

2022

Regulatory Agenda

January 1, 2022 -December 31, 2022



Overview

The Colorado Department of Natural Resources submits the following 2022 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 2022 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 DRA was filed
11/18/2021	2 CCR-405-7	Passes, Permits, and Registrations	Revision	33-12-100.2	Open for implementation of revised replacement fee regulations for additional Aspen Leaf annual vehicle pass.	Park Users	See below
11/18/2021	2 CCR-406-1	Fishing	Revision	33-1-101(4)	Open annually for all issues. Changes include, but are not limited to, site-specific fishing regulation changes for the South Prong of Hayden Creek and the White River in Rio Blanco County.	Anglers	See below

11/18/2021	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 creating a Novice Adult Outreach Hunting License for turkey.	Hunters	See below
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	See below
11/18/2021	2 CCR-406 9	Wildlife Properties	New Rule and Revision	33-1-105; 33-1-107	Open to exempt certain properties or portions of the property from public access license requirements, to add properties to Chapter W-9, and to authorize the Division of Parks and Wildlife to issue permits to commercial users of properties controlled by the Division.	Hunters, Anglers, Wildlife Watchers, Hikers	See below
11/18/2021	2 CCR-406-16	Park and Wildlife Procedural Rules	Revision	33-1-106(1)(e)	Open to clarify refund, restoration of preference points and Director's disaster relief authority regulations.	Hunters, Anglers	See below

1/12/2022	2 CCR-406-0	General Provisions	Revision	33-1-101(4)	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
1/12/2022	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons. Annual changes to sheep and goat quotas, and lion harvest limits. Annual changes to limited license application and drawing process.	Hunters	See below
1/12/2022	2 CCR 406-10	Nongame Wildlife	New Rule and Revision	33-6-128 (1), 33-2-105.8 (1)(d), 33-9-102 (2)	Open for consideration of regulations to authorize livestock owners and their agents to haze gray wolves to prevent or reduce injury to livestock, and to make it unlawful for any person to place any olfactory attractant with the intent to lure any threatened or endangered species unless permitted by the division.	General public	See below

1/12/2022	2 CCR 405-1	Parks and Outdoor Recreation Lands	New Rule and Revision	33-10-101	Open for consideration of regulations, including, but not limited to: <ul style="list-style-type: none"> • Requiring reservations for big game and small game hunting in the Jefferson CO portion of Golden Gate Canyon State Park where hunting is permitted. • Permitting kiteboarding at Navajo State Park. 	Park users, Hunters	See below
1/12/2022 and 3/9/2022	2 CCR-405-8	Aquatic Nuisance Species	Revision	33-10.5-107	Open for consideration of a revision of the definition of “vessels or other floating device.”	Boaters, General Public	See below
February 2022 - TBD	2 CCR-405-7	Passes, Permits, and Registrations	New Rule and Revision	33-12-100.2	Open for consideration of regulations to add the Keep Colorado Wild pass.	Park Users, General Public	See below
3/9/2022	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

3/9/2022	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 hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.	Hunters	See below
3/9/2022	2 CCR-406-9	Division Properties	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 the Colorado Parks and Wildlife, including State Trust Lands leased by the Division.	Hunters, Anglers	See below
3/9/2022	2 CCR-406-11	Wildlife Parks and Unregulated 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

3/9/2022	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
3/9/2022	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
3/9/2022	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
5/4/2022	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

7/21/2022	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
9/8/2022	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
9/8/2022	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
9/8/2022	2 CCR-405-5	Off-Highway 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 OHV's within the state.	OHV Users	See below

9/8/2022	2 CCR-405-7	Passes, Permits and Registrations	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
9/8/2022	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
11/17/2022	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 river outfitter requirements.	River Outfitters	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, 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
11/17/2022	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
11/17/2022	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	See below
11/17/2022	2 CCR-406-2	Big Game	Revision	33-1-101(4)	Open for consideration of regulations related to license distribution.	Hunters	See below
January 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

January 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.	Hunters	See below
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Permanent and temporary rules adopted since the previous DRA was filed:

- [November 2020 Regulations Summary](#)
- [January 2021 Regulations Summary](#)
- [March 2021 Regulations Summary](#)
- [May 2021 Regulations Summary](#)
- [July 2021 Regulations Summary](#)
- [September 2021 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
November 9, 2021 - start of hearing. Rulemaking hearing is scheduled to end in February 2022.	700 Series Update	Financial Assurance	Revision	s.34-60-105(1), -106(2.5)(a), and (13) C.R.S.	Update rules to meet SB 19-181	Industry, mineral owners, surface owners, environmentalists, ecologists.	Unknown
2022	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

2022	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
2022	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 sportspersons	Unknown
2022	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							
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
Spring 2022	CCR 407-1 Rule 1,3 and 4, 6 and 7	Hard Rock/Metal Mining Rules	New rules for perpetual water treatment and repeal of self bonding per HB19- 1113	C.R.S. 34-32-10 1	Implementation of HB19-1113 regarding perpetual water treatment and repeal of self-bonding Revise Temporary Cessation Rules to address Court of	Hard Rock Mining Community (generally opposed but not adamant) and Environmental Community (in Favor of most proposed changes)	Public scoping meeting was held in January of 2020 Stakeholder meetings were delayed due to Covid but held in January and February of 2021

			Revisions for Temporary Cessation, including definition of production E-filing of applications and notice processes		Appeals decision and process issues	Both sides are very active in the informal process	With full Board seated, rulemaking process to recommence in January 2022 and promulgation in May of 2022
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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 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 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	Ongoing

Stakeholder process underway. Hearing to be held in mid-2022	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	Governs fees charged for satellite system use, data and document costs to the public	Water users, satellite system users, CWCB, water engineers and firms, public at large, water lawyers	Ongoing
Still under internal review. Potential hearing in mid-2022	2 CCR 402-10	Rules for Permitting the Development and Appropriation of Geothermal Resources through the use of Wells	Review for revisions	Sections 37-80-102(1)(g) & (k), 37-90-138, 37-90.5-106 thru 108	Governs geothermal well permitting and development.	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, Water users in the Northern High Plains designated ground water basin	Ongoing

Pending before Water Court		Water Court Republican River Compact Rules	New Rules	U.S. Supreme Court in <i>Kansas v. Nebraska & Colorado</i> , 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
Water Division 6 stakeholder review 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.		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.	New Rules	Sections 37-80-102(1)(g), 37-80-104, 37-92-501, 37-92-502(5).	Proposed rules will govern the requirements for the measurement and reporting of water diversions by water users on the western slope.	Water users on the western slope of Colorado	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 <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>
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 <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>
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	November 2021