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Introduction

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Notice of Proposed Rulemaking

Tracking number

2015-00082

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing**Date**

03/04/2015

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

Wildfire Mitigation Measures Subtraction

Statutory authority

39-21-112(1) and §39-22-104(4)(n.5), C.R.S.

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WILDFIRE MITIGATION MEASURES SUBTRACTION

REGULATION 39-22-104(4)(N.5)

- (1) **Paid Out-of-pocket Expenses.** A cost eligible for the subtraction must be an actual out-of-pocket expense incurred and paid by the landowner primarily for wildfire mitigation measures.
 - (a) *Examples.*
 - (i) A landowner who hires and pays a third-party contractor to cut down trees as a wildfire mitigation measure has incurred and paid an out-of-pocket expense.
 - (ii) A landowner who personally cuts down trees as a wildfire mitigation measure has not incurred or paid an out-of-pocket expense.
 - (iii) A chainsaw is eligible for the subtraction if it is purchased primarily for wildfire mitigation measures.
- (2) **Costs Incurred Primarily for Non-Wildfire Mitigation Purposes.** Any cost must be for property or services primarily used for wildfire mitigation measures.
 - (a) *Examples.*
 - (i) Purchases of an all-terrain vehicle, truck, tractor, or trailer are not eligible for the subtraction, even though the landowner may use these items to perform wildfire mitigation measures, because these items are not primarily used for wildfire mitigation measures. However, rental charges for the items identified, above, are eligible for the subtraction if the landowner primarily uses the rented items to perform wildfire mitigation measures.
 - (ii) Costs for landscaping that are primarily for aesthetic purposes, such as installation of a patio, lawn, garden or similar landscaping, but also serve as a fire break or other wildfire mitigation measure, are not eligible for the subtraction because the costs were not incurred primarily for wildfire mitigation measures.
- (3) **Ineligible Costs.** Costs that are not eligible for the subtraction include an inspection or certification fee, in-kind contribution, donation, incentive, or a cost sharing arrangement associated with, or grants awarded for, performing wildfire mitigation measures.
 - (a) *In-Kind Contributions.*
 - (i) *Example.* A landowner who personally performs wildfire mitigation measures for a summer camp and who also contributes the use of a chainsaw and truck as a gift to the summer camp cannot claim the value of the landowner's personal services (because the personal service is not an actual out-of-pocket expense but rather an in-kind contribution and donation, neither of which qualify as "costs" for purposes of this rule) or the in-kind contribution of the rental value for the use of the chainsaw or truck on the summer camp's property.
 - (b) *Donation.*

- (i) *Example.* A landowner allows without charge the use of the landowner's trailer by a third party to perform wildfire mitigation measures. Neither the landlord nor the third party may claim the value of the donation to rent the trailer as a subtraction.
 - (ii) A landowner who performs wildfire mitigation services for free to a summer camp that neighbors the landowner's property cannot claim the value of the donation as a subtraction.
 - (c) *Cost Sharing.* Cost sharing is an arrangement by which participants, which may include landowners and non-landowners, agree to share the cost of performing wildfire mitigation measures.
 - (i) *Example.* Neighboring landowners who agree to share the costs of purchasing or renting equipment for, or for hiring a third party contractor to perform, wildfire mitigation measures on their respective private lands cannot claim their portion of such costs as a subtraction
 - (d) *Grants and Incentives.* A cost paid from, or reimbursed by, an incentive or grant awarded to, or made available to, a landowner to perform wildfire mitigation measures is not eligible for the subtraction.
- (4) **Landowner.** A taxpayer claiming the subtraction must be a landowner of private land located in Colorado.
- (a) *Estate in Land.* A landowner is an individual who is an owner of record of a fee interest in real property (whether held solely, jointly or in common), easement, right-of-way, or other estate in real property. An easement is a non-possessory interest in real property to enter on to land and use the land, or to restrict the use of such land, for an indefinite or specific period of time, such as a right-of-way to travel across land or to use the land for recreational purposes (e.g., fishing, hunting, camping). A right-of-way typically is a type of easement. A lease is an estate in land and, therefore, a lessee is landowner for purposes of this rule, provided that evidence of the lease is properly recorded. The lessor is also a landowner as either the owner of a fee interest in the land or as a lessee who is acting in the capacity of a sublessor.
 - (b) *Taxpayer's Property Interest.* Wildfire mitigation measures must be performed on the taxpayer's property interest.
 - (i) *Examples.*
 - (A) Wildfire mitigation measures performed by a taxpayer who has a lease or easement on land owned by someone else can claim the subtraction because the work was performed on an estate (e.g., lease) owned by the taxpayer, even though a third party owned the underlying fee interest in the land.
 - (B) A taxpayer who pays for wildfire mitigation measures on a neighboring landowner's land for the purpose of protecting the taxpayer's land cannot claim the costs for such work because the wildfire mitigation measure was not performed on taxpayer's land.
 - (c) *Public property.* A person who holds an easement, right-of-way, lease or other estate in land that is owned by a governmental entity is not a landowner because the subtraction is

available only if the wildfire mitigation measures are performed on private land, not public land.

(i) *Examples.*

- (A) A sole proprietor who owns or leases a building on land owned by the government is not a landowner because the land is not private land, even though the proprietor owns a private estate (lease).
- (B) An individual who has an easement or right-of-way, which includes fencing, bridging, buildings or fixtures owned by the individual, on land owned by the federal Bureau of Land Management is not a landowner of private land and cannot claim the subtraction for wildfire mitigation measures taken to protect the individual's private property interest in the fixtures to real property (i.e., fencing, bridging, and other structures on the public land).

(d) *Private Property held by a Legal Entity.* A partnership, S corporation, or other similar legal entity cannot claim the subtraction. However, an individual who holds an easement, leasehold, right-of-way, or estate in real property owned or leased by such legal entity is a landowner because the individual is a landowner (i.e., holds an estate) of private land. Corporations and other similar legal entities are not eligible for this subtraction because § 39-22-104, C.R.S. is available only to individuals, estates, and trusts.

- (5) **Wildland-Urban Interface Area / Community Wildfire Protection Plan.** For tax years beginning prior to January 1, 2014, the wildfire mitigation measure must be performed in a wildland-urban interface area and authorized by a community wildfire protection plan, but this requirement does not apply for tax years beginning on or after said date.

COLORADO DEPARTMENT OF REVENUE

STATEMENT OF BASIS AND PURPOSE

Wildfire Mitigation Measures Subtraction

39-22-104(4)(n.5)

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1) and §39-22-104(4)(n.5), C.R.S.

Purpose

The purpose of the new regulation is to provide guidance, primarily by example, in areas where the department believes there may be some ambiguity on how the subtraction is applied, but the regulation does not address all the requirements for the subtraction. The incurrence of cost for wildfire mitigation measures can take many forms, such use of one's own resources, trading resources, and sharing costs are common examples. The statute excludes certain types of costs (e.g., costs that are not 'out-of-pocket') and costs incurred in certain arrangements (e.g., cost sharing) and the regulation tries to expand on what is eligible for the subtraction and what is not.

