

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 1st, 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
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>	<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing</i>	<i>Consider including critical outcomes, milestones, etc.</i>
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

related provisions of 2 CCR-406-0 Chapter W-0 - General Provisions)		Rules					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.
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: <ul style="list-style-type: none"> • Annual changes to season dates, limited license areas,

				goat, and lion seasons			license numbers, and manner of take provisions for Bighorn sheep and Rocky Mountain goat. <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.
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)	Colorado Parks and Wildlife	Revision and New Rules	33-10-106 33-10-101 (2)(e)	Open annually for all issues	Park Users and Hunters	Adopted 03/09/2016	Changes included the following: <ul style="list-style-type: none"> • Opening a portion of Highline Lake State Park to small game hunting on weekdays. • Establishing park-specific regulations on the archery range at Trinidad Lake State Park.
2 CCR-405-7 Passes, Permits and Registrations	Colorado Parks and Wildlife	Revision and New Rules	33-12-100.2	Open annually for all issues	Park Users	Adopted 03/09/2016	Changes include the following: <ul style="list-style-type: none"> • Expanding eligibility for a volunteer parks pass to all CPW volunteers who have donated 48 hours of approved service within a twelve month period. • Adding definitions of “camping/to camp”, “camping unit” and “passenger vehicle” to chapter P-7. • Making camping permits purchased before 5am only

							valid until noon on the same day. <ul style="list-style-type: none"> • Administrative clean-ups to camping regulations to comply with reservation system requirements.
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
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>		<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing</i>	<i>Consider including critical outcomes, milestones, etc.</i>
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 30-day 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 CPW'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	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-405-2 Boating (and related provisions of 2 CCR-405-4 Chapter P-4 - Snowmobile Regulations and 2 CCR-405-5 Chapter P-5 - Off-Highway Vehicle Regulations)	Colorado Parks and Wildlife	Revision	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.
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

				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 un-regulate, 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,

				and guidelines for submitting citizen petitions to the Parks and Wildlife Commission				and guidelines for submitting citizen petitions to the Parks and Wildlife Commission.
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)	Opened to establish park-specific regulations to allow limited waterfowl hunting on two sections of the James M Robb Colorado River State Park	Adopted 09/08/2016	Park Users/Hunters	Adopted 09/08/2016	Regulations included establishing park-specific regulations to allow limited waterfowl hunting on two sections of the James M Robb Colorado River State Park.
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 non-resident 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 (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>	<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing</i>	<i>Consider including critical outcomes, milestones, etc.</i>
2 CCR 404-1, Rules 100-Serise; 301.c.; 303.b. & c.; 305A; 305.a. & d.; 604.b. & c.	COGCC	New rules and revisions.	ss. 34-60-105, -106(1)(b), (c), & (d), & -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 (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)
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>	<i>The statutory or other basis for adoption of the proposed rule</i>		Y/N	Y/N - if yes, how many rules?	Y/N	<i>If date is not yet identified, label as "pending"</i>
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 D-2015-004.	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 (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
<i>List of new rules or amendments that the department/ its divisions</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>	<i>Listing of persons or parties that may be affected positively or negatively by the</i>	<i>Select one of the following options: (a) adopted (include date of adoption),</i>	<i>Consider including critical outcomes, milestones, etc.</i>

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

Results of Mandatory Rules Review – Colorado Division of Water Resource’s

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)
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<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>	<i>The statutory or other basis for adoption of the proposed rule</i>		<i>Y/N</i>	<i>Y/N - if yes, how many rules?</i>	<i>Y/N</i>	<i>If date is not yet identified, label as "pending"</i>
2 CCR 402-1 Rules and Regulations for Dam Safety Construction	Division of Water Resources	Sections 37-87-102, 105, 37-80-102(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 37-90-111(1)(h), 24-4-131	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 37-80-102(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 37-80-102(1)(g) & (k), 37-90-138, 37-90-137(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 37-91-104(1)	Ongoing	Not as of this date	Not as of this date	No	Pending

Education and Remedial Action	Contractors						
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	Sections 37-80-102(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 37-80-102(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
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>	<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or</i>	<i>Consider including critical outcomes, milestones, etc.</i>

<i>adopted in the past year</i>						<i>(d) ongoing</i>	
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)
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>	<i>The statutory or other basis for adoption of the proposed rule</i>		Y/N	Y/N - if yes, how many rules?	Y/N	<i>If date is not yet identified, label as "pending"</i>
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