties	Revision	33-1-107	Open for wildlife property additions and deletions. Changes may include, but are not limited to, necessary cleanups to the list of wildlife properties in regulation.	Hunters, Anglers	See below

8/24/2023	2 CCR-405-1	Parks and Outdoor Rec Lands	Revision	33-10-101	Open annually for all issues. Changes may include, but are not limited to, generally applicable and property specific requirements for, or restrictions on use of, parks properties controlled by Colorado Parks and Wildlife.	Park Users	See below
8/24/2023	2 CCR-405-2	Boating	Revision	33-13-101	Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration, required equipment and safe operation of vessels on waters within the state.	Boaters	See below
8/24/2023	2 CCR-405-5	Off-High way Vehicles	Revision	33-14.5-107	Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration, off-highway use permits and required equipment for safe operation of OHVs within the state.	OHV Users	See below

8/24/2023	2 CCR-405-7	Passes, Permits and Registrati ons	Revision	33-12-100.2	Open annually for all issues. Changes may include, but are 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.	Park Users	See below
8/24/2023	2 CCR-405-8	Aquatic Nuisance Species	Revision	33-10.5-107	Open annually for all issues. Changes may include, but are 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.	Boaters	See below

11/16/2023	2 CCR-405-3	River Outfitters	Revision	33-32-101	Open annually for all issues. Changes may include, but are not limited to, regulations regarding river outfitter requirements.	River Outfitters	See below
11/16/2023	2 CCR-406-02 CCR-406-22 CCR-406-32 CCR-406-112 CCR-406-152 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	See below
11/16/2023	2 CCR-406-1	Fishing	Revision	33-1-101(4)	Open annually for all issues. Changes may include, but are not limited to, season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state.	Anglers	See below

11/16/2023	2 CCR-406-3	Furbearers and Small Game, Except Migratory Birds	Revision	33-1-101(4)	Annual changes to turkey seasons and Quotas.	Hunters	See below
January 2024	2 CCR-406-0	General Provisions	Revision	33-1-101(2)	Open annually for all issues. Changes may include, but are not limited to, Game Management Unit boundaries, regulations relating to fish management, health, importation, prohibited species, and other annual changes.	Hunters, Anglers	See below
January 2024	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons. Annual changes to sheep and goat quotas, and lion harvest limits.	Hunters	See below

Colorado Parks and Wildlife Permanent and temporary rules adopted since the previous DRA was filed:

- [November 2021 Regulations Summary](#)
- [January 2022 Regulations Summary](#)
- [March 2022 Regulations Summary](#)
- [May 2022 Regulations Summary](#)
- [July 2022 Regulations Summary](#)
- [September 2022 Regulations Summary](#)

Colorado Oil and Gas Conservation Commission

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	List of all rules adopted since previous DRA was filed
3/1/2022	700 Series Update	Financial Assurance	Revision	s.34-60-105(1), -106(2.5)(a), and (13) C.R.S.	To update the rules to meet the mandate of SB 19-181.	Industry, mineral owners, surface owners, environmentalists, and ecologists.	Update to High Priority Habitat Maps
2023	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
2023	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

2023	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, environmental ists, ecologists, and sportspersons	Unknown
2023	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, environmental ists, and ecologists.	Unknown
May 2023	Update High Priority Habitat Maps in Appendix VII	High Priority Habitat Maps	Revision	100 Series	Required by 100 Series Definition of High Priority Habitat Maps	Industry; surface owners, environmental ists, ecologists, and sportspersons	Revisions to Rule 205, Orphaned Wells Mitigation Enterprise
June 30, 2022	Rule 205	Orphaned Wells Mitigation Enterprise	Revision	S. 34-60-132	Implementing an annual orphan well fee and the creation of an Enterprise Board to oversee the Orphaned Well Mitigation Fee	Industry; surface owners, environmental ists, ecologists, and sportspersons	Unknown

Colorado Division of Reclamation, Mining and Safety							
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	List of all rules adopted since previous DRA was filed
May 25, 2022	CCR 407-1 Rule 1,3 and 4, 6 and 7	Hard Rock/Metal Mining Rules	<p>New rules for perpetual water treatment and repeal of self bonding per HB19-1113</p> <p>Revisions for Temporary Cessation, including definition of production</p> <p>E-filing of applications and notice processes</p>	C.R.S. 34-32-10 1	<p>Implementation of HB19-1113 regarding perpetual water treatment and repeal of self-bonding</p> <p>Revise Temporary Cessation Rules to address Court of Appeals decision and process issues</p>	<p>Hard Rock Mining Community and Environmental Community</p> <p>Public scoping meetings began in January of 2020 and ran until April of 2022. Individual and group stakeholder meetings were held to gain consensus. Promulgation Hearing received high praise for stakeholder outreach and engagement.</p>	Promulgation in May of 2022, Enacted in July of 2022