The regulation also provides guidance on the term "landowner," estates in land, and what constitutes "private land".

Notice of Proposed Rulemaking

Tracking number

2015-00081

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing**Date**

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Pension and Annuity Income

Statutory authority

39-21-112(1) and 39-22-104(4)(f), C.R.S.

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PENSION AND ANNUITY SUBTRATION

REGULATION 39-22-104(4)(F)

- ~~(1) — Qualified Pension and Annuity Income. The following income may be excluded from Colorado taxable income to the extent a taxpayer is eligible for the pension/annuity subtraction:~~
- ~~(a) — Pension and annuity income, IRA distributions, and social security income reported on the federal income tax return as taxable.~~
 - ~~(b) — A distribution reported as a “lump sum distribution addition” under §39-22-104(3)(c), C.R.S. in computing Colorado taxable income.~~
 - ~~(c) — Taxable disability retirement benefits received by persons 55 years of age or older, even if such payments are reported as wages for federal income tax purposes.~~
 - ~~(d) — Taxable nonqualified deferred compensation payments that qualify as retirement income under 4 USC Section 114(b)(1)(I) received by persons 55 years of age or older, even if such payments are reported as wages for federal income tax purposes.~~

(1) **General Rule.**

- (a) Pension and annuity benefits subject to the limitations set forth in paragraph (2) are eligible to be subtracted from a taxpayer's federal taxable income if the benefits are paid periodically, are attributable to personal services performed by an individual prior to his or her retirement from employment, paid after such retirement, and that arise from:
 - (i) An employee-employer relationship;
 - (ii) Service in the uniformed services of the United States; or
 - (iii) Contributions to a retirement plan that are deductible for federal income tax purposes.
- (b) Periodic payment means amounts paid at regular intervals (e.g., weekly, monthly, or yearly) over a period of time greater than one year.
- (c) *Additional Qualifying Benefits.* The following pension and annuity benefits qualify for the subtraction, even though they are not paid periodically, are not attributable to personal services of the individual prior to retirement, and/or do not arise from one or more of the sources described in paragraphs (1)(a)(i)-(iii):
 - (i) Distributions from individual retirement arrangements (IRAs);
 - (ii) Distributions from self-employed retirement accounts;
 - (iii) Amounts received from fully matured privately purchased annuities;
 - (iv) Social security benefits; and

- (v) Amounts paid from any such sources (i.e., sources described in (1)(a)(i) - (iii) and (c)(i)-(iv), above) by reason of permanent disability or death of the person entitled to receive the benefits.

(2) **Limitations.** The following are limitations on the subtraction:

- (a) The amount of income that can be subtracted is limited to:
 - (i) \$20,000 for a taxpayer who is at least 55 years of age, but not more than 64 years of age, at the end of the tax year (See paragraph (3)(c) for benefits received due to the death of the person who was originally entitled to receive such benefits); or
 - (ii) \$24,000 for a taxpayer who is at least 65 years of age at the end of the tax year.
- (b) The subtraction applies only to the extent taxpayer reports, in the same tax year that the subtraction is claimed, the pension or annuity benefit as federal taxable income on his or her federal income tax return.
- (c) **Premature Distributions.** ~~Premature distributions for federal income tax purposes, regardless of the source, do not qualify for the pension/annuity subtraction.~~ Distributions from an IRA or self-employed retirement account plan (e.g., a 401(k), savings incentive match plan for employees (SIMPLE), or Simple Employee Pension (SEP) retirement plan for a self-employed taxpayer) that are deemed to be premature for federal income tax purposes do not qualify for the subtraction. A premature distribution (sometimes referred to as an early distribution) for federal tax purposes means a distribution that is subject to a federal income tax penalty (sometimes referred to as additional federal tax). See I.R.C. § 72(t). In general, a distribution made before a taxpayer reaches the minimum retirement age required by the pension or annuity plan is subject to the premature distribution penalty. However, federal law does not impose the premature distribution penalty for certain distributions made prior to the minimum retirement age (e.g., death, hardship, etc.). See I.R.C. § 72(t). These distributions are not disqualified from the subtraction if they otherwise meet the requirements and limitations of paragraphs (1) and (2). The restriction regarding premature distributions does not apply to pension and annuity benefits distributed from sources other than an IRA or self-employed retirement account plan.
 - (i) *Example 1.* A distribution made from a self-employed 401(k) retirement plan to a taxpayer who is 55 years old does not meet the minimum retirement age for federal tax purposes and, therefore, is considered a premature distribution subject to the federal income tax penalty. Such distribution is not eligible for this subtraction because a premature distribution from a self-employed retirement account is not eligible for the subtraction.
 - (ii) *Example 2.* Same facts as Example 1 except that the 401(k) plan is not a self-employed retirement plan but, rather, a retirement plan arising from an employer-employee relationship. The distribution is eligible for the subtraction even though the distribution is subject to the premature distribution penalty because premature distribution penalty only disqualifies distributions from self-employed retirement accounts and IRAs and does not disqualify distributions from other retirement plans.
 - (iii) *Example 3.* Same facts as Example 1 except the distribution is a lump-sum distribution of the entire fund made for hardship and, therefore, is not subject to the federal premature distribution penalty. The distribution is allowed as a

subtraction. Note that the distribution is eligible for the subtraction even though it is a lump-sum payment (i.e., not a periodic payment) because distributions from a self-employed retirement plan do not have to be periodic.

- (iv) *Example 4.* Same facts as Example 2 except the distribution is a lump-sum distribution of the entire fund and is subject to the premature distribution penalty. The distribution is not eligible for the subtraction because the distribution does not qualify as a periodic payment. The premature distribution penalty does not disqualify the distribution because the premature distribution penalty disqualifies distributions only from IRAs and self-employed retirement accounts.

- (d) See §39-22-104(4)(f)(III), C.R.S. for apportionment of social security income reported in a Colorado joint return.

(3) **Examples of Pension and Annuity Benefits that Qualify for the Subtraction.** The following is a non-exhaustive list of pension or annuity benefits that, if the benefit is derived from one or more of the sources described in paragraph (1), above, and is subject to the limitations of paragraph (2), qualify for the subtraction:

