

# 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 Park’s and Wildlife** DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year) (Step 1)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Primary Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	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)(IV)(b)		Open annually for CPI adjustments to nonresident big game license fees	Hunters	November- 2017

September, 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 seasons	Hunters	November-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? (X if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	Anticipated Hearing Date
Unknown	Wildlife Mapping Rulemaking involving the Greater sage-grouse	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	Industry; surface owners, environmentalists, ecologists, and sportsmen/women.	Unknown

						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.		
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 if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	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 Mining previously 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. §24-7-203(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 if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	Anticipated Hearing Date
Ongoing	2 CCR 402-1 Dam Safety and Construction Rules	Division of Water Resources	Revisions	Sections 37-87-102, 105, 37-80-102(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 37-90-111(1)(h), 24-4-131	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 2017	2 CCR 402-7 Statewide Nontributary Rules	Division of Water Resources	Review for revisions	Sections 37-90-137(9)(a), (b) and 37-80-102(1)(g)	X	Governs well permitting of nontributary water outside Denver Basin. The review will be conducted to update the provisions of the rules.	Water users throughout the state, water lawyers, water engineers, ground water modelers	Unknown
November 2016	2 CCR 402-8 Senate Bill 181 Water Quality Coordination Rules)	Division of Water Resources	Review for revisions	Sections 37-80-102(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	Division of Water Resources	Review for revisions	Sections 37-80-111.5, 37-80-102(1)(h), 24-72-205, 24-4-103	X	Need to review for consistency and appropriateness	Water users, satellite system users, CWCB, water engineers and firms, public at large, water lawyers	Unknown

	the Satellite 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 37-80-102(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 37-80-102(1)(g) & (k), 37-90-138, 37-90-137(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	Board of Examiners of Water Well & Pump Installation Contractors	Revisions	Section 37-91-104(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	July 2017

	Responsibility, Continuing Education and Remedial Action						Ground Water 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 37-92-309 C.R.S. (IWSA Rules)	Division of Water Resources	Review for revisions	Sections 37-80-102(1)(g) & (k), 37-92-309(5)	X	Review for possible revisions	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 37-90-107, 108, 109 and 111	X	Review for potential revisions	Statewide surface and ground water users, environmental interests, water lawyers, water resource engineers, ground water modelers, oil & gas industry. Indian Tribe	Unknown

<p>November 2016</p>	<p>Rules and Regulations for the Management and Control of Designated Ground Water</p>	<p>Colorado Ground Water Commission</p>	<p>Revisions and amendments</p>	<p>Sections 37-90-107, 108, 109 and 111</p>	<p>X</p>	<p>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 &amp; White River aquifers in the Upper Crow Ck basin over-appropriated. Finally, an overall revision to the complete set of rules will be addressed after the amendments above are complete</p>	<p>Designated ground water basin water users, water lawyers, water resource engineers, local ground water management districts</p>	<p>Spring of 2017 for Rule 5.2.9, Summer of 2017 for artificial recharge rule and final hearing in 2018 for the remaining rules</p>
<p>January 2017</p>	<p>Water Court Rules for the Diversion and Use of Tributary Water in the Arkansas River Basin</p>	<p>Division of Water Resources</p>	<p>Review</p>	<p>Sections 37-80-102(1)(g), 37-80-104, 37-92-501, 37-92-502(5)</p>	<p>X</p>	<p>A review to ensure clear and concise language will take place</p>	<p>Surface and ground water users on the Arkansas River, State of Kansas, water resource engineers, geologists, hydrologists, water lawyers, ground water modelers</p>	<p>Unknown</p>

February 2017	Water Court Rules for Ground Water Withdrawals in Water Division 3 affecting the Rate or Direction of movement of water in the Confined aquifer	Division of Water Resources	Review	Sections 37-90-137(12)(b)(I), C.R.S. (2003), and section 37-92-501, C.R.S.	X	A review to ensure clear and concise language will take place	Surface and ground water users on the Rio Grande and in the San Luis Valley, water resource engineers, geologists, hydrologists, water lawyers, ground water modelers	Unknown
March 2017	Water Court Rules for the Measurement of tributary ground water in the South Platte Basin	Division of Water Resources	Review	Sections 37-80-102(1)(g), 37-80-104, 37-92-501, 37-92-502(5), Title 37, Article 65 (South Platte River Compact	X	A review to ensure clear and concise language will take place.		Unknown
Unknown	Compact Rules Governing Improvements to Surface Water Irrigation Systems in the Arkansas River Basin in Colorado	Division of Water Resources	Review	Sections § 37-80-102(1)(a), § 37-80-104, and § 37-92-501, C.R.S., to ensure compliance with the terms of the Arkansas River Compact, 63 Stat. 145; § 37-69-101, et seq., C.R.S. (Compact	X	A review to ensure clear and concise language will take place.		Unknown
November 2016	Water Court Republican River Compact Rules	Division of Water Resources	New Rules	U.S. Supreme Court in Kansas v. Nebraska & Colorado, Number		The rulemaking will consider the requirement to offset impacts in		January 2017

				126, Original, Sections 37-80-102(1)(a) & 37-80-104		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		
November 2016	Rules and Regulations concerning HB 16-1228, Agricultural Water Protection Water Right Bill	Division of Water Resources	New Rules	Sections 37-80-123(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	SEctions37-80-104 & 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
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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 <i>(Month, Year)</i>	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? <i>(X if yes)</i>	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	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