Colorado Division of Water Resources							
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	List of all rules adopted since previous DRA was filed
June 2023	2 CCR 402-2	Water Well Construction, Pump Installation, Cistern Installation and Monitoring and Observation Hole/Well Construction	Review for revision	Sections 37-91-104(1)(c), (J) and (k), 37-91-106(4) and 37-91-110(2)	Sets standards for the construction and repair of wells, test holes, dewatering wells, monitoring and observation holes/wells, sealing and abandonment.	Well users throughout the state, well constructors, water resource engineers, pump installers	Ongoing
Hearing previously scheduled for 01/20/21 postponed pending outcome of water court Case No. 21CW3046 in Water Division No. 1	2 CCR 402-7	Statewide Nontributary Rules	Review for revisions	Sections 37-90-137(9)(a), (b) and 37-80-102(1)(g)	Governs well permitting of nontributary water statewide. The review is being conducted to update the provisions of the rules.	Water users throughout the state, water lawyers, water engineers, ground water modelers	Withdrawn

<p>Stakeholder process underway. Hearing to be held in mid-2023</p>	<p>2 CCR 402-9</p>	<p>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</p>	<p>Review for revisions</p>	<p>Sections 37-80-111.5, 37-80-102(1)(h) , 24-72-205, 24-4-103</p>	<p>Governs fees charged for satellite system use, data and document costs to the public</p>	<p>Water users, satellite system users, CWCB, water engineers and firms, public at large, water lawyers</p>	<p>Ongoing</p>
<p>Internal review determined no amendments or revisions necessary at this time</p>	<p>2 CCR 402-10</p>	<p>Rules for Permitting the Development and Appropriation of Geothermal Resources through the use of wells.</p>	<p>Review for revisions</p>	<p>Sections 37-80-102(1)(g) & (k), 37-90-138, 37-90.5-106 thru 108</p>	<p>Governs geothermal well permitting and development</p>	<p>Water users, specific towns and areas of the state where geothermal resources exist, water resources engineers, geologists, geothermal resource developers,</p>	<p>Withdrawn</p>

						water lawyers, & public at large	
Approved by Water Court on March 4, 2022.		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	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	Water users in the Northern High Plains designated ground water basin.	Ongoing

<p>Water Division 6 stakeholder review was undertaken during 2021 and 2022. Rules to be filed with the Secretary of State Scheduled to be complete by end of October 2021. Rules to be filed with Secretary of State late 2021 or early 2022. Hearing in early 2022.</p>		<p>Measurement rules for the western slope water divisions in Colorado. Rulemaking will begin with Water Division 6, then continue to Water Division 7, Division 4 and Division 5 in succession.</p>	<p>New Rules</p>	<p>Sections 37-80-102(1)(g), 37-80-104, 37-92-501, 37-92-502(5).</p>	<p>Proposed rules will govern the requirements for the measurement and reporting of water diversions by water users on the western slope.</p>	<p>Water users on the western slope of Colorado</p>	<p>Ongoing</p>
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Colorado Division of Water Resources Permanent Rules since previous DRA was filed: Republican River Compact Rules, March 4, 2022.

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	List of all rules adopted since previous DRA was filed
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	List of all rules adopted since previous DRA was filed
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.	Adopted March 2021

November 19, 2021	2 CCR 408-1	Floodplain Rules and Regulations for Regulatory Floodplains in CO	Revisions	Sections 24-65.1-101(1)(c), 24-65.1-202(2)(a), 24-65.1-302(2)(a), 24-65.1-403(3), 37-60-106(1), 37-60-106(1)(c)-(g), (j), (k), and 37-60-108, C.R.S.	Update the standards and processes for floodplain designation to make the Rules consistent with FEMA floodplain mapping procedures, amend and clarify Rule 4 definitions, update references, and revise for clarification.	Municipalities, County floodplain administrators and planners, utilities, flood districts, public works departments	Adopted November 2021
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