- (a) Pension and annuity plan benefits provided by a government employer to its employees after retirement.
- (b) Distributions from a 401(k) plan, tax-sheltered annuity plan (403(b) plan), 501(c)(18)(D) plan, salary reduction simplified employee pension plan (SARSEP), SIMPLE plan, thrift savings plan for federal employees, IRAs, SEP plan, profit-sharing plan, defined benefit plan, money purchase plan, employee stock ownership plan, 457 plan, governmental plan (e.g., 401(a) plan), and 409A nonqualified deferred compensation plan.
- (c) Pension and annuity benefits, including any lump-sum distributions from sources in paragraph (1)(a)(i) - (iii), paid to an individual who is less than 55 years of age at the close of the tax year if such benefits were received because of the death of the person who was originally entitled to receive such benefits. This paragraph (3)(c) applies only if the benefits are paid to an individual. The \$20,000 dollar limitation in paragraph (2) applies to individual beneficiaries who are, at the end of the tax year, less than 65 years of age (including beneficiaries who are less than 55 years of age), and the \$24,000 limitation in paragraph (2) applies to individual beneficiaries who are at least 65 years of age at the end of the tax year. Non-individuals (e.g., trust, estate, partnership, and other legal entity) that receive such benefits and individuals who receive such benefits from non-individuals may not claim the subtraction, even if the entity that received the benefit redistributes the benefit to an individual.
- (d) Taxable permanent disability benefits received by an individual described in paragraph (1)(c)(v) who meets the age limitations set forth in paragraphs (2) even if the compensation is characterized as wages rather than pension and annuity income for federal income tax purposes.
- (e) Payments made pursuant to a divorce settlement or decree to the extent the payments arise from one of the sources listed in paragraph (1) and are subject to the limitations of paragraphs (2). The settlement or decree must expressly state the amount of the pension or annuity benefit allocated to the taxpayer in order for the taxpayer to claim the subtraction. A nonperiodic payment representing a future stream of periodic payments from a pension or annuity plan made pursuant to the divorce settlement or decree will not qualify for the subtraction, unless the pension or annuity plan benefit is a pension or annuity plan listed as an exception in paragraph (1)(c), above.

(4) **Examples of Pension and Annuity Benefits that Do Not Qualify for the Subtraction.** The following ~~are examples~~ is a non-exhaustive list of benefits ~~of payments~~ that do not qualify as a pension or annuity ~~income benefit~~ for purposes of ~~this the Colorado pension/annuity~~ subtraction:

- (a) A lump-sum distribution from a qualified or nonqualified pension or profit-sharing plan as defined in I.R.C. § ~~section~~ 401. ~~of the Internal Revenue Code, except to the extent that such distributions are included in subparagraph (1)(b) of this regulation.~~ See Public Law 102-318, § 511 (moving the provision for income averaging for lump-sum distributions set forth in I.R.C. § 402(e)(1) to § 402(d)), and Public Law 104-188, §1401 (eliminating deduction and income averaging for lump-sum distributions set forth in I.R.C. § 402).
- (b) Distributions from a Roth IRA are excluded from federal gross income and, therefore, are not eligible for the subtraction. Contributions are also not eligible to be included in the subtraction.
- (c) Sick leave or vacation leave payout.
- (d) Early retirement incentive pay.
- (e) Severance pay.
- (f) Unemployment benefits.
- (g) Interest income from a bank plan that is distributed to a surviving spouse as retirement income upon death of first spouse.
- (h) Joint savings accounts or jointly held certificates of deposits that are paid to the surviving spouse or owner.
- (i) Alimony payments, including that ~~the~~ portion of military pension awarded to a nonmilitary spouse as a result of a divorce settlement that is classified as alimony, ~~except for alimony income that meets the requirements set forth in paragraph (3)(e), above.~~
- (j) Life insurance proceeds.
- (k) Payments from a long-term care insurance contract.
- (l) Disability payments that are not for permanent disability, regardless of their source, even if reported as pension and annuity income on taxpayer's federal income tax return.
- (m) Insurance or civil damages compensation for loss of use or function of a part of the body (e.g., loss of a limb).
- (n) A guaranteed payment by a partnership to a partner, unless the payment is part of a plan that meets the general rule of paragraph (1) and subject to the limitations of paragraphs (2), above.
- (o) Distributions from an otherwise qualified profit-sharing plan to an employee prior to retirement.
- (p) Distributions from an otherwise qualified employer-sponsored savings plan or employee stock ownership plan prior to retirement.

- (q) Contribution to a pension or annuity plan, regardless of whether the contribution is taxable to the beneficiary of the pension or annuity plan at the time the contribution is made.
- (r) Distribution of interest income derived from an U.S. savings bond, unless the bond was an asset of a pension or annuity plan that qualifies for the subtraction.

~~(s) —Deferred payments received under personal service contracts.~~

(5) **Trusts/Estates.**

- (a) Trusts and estates cannot claim the pension and annuity benefit subtraction. ~~The pension/annuity subtraction is available to trusts or estates to the extent the amount is received as a result of the death of the person who earned the pension/annuity. The amount of the subtraction is the smaller of \$20,000 or the taxable pension/annuity income that is not distributed to the beneficiaries of the trust or estate.~~
- (b) ~~Each beneficiary who receives pension/annuity income distributed from the trust or estate will be eligible for a separate pension/annuity subtraction of up to \$20,000 if the amount is received as a result of the death of the person who earned the pension/annuity. An individual who is a beneficiary of a trust or estate cannot claim the subtraction for distributions of pension or annuity benefits from a trust or estate.~~

(6) **Railroad Retirement Benefits.**

- (a) Railroad retirement annuity benefits, including Tier I and Tier II, annuity benefits for spouses, divorced spouses, survivors, vested dual benefits, supplemental railroad retirement annuity benefits and railroad disability ~~payments~~ benefits are exempt from state taxation under Section 231m of the Railroad Retirement Act (45 U.S.C. 231m and 231a(a)), regardless of whether such benefits meet the qualifications set forth in paragraph (1) of this regulation. The amount of such subtraction is not limited by the dollar limitations set forth in paragraph (2), above. If a taxpayer also receives pension or annuity benefits described in paragraph (1), above, that qualify for the subtraction, then the amount of railroad retirement benefits is not included in calculating whether pension or annuity benefits of paragraph (1) have exceeded the dollar limitations set forth in paragraph (2).
- (b) If the benefits described in paragraph (56)(a), above, are included in the taxpayer's federal taxable income, the benefits are subtracted when computing Colorado taxable income as a "railroad retirement benefits subtraction." The income included in the railroad retirement benefits subtraction ~~may~~ cannot be subtracted a second time under the pension and annuity subtraction and the amount of any railroad retirement benefits subtraction will not count against the \$20,000 or \$24,000 limitation of the pension / annuity subtraction.

Cross reference: Public Law 102-318, §511, and Public Law 104-188, §1401. Prior to 1996, lump-sum distributions that were subject to the income tax averaging provisions of I.R.C. §402(e)(1) qualified for the subtraction if the deduction for such distributions, authorized by I.R.C. § 402(e)(3), were added to Colorado taxable income pursuant to §39-22-104(3)(c), C.R.S. In 1992, Congress rewrote I.R.C. §402(e) and moved the lump sum deduction and income-averaging provisions to I.R.C. §402(d) and, in 1996 (P.L. 104-188), completely eliminated the deduction and income tax averaging provisions

COLORADO DEPARTMENT OF REVENUE

STATEMENT OF BASIS AND PURPOSE

Pension and Annuity Income

39-22-104(4)(f)

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1) and §39-22-104(4)(f), C.R.S.

Purpose

The Department has clarified the regulation to make clear that the pension and annuity benefit subtraction generally applies only if payments are periodic, arise from personal services performed prior to the taxpayer's retirement, and are paid after such retirement. The legislative history makes clear that these requirements apply to benefits derived from sources described in subsections (1)(a)(i)-(iii). In 1988, the legislature amended subsection 104 in a manner that suggests that the term "periodic payments" and "attributable to personal services performed by an individual prior to his or her retirement" were intended to modify all three sources of "pensions and annuities" (i.e., sources listed in paragraph 1(a)(i)-(iii). The language was specifically modified under House Bill No. 1201 as follows:

For the purposes of this paragraph (f), "pensions and annuities" means retirement benefits which are periodic payments attributable to personal services performed by an individual prior to his retirement from employment and which arise from an employer-employee relationship, FROM service in the uniformed services of the United States, or from contributions to a retirement plan which are deductible for federal income tax purposes.

1988 Colo. Sess. Laws., ch. 273, p. 1312 (emphasis in original).

We note that at the time that this amendment was made, the New York Tax Code had adopted an approach substantially similar to the one proposed in this regulation. Indeed, the New York Code may have been the source of the language used by the Colorado General Assembly in 1987 to amend the Colorado pensions and annuity subtraction. Specifically, in 1987, and dating back to 1981, New York law provided a subtraction from taxable income of:

Pensions and annuities received by an individual who has attained the age of fifty-nine and one-half, not otherwise excluded pursuant to paragraph three of this subsection, to the extent includible in gross income for federal income tax purposes, but not in excess of twenty thousand dollars, which are periodic payments attributable to personal services performed by such individual prior to his retirement from employment, which arise (i) from an employer-employee relationship or (ii) from contributions to a retirement plan which are deductible for federal income tax purposes.

1992 New York Sess. Laws. Ch. 1043, p. 2703 (emphasis added). As evidenced by the legislature's use of subheadings (i) and (ii), the phrase "periodic payments attributable to personal services performed by such individual prior to his retirement from employment" modifies both employer-employee sourced benefits and other retirement plan related benefits under New York law. The New York statute further confirms that "periodic payments attributable to personal services" is intended to function as the general, substantive rule by following that rule with express exceptions as follows:

However, the term 'pensions and annuities' shall also include distributions received by an individual who has attained the age of fifty-nine and one-half from an individual retirement account or an individual retirement annuity, as defined in [IRC § 408], and distributions received by an individual who has attained the age of fifty-nine and one-half from self-employed individual and owner-employee retirement plans which qualify under [IRC § 401], *whether or not the payments are periodic in nature*. Nevertheless, the term 'pensions and annuities' shall not include lump sum distributions, as defined in [IRC § 402(e)(4)(A)] and taxed under section [601-C] of this article.

1992 New York Sess. Laws. Ch. 1043, p. 2703 (emphasis added). It appears the Colorado legislature similarly provided certain express exceptions to the general rule requiring periodic payments in the fourth sentence of section 39-22-104(4)(f)(III), C.R.S. Such express exceptions would have been unnecessary if the "periodic payments attributable to personal services" language was merely illustrative and not intended to be given substantive effect. The underlying regulatory provision promulgated by New York's Department of Taxation and Finance provides further support for the conclusion that "periodic payments" and "personal services" are both substantive requirements. Among other things, the regulation provides for the subtraction to be taken only if certain conditions are met, including:

- (a) the pension and annuity income must be included in Federal adjusted gross income;
- (b) the pension and annuity income *must be received in periodic payments* (unless otherwise provided in this paragraph);
- (c) the pension and annuity income *must be attributable to personal services performed by such individual, prior to such individuals retirement from employment*, which arises from either an employer-employee relationship or from contributions to a retirement place which are tax deductible under the Internal Revenue Code (e.g., individual retirement account (IRA) or self-employed retirement (Keogh)); and
- (d) such individual receiving the pension and annuity income must be 59 1/2 years of age or over.

N.Y. Comp. Codes R. & Regs. tit. § 112.3(c)(2) (emphasis added).

For these reasons, this regulation makes clear that "periodic payments" derived from "personal services prior to retirement" and "paid after retirement" are qualifications that apply to all three sources identified in subsections (1)(a)(i)-(iii).

The statute does not define ‘periodic’. The Department generally looks to the Internal Revenue Code to provide definition of terms that are not defined in state statute. The Department adopts the definition of periodic payment set forth in Internal Revenue Service publication 939 (General Rules for Pension and Annuities).

In addition to stating a general rule for identifying pension and annuity benefits that qualify for the subtraction, the legislature identified in section 39-22-104(4)(f)(III), C.R.S. specific benefits that qualify for the subtraction, even though they do not meet one or more of the qualifications set forth in the general rule. For example, a lump-sum distribution would not constitute periodic payments. Nevertheless, the legislature elected to allow a lump-sum payment to be eligible for the subtraction (but see discussion below regarding federal amendments to I.R.C. §402).

The Department listed several types of pension or annuity benefits that qualify for the subtraction if the general rule and limitations under paragraphs (1) and (2) are met. For example, distributions from a section 457 plan can qualify for the subtraction because these plans typically fall within either subparagraph 1(a)(i) or (iii), even though these are arguably not “retirement plans” because a taxpayer can, for federal tax purposes, receive distributions from a 457 plan prior to the minimum retirement age without incurring a penalty. Notwithstanding this arguable point, the Department included these plans if they otherwise meet the qualifications and limitations of paragraphs (1) and (2) because the legislative history indicates that the legislature intended to apply broadly the subtraction. However, the reference to the many plans listed in paragraph (3) does not mean that all distributions from these plans can be included in the subtraction. Distributions must meet the qualifications and limitations of paragraphs (1) and (2). For example, although distributions from a 457 plan qualify for the subtraction, a lump-sum distribution from such plan or periodic distributions from a 457 plan prior to retirement do not qualify for the subtraction.

The limitation regarding premature distributions applies only to individual retirement arrangements (IRAs) and self-employed retirement accounts. The statute does not define ‘premature distribution’, but the term is used in the federal income tax code. Therefore, the Department will use the federal definition of premature distribution for purposes of this state statute. In general, a distribution is premature for federal tax purposes if it is subject to federal income tax penalty (sometimes referred to as additional tax), which is generally described in I.R.C. § 72(t). Some premature distributions are not subject to this additional tax (e.g., distributions for hardship) and, therefore, are not excluded from the subtraction as a premature distribution.

The Department eliminated the reference to retirement income defined in 4 U.S.C. §144(1)(b)(I) because such income is not reported as federal taxable income and, therefore, the subtraction does not apply.

The regulation was amended to clarify how the \$20,000 and \$24,000 limitations applies to individuals who are beneficiaries of a deceased person who was originally entitled to pension or annuity benefits that qualified for the subtraction. The Department concluded that the interpretation most consistent with the statutory language is to apply the \$20,000 limitation to a

beneficiary who is less than 65 years of age, even if the beneficiary is less than 55 years of age, and the \$24,000 limitation to a beneficiary at least 65 years old.

The regulations clarify that trusts and estates are not entitled to the subtraction because §39-22-104(4)(f), C.R.S. refers only to “individuals”.

Railroad retirement benefits are generally grouped into Tier I and Tier II benefits. The regulation was expanded to make clear that railroad retirement annuity benefits includes annuity benefits to a spouse, divorced spouse and survivors (e.g., children of railroad employees) and supplemental railroad retirement annuity benefits.

The Department expanded the list of payments that do not qualify for the subtraction. To this list the Department added lump-sum payments that were previously eligible pursuant to section 39-22-104(4)(f)(III), C.R.S. Prior to 1992, lump-sum distributions that were subject to the income tax averaging provisions of I.R.C. §402(e)(1), qualified for the subtraction if the deduction for such distributions, authorized by I.R.C. §402(e)(3), were added to Colorado taxable income pursuant to section §39-22-104(3)(c), C.R.S. In 1992, Congress rewrote §402(a) through (f) (Public Law 102-318, sec. 511) to move these provisions to other sections in §402 and, in 1996 (Public Law 104-188), completely eliminated the provisions for income tax averaging and the deduction for lump-sum distributions.

Notice of Proposed Rulemaking

Tracking number

2015-00086

Department

400 - Department of Natural Resources

Agency

405 - Colorado Parks and Wildlife (405 Series, Parks)

CCR number

2 CCR 405-1

Rule title

CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS

Rulemaking Hearing

Date

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS - see attached

Statutory authority

see attached

Contact information

Name

Danielle Isenhardt

Title

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January 30, 2015

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
March 4-5, 2015**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **March 4-5, 2015. The Parks and Wildlife Commission meeting will be held at the offices of Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216. The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-1-104, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

FINAL REGULATORY ADOPTION - March 4-5, 2015 beginning at 8:00 a.m.

EFFECTIVE DATE OF REGULATIONS approved during the March 2015 Parks and Wildlife Commission meeting: May 1, 2015, unless otherwise noted.

PARKS REGULATIONS

FINAL REGULATIONS:

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter P-2 - ("Boating" 2 CCR 405-2) necessary to accommodate changes to or ensure consistency with Chapter P-1

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 the Colorado Parks and Wildlife, including, but not limited to, the following:

- Allowing boats with electric or gas motors of 10 horsepower or less to be launched and operated at a wakeless speed on Blue Heron Reservoir at St. Vrain State Park.
- Prohibiting the use of portable grills and stoves outside of designated high-use pads at Eldorado Canyon State Park.
- Allowing the Park Manager to require bear proof containers in all or portions of Eleven Mile State Park.
- Updating Regulation No. P-103(a) regarding water restrictions to include the Staunton State Park Ponds.
- Updating Regulation No. P-106(a)(1)(c)(2), clarifying that Highline Lake State Park is only open to waterfowl hunting on days and times as posted.

- Changing personal flotation device labeling in order to comply with US Coast Guard standards.

Chapter P-7 - “Passes, Permits and Registrations” 2 CCR 405-7

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- Adding the Overlook Event Facility at Ridgway State Park to the set fee schedule.
- Increasing the weekend and holiday rate at the Pa Co Chu Puk group event facility.
 - Removal of the Parks Aspen Leaf Lifetime Pass Card and other applicable regulations.

WILDLIFE REGULATIONS

FINAL REGULATIONS:

Chapter W-0 - “General Provisions” 2 CCR 406-0

Opening of the entire chapter, including, but not limited to, the following:

- To allow the limited use of leashed dogs to recover wounded big game, excluding black bears.
- Revision of the “Private Land Only Licenses” definition to be consistent with State Land Board requirements.

Chapter W-2 - “Big Game” 2 CCR 406-2

Open for consideration of regulations, including, but not limited to, the following:

- Any necessary regulations and corrections to or administrative clean-up of changes previously adopted by the Parks and Wildlife Commission for the 2015 big game seasons, including, but not limited to, game management unit boundaries, season dates, limited license areas and manner of take provisions for bighorn sheep, mountain goat, deer, elk, pronghorn, moose, bear and mountain lion, and regulations otherwise necessary for implementation of the 2015 big game seasons and the 2015-2019 Big Game Season Structure as adopted by the Parks and Wildlife Commission in January of 2015.
- Clarification of the weighted preference point regulation.
- Removal of the Big Game Access Program.
- Instating a ¼ mile closure around Brainard Lake for moose hunting from the beginning of archery season until the USFS gate closes.

Chapter W-9 - “Wildlife Properties” 2 CCR 406-9

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, wildlife

properties controlled by the Division of Parks and Wildlife, including State Trust Lands (STLs) leased by the Division, including, but not limited to, the following:

- Adding new regulations for the Arikaree SWA.
- Modifying the winter range closure on Centennial SWA.
- Modifying public access restrictions at Dome Rock SWA.
- Closing Frank SWA to hunting and prohibiting public access north of the Poudre River.
- Allowing bow fishing at Rio Grande, Shriver-Wright, Russell Lakes, and Higel SWAs.
- Adding access restrictions to Mount Evans SWA.
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- Adding in Moosehead Mountain STL to the STL appendix.

Chapter W-11 - “Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11

Open for consideration of regulations, including, but not limited to, the following:

- Adding the Asian Water Buffalo to the list of domestic species in Colorado.
- Prohibiting the possession of animals taken from the wild in Colorado at all wildlife parks and sanctuaries and adding exceptions for when wildlife sanctuaries may import and possess animals taken from the wild in other states.

Except for the time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission’s schedule.

Viewing of Proposed Rules: copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection and distribution at the Office of the Regulations Manager, Division of Parks and Wildlife, 1313 Sherman St., Denver, Colorado, at least five (5) days prior to the date of hearing. Such copies, however, are only proposals to be submitted to the Commission by the Division of Parks and Wildlife.

Modification of Proposed Rules prior to adoption: subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

Comment deadlines: Comments will be accepted at any time prior to, or as part of the meeting. However, to ensure sufficient time for consideration prior to the meeting, comments should be provided to the Division of Parks and Wildlife by noon on the following date:

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Notice of Proposed Rulemaking

Tracking number

2015-00087

Department

400 - Department of Natural Resources

Agency

405 - Colorado Parks and Wildlife (405 Series, Parks)

CCR number

2 CCR 405-2

Rule title

CHAPTER P-2 - BOATING

Rulemaking Hearing**Date**

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER P-2 - BOATING - see attached

Statutory authority

see attached

Contact information**Name**

Danielle Isenhardt

Title

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303-866-3203 x 4625

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danielle.isenhardt@state.co.us

January 30, 2015

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March 4-5, 2015**

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FINAL REGULATORY ADOPTION - March 4-5, 2015 beginning at 8:00 a.m.

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Notice of Proposed Rulemaking

Tracking number

2015-00088

Department

400 - Department of Natural Resources

Agency

405 - Colorado Parks and Wildlife (405 Series, Parks)

CCR number

2 CCR 405-7

Rule title

CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS

Rulemaking Hearing**Date**

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS - See attached

Statutory authority

see attached

Contact information**Name**

Danielle Isenhardt

Title

Regulations Manager

Telephone

303-866-3203 x 4625

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January 30, 2015

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Notice of Proposed Rulemaking

Tracking number

2015-00089

Department

400 - Department of Natural Resources

Agency

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-0

Rule title

CHAPTER W-0 - GENERAL PROVISIONS

Rulemaking Hearing**Date**

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER W-0 - GENERAL PROVISIONS - see attached

Statutory authority

see attached

Contact information**Name**

Danielle Isenhardt

Title

Regulations Manager

Telephone

303-866-3203 x 4625

Email

danielle.isenhardt@state.co.us

January 30, 2015

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
March 4-5, 2015**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **March 4-5, 2015. The Parks and Wildlife Commission meeting will be held at the offices of Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216. The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-1-104, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

FINAL REGULATORY ADOPTION - March 4-5, 2015 beginning at 8:00 a.m.

EFFECTIVE DATE OF REGULATIONS approved during the March 2015 Parks and Wildlife Commission meeting: May 1, 2015, unless otherwise noted.

PARKS REGULATIONS

FINAL REGULATIONS:

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter P-2 - ("Boating" 2 CCR 405-2) necessary to accommodate changes to or ensure consistency with Chapter P-1

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 the Colorado Parks and Wildlife, including, but not limited to, the following:

- Allowing boats with electric or gas motors of 10 horsepower or less to be launched and operated at a wakeless speed on Blue Heron Reservoir at St. Vrain State Park.
- Prohibiting the use of portable grills and stoves outside of designated high-use pads at Eldorado Canyon State Park.
- Allowing the Park Manager to require bear proof containers in all or portions of Eleven Mile State Park.
- Updating Regulation No. P-103(a) regarding water restrictions to include the Staunton State Park Ponds.
- Updating Regulation No. P-106(a)(1)(c)(2), clarifying that Highline Lake State Park is only open to waterfowl hunting on days and times as posted.

- Changing personal flotation device labeling in order to comply with US Coast Guard standards.

Chapter P-7 - “Passes, Permits and Registrations” 2 CCR 405-7

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- Adding the Overlook Event Facility at Ridgway State Park to the set fee schedule.
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 - Removal of the Parks Aspen Leaf Lifetime Pass Card and other applicable regulations.

WILDLIFE REGULATIONS

FINAL REGULATIONS:

Chapter W-0 - “General Provisions” 2 CCR 406-0

Opening of the entire chapter, including, but not limited to, the following:

- To allow the limited use of leashed dogs to recover wounded big game, excluding black bears.
- Revision of the “Private Land Only Licenses” definition to be consistent with State Land Board requirements.

Chapter W-2 - “Big Game” 2 CCR 406-2

Open for consideration of regulations, including, but not limited to, the following:

- Any necessary regulations and corrections to or administrative clean-up of changes previously adopted by the Parks and Wildlife Commission for the 2015 big game seasons, including, but not limited to, game management unit boundaries, season dates, limited license areas and manner of take provisions for bighorn sheep, mountain goat, deer, elk, pronghorn, moose, bear and mountain lion, and regulations otherwise necessary for implementation of the 2015 big game seasons and the 2015-2019 Big Game Season Structure as adopted by the Parks and Wildlife Commission in January of 2015.
- Clarification of the weighted preference point regulation.
- Removal of the Big Game Access Program.
- Instating a ¼ mile closure around Brainard Lake for moose hunting from the beginning of archery season until the USFS gate closes.

Chapter W-9 - “Wildlife Properties” 2 CCR 406-9

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, wildlife

properties controlled by the Division of Parks and Wildlife, including State Trust Lands (STLs) leased by the Division, including, but not limited to, the following:

- Adding new regulations for the Arikaree SWA.
- Modifying the winter range closure on Centennial SWA.
- Modifying public access restrictions at Dome Rock SWA.
- Closing Frank SWA to hunting and prohibiting public access north of the Poudre River.
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Chapter W-11 - “Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11

Open for consideration of regulations, including, but not limited to, the following:

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- Prohibiting the possession of animals taken from the wild in Colorado at all wildlife parks and sanctuaries and adding exceptions for when wildlife sanctuaries may import and possess animals taken from the wild in other states.

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Modification of Proposed Rules prior to adoption: subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

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Notice of Proposed Rulemaking

Tracking number

2015-00090

Department

400 - Department of Natural Resources

Agency

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-2

Rule title

CHAPTER W-2 - BIG GAME

Rulemaking Hearing**Date**

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER W-2 - BIG GAME - see attached

Statutory authority

see attached

Contact information**Name**

Danielle Isenhardt

Title

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Telephone

303-866-3203 x 4625

Email

danielle.isenhardt@state.co.us

January 30, 2015

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March 4-5, 2015**

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Notice of Proposed Rulemaking

Tracking number

2015-00091

Department

400 - Department of Natural Resources

Agency

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-9

Rule title

CHAPTER W-9 - WILDLIFE PROPERTIES

Rulemaking Hearing**Date**

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER W-9 - WILDLIFE PROPERTIES - see attached

Statutory authority

see attached

Contact information**Name**

Danielle Isenhardt

Title

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OTHER AGENDA ITEMS: The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda may be viewed on the Division of Parks and Wildlife's internet home page at <http://cpw.state.co.us>, on or after **February 23, 2015**.

Notice of Proposed Rulemaking

Tracking number

2015-00092

Department

400 - Department of Natural Resources

Agency

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-11

Rule title

CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE

Rulemaking Hearing

Date

03/04/2015

Time

08:00 AM

Location

Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216

Subjects and issues involved

CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE - see attached

Statutory authority

see attached

Contact information

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January 30, 2015

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
March 4-5, 2015**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **March 4-5, 2015. The Parks and Wildlife Commission meeting will be held at the offices of Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216. The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-1-104, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

FINAL REGULATORY ADOPTION - March 4-5, 2015 beginning at 8:00 a.m.

EFFECTIVE DATE OF REGULATIONS approved during the March 2015 Parks and Wildlife Commission meeting: May 1, 2015, unless otherwise noted.

PARKS REGULATIONS

FINAL REGULATIONS:

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter P-2 - ("Boating" 2 CCR 405-2) necessary to accommodate changes to or ensure consistency with Chapter P-1

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 the Colorado Parks and Wildlife, including, but not limited to, the following:

- Allowing boats with electric or gas motors of 10 horsepower or less to be launched and operated at a wakeless speed on Blue Heron Reservoir at St. Vrain State Park.
- Prohibiting the use of portable grills and stoves outside of designated high-use pads at Eldorado Canyon State Park.
- Allowing the Park Manager to require bear proof containers in all or portions of Eleven Mile State Park.
- Updating Regulation No. P-103(a) regarding water restrictions to include the Staunton State Park Ponds.
- Updating Regulation No. P-106(a)(1)(c)(2), clarifying that Highline Lake State Park is only open to waterfowl hunting on days and times as posted.

- Changing personal flotation device labeling in order to comply with US Coast Guard standards.

Chapter P-7 - “Passes, Permits and Registrations” 2 CCR 405-7

Open 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, including, but not limited to, the following:

- Adding the Overlook Event Facility at Ridgway State Park to the set fee schedule.
- Increasing the weekend and holiday rate at the Pa Co Chu Puk group event facility.
 - Removal of the Parks Aspen Leaf Lifetime Pass Card and other applicable regulations.

WILDLIFE REGULATIONS

FINAL REGULATIONS:

Chapter W-0 - “General Provisions” 2 CCR 406-0

Opening of the entire chapter, including, but not limited to, the following:

- To allow the limited use of leashed dogs to recover wounded big game, excluding black bears.
- Revision of the “Private Land Only Licenses” definition to be consistent with State Land Board requirements.

Chapter W-2 - “Big Game” 2 CCR 406-2

Open for consideration of regulations, including, but not limited to, the following:

- Any necessary regulations and corrections to or administrative clean-up of changes previously adopted by the Parks and Wildlife Commission for the 2015 big game seasons, including, but not limited to, game management unit boundaries, season dates, limited license areas and manner of take provisions for bighorn sheep, mountain goat, deer, elk, pronghorn, moose, bear and mountain lion, and regulations otherwise necessary for implementation of the 2015 big game seasons and the 2015-2019 Big Game Season Structure as adopted by the Parks and Wildlife Commission in January of 2015.
- Clarification of the weighted preference point regulation.
- Removal of the Big Game Access Program.
- Instating a ¼ mile closure around Brainard Lake for moose hunting from the beginning of archery season until the USFS gate closes.

Chapter W-9 - “Wildlife Properties” 2 CCR 406-9

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, wildlife

properties controlled by the Division of Parks and Wildlife, including State Trust Lands (STLs) leased by the Division, including, but not limited to, the following:

- Adding new regulations for the Arikaree SWA.
- Modifying the winter range closure on Centennial SWA.
- Modifying public access restrictions at Dome Rock SWA.
- Closing Frank SWA to hunting and prohibiting public access north of the Poudre River.
- Allowing bow fishing at Rio Grande, Shriver-Wright, Russell Lakes, and Higel SWAs.
- Adding access restrictions to Mount Evans SWA.
- Modifying closure dates on Perins Peak and Bodo SWAs.
- Prohibiting big game hunting with muzzleloaders or rifles on Meeker Pastures SWA.
- Changing the age requirement for the Jumbo and Prewitt SWA permits.
- Allowing hand, wind, and electric powered craft at Runyon/Fountain Lakes SWA for fishing.
- Closing public access on Wellington Reservoir #4.
- Adding the Roselund parcel to existing regulations for the Rio Blanco Lake SWA.
- Creating regulations for Overland Trail STL.
- Adding in Moosehead Mountain STL to the STL appendix.

Chapter W-11 - “Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11

Open for consideration of regulations, including, but not limited to, the following:

- Adding the Asian Water Buffalo to the list of domestic species in Colorado.
- Prohibiting the possession of animals taken from the wild in Colorado at all wildlife parks and sanctuaries and adding exceptions for when wildlife sanctuaries may import and possess animals taken from the wild in other states.

Except for the time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission’s schedule.

Viewing of Proposed Rules: copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection and distribution at the Office of the Regulations Manager, Division of Parks and Wildlife, 1313 Sherman St., Denver, Colorado, at least five (5) days prior to the date of hearing. Such copies, however, are only proposals to be submitted to the Commission by the Division of Parks and Wildlife.

Modification of Proposed Rules prior to adoption: subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

Comment deadlines: Comments will be accepted at any time prior to, or as part of the meeting. However, to ensure sufficient time for consideration prior to the meeting, comments should be provided to the Division of Parks and Wildlife by noon on the following date:

February 19, 2015, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **February 20, 2015.**

Comments received by the Division after noon on **February 19, 2015**, will be provided to the Commission on the day of the meeting.

Opportunity to submit alternate proposals and provide comment: the Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be submitted to the Division of Parks and Wildlife at 1313 Sherman St., Denver, CO 80203; or e-mailed to dnr_cpwcommission@state.co.us.

Use of Consent Agenda:

In order to increase the Parks and Wildlife Commission's efficiency and allow more time for consideration of parks and wildlife policy and contested issues, some or all of this regulatory agenda may be listed for action by the Commission as part of a "Consent Agenda" for this meeting.

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Notice of Proposed Rulemaking

Tracking number

2015-00102

Department

700 - Department of Regulatory Agencies

Agency

732 - Division of Professions and Occupations - State Physical Therapy Board

CCR number

4 CCR 732-1

Rule title

PHYSICAL THERAPIST LICENSURE AND PHYSICAL THERAPIST ASSISTANT
CERTIFICATION

Rulemaking Hearing**Date**

03/13/2015

Time

09:00 AM

Location

1560 Broadway, Denver, CO 80202 - Conference Room 1250 A

Subjects and issues involved

A review and update of current Board Rules 102, 201, 202, 203, 205, 206, 208, 212, 302, 303, 304, and 305 in response to Senate Bill 14-063 concerning the mandatory review of existing executive branch agency rules conducted by each principal department; to create a new Board Rule 102 to clearly identify the nationally recognized accrediting agency for accrediting physical therapy and physical therapist assistant programs; and to create a new Board Rule 204 and 303 to clarify licensure/certific

Statutory authority

Sections 12-41-103.6(2)(b), 12-41-113(1), 12-41-201(3), and 24-4-103.3, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

STATE PHYSICAL THERAPY BOARD

PHYSICAL THERAPIST LICENSURE & PHYSICAL THERAPIST ASSISTANT CERTIFICATION

4 CCR 732-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

GENERAL RULE PROVISIONS

101. Licensure & Certification Requirements: Credit for Military Experience

The purpose of this rule is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience under § 24-34-102(8.5), C.R.S.

- A. Education, training, or service gained in military services outlined in § 24-34-102(8.5), C.R.S. that is to be accepted and applied towards receiving either a physical therapist license or a physical therapist assistant certification must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of the receipt of the application. It is the applicant's responsibility to provide timely and complete evidence of the education, training and/or service gained in the military for review and consideration. Satisfactory evidence of such education, training or service will be assessed on a case by case basis.

102. Recognized Accrediting Agency

The purpose of this rule is to designate a nationally recognized accrediting agency for accrediting physical therapy and physical therapist assistant programs pursuant to sections 12-41-103(1), 12-41-107, 12-41-109, 12-41-111, 12-41-114, 12-41-205, 12-41-206, and 12-41-207, C.R.S.

- A. The Commission on Accreditation in Physical Therapy Education (CAPTE) is recognized as the accrediting agency for accrediting both physical therapy and physical therapist assistant programs.

102103. Approved Examinations for Licensing

The purpose of this rule is to designate a nationally-recognized examination approved by the Board pursuant to ~~§§ sections~~ 12-41-107, 12-41-109, 12-41-111, 12-41-205, 12-41-206, and 12-41-207, C.R.S.

- A. The examination developed by the Federation of State Boards of Physical Therapy (FSBPT) entitled the National Physical Therapy Examination (NPTE) for ~~Physical-physical Therapists-therapists~~ Physical-physical Therapist-therapist is approved as the examination needed in the licensure process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for licensure as a ~~Physical-physical Therapist-therapist~~ Physical-physical Therapist-therapist.
- B. The examination developed by FSBPT entitled the National Physical Therapy Examination (NPTE) for ~~Physical-physical Therapist-therapist Assistants-assistants~~ Physical-physical Therapist-therapist Assistant-assistant is approved as the examination needed in the licensure process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for certification as a ~~Physical-physical Therapist-therapist Assistant-assistant~~ Physical-physical Therapist-therapist Assistant-assistant.

PHYSICAL ~~THERAPY-THERAPIST~~ LICENSURE RULES

201. Delegation of Duties

The purpose of this rule is to clarify the special practice authorities addressed in § 12-41-113, C.R.S.

- A. A Physical Therapist performing an initial examination and evaluation shall be the therapist of record for that patient unless an authorized Physical Therapist transfers the responsibility to another Physical Therapist through documentation in the patient records.
- B. Physical Therapists shall rely on their expertise and decision-making capability when determining the most appropriate utilization of an unlicensed person to provide for the delivery of service that is safe, effective, and efficient.
- C. The Physical Therapist of record must personally perform and cannot delegate to unlicensed individuals the interpretation of referrals, initial examinations and evaluations, diagnosis and prognosis, development and modification of plans of care, determination of discharge criteria, and supervision of all care rendered to the patient/client. These procedures may be transferred to another Physical Therapist through documentation in the patient records.
- D. The term “wound debridement” — as used in section 12-41-113(3), C.R.S., refers to sharp, enzymatic, selective, and pharmacological wound debridement and can only be performed by a licensed Physical Therapist unless otherwise authorized by Colorado law. Physical Therapists may not delegate such wound debridement to unlicensed personnel, but may delegate soft or non-selective wound debridement to Physical Therapist Assistants.

202201. Supervision and/or Direction of Persons Not Licensed as a Physical Therapist

Pursuant to section 12-41-113(1), C.R.S., the purpose of this rule is to clarify supervision and/or direction provisions for persons not licensed as a physical therapist, which include a physical therapist assistant, certified nurse aide, provisional physical therapist, physical therapy aide, athletic trainer, massage therapist, ~~or student physical therapist~~, or student physical therapist assistant. A therapist of record must be established if physical therapy services are being provided by any of the unlicensed personnel. A physical therapist who performs an initial examination and evaluation, and develops an appropriate plan of care, shall be the therapist of record for that patient, unless that physical therapist transfers the responsibility to another licensed physical therapist through documentation in the patient records, including the transfer of the procedures and responsibilities provided in sections B, C, and D of this rule.

A. Definitions:

1. “General supervision” means the physical therapist is not required to be on site for direction and supervision, but must be available at least by telecommunications.
2. “Direct supervision” means the physical therapist is physically present on the premises and in the same building.
3. “Immediate supervision” means the physical therapist is physically present or immediately available to support the individual being supervised.

B. Delegation of duties is determined by the education and training of the individual being delegated these responsibilities as allowed pursuant to Article 41 of Title 12, C.R.S., and these Board rules. If a task cannot be delegated, then a physical therapist must personally attend to the task in-person and not through a patient chart review.

1. A physical therapist shall determine if the individual not licensed as a physical therapist who is being delegated responsibility has the appropriate education, training, and/or experience to perform duties as allowed by law and/or rule.

2. A physical therapist shall rely on his or her expertise and clinical reasoning when determining the most appropriate utilization of a person not licensed as a physical therapist to provide for the delivery of service that is safe, effective, and efficient.

3. A physical therapist must personally perform and cannot delegate to a person not licensed as a physical therapist the interpretation of referrals, initial examinations and evaluations, diagnosis and prognosis, development and modification of plans of care, determination of discharge criteria, and supervision of physical therapy services rendered to the patient/client.

4. A physical therapist shall not delegate sharp wound debridement to a person not licensed as a physical therapist, but may delegate autolytic and enzymatic wound debridement to a physical therapist assistant. Autolytic refers to use of occlusive or other dressings and enzymatic refers to application of an ointment.

BC. A physical therapist is responsible for providing adequate or proper supervision and/or direction to a person not licensed as a physical therapist pursuant to section 12-41-115(1)(e), C.R.S.

1. ~~He or she~~A physical therapist may supervise up to four (4) individuals at one time who are not physical therapists to assist in the physical therapist's clinical practice. This limit does not include student physical therapists and student physical therapist assistants supervised by a physical therapist for educational purposes.

2. ~~He or she~~A physical therapist shall regularly evaluate and observe the performance of any person under his or her supervision and/or direction to ensure that the ~~intervention-all physical therapy services~~ rendered meets the standard of care for delegation to be continued.

CD. A physical therapist shall provide:

1. General supervision to a physical therapist assistant. However, pursuant to section 12-41-113(2), C.R.S., direct supervision is required if the physical therapist assistant is administering topical and aerosol medications when they are consistent with the scope of physical therapy practice and when any such medication is prescribed by a licensed health care practitioner who is authorized to prescribe such medication. A prescription or order shall be required for each such administration within a plan of care.

2. General supervision to a certified nurse aide in a home health care setting, as part of a physical therapist plan of care.

3. Direct supervision to a provisional physical therapist. In addition, the supervising physical therapist must perform records review and co-signature of notes.

4. Direct supervision to a physical therapy aide.

5. Direct supervision to an athletic trainer providing athletic training within a physical therapist plan of care.

6. Direct supervision to a massage therapist providing massage therapy within a physical therapist plan of care.

7. Immediate supervision to a student physical therapist or a student physical therapist assistant.

203202. Supervision of Physical Therapist Assistants and Physical Therapy Aides

The purpose of this rule is to specify supervisory provisions required by section 12-41-113(1), C.R.S. for physical therapist assistants certified in accordance with section 12-41-204, C.R.S., and physical therapy aides. This rule applies to all physical therapists who utilize physical therapist assistants and/or aides in their practice. The physical therapist shall establish a patient relationship with the client prior to any delegation that has been deemed as allowable and appropriate pursuant to Article 41, Title 12, C.R.S., and Board rules.

Physical Therapist Assistants

- A. For the purposes of these rules, physical therapists may supervise physical therapist assistants performing ~~all acts that are included in the practice of~~ physical therapy ~~services~~ as defined in section 12-41-103(6), C.R.S., except for ~~the therapies, procedures or acts~~ interventions or services that are otherwise prohibited by law.
1. Physical therapist assistants may perform ~~soft or non-selective autolytic or enzymatic~~ wound debridement, but may not perform sharp, ~~enzymatic, selective, and pharmacological~~ wound debridement.
 2. Physical therapist assistants may not perform dry needling.
 3. Physical therapist assistants may not perform joint mobilization, unless the supervising physical therapist has determined that the physical therapist assistant has the necessary degree of education, training and skill for safe patient care. Entry-level education is inadequate; additional formal continuing education (psychomotor and didactic) is required to perform joint mobilization. Thrust, high-velocity techniques are not within the scope of the physical therapist assistants' practice.
 4. Physical therapist assistants may not perform or assist a physical therapist in providing physical therapy ~~to~~ of animals.
- B. The following condition must be met before a physical therapist can utilize a physical therapist assistant: A physical therapist must be designated and recorded in the patient/client records as responsible for supervising the care and interventions provided by the physical therapist assistant. The designated physical therapist must consistently provide for the planning, evaluating, and supervising of all care rendered to the patient/client.
- C. The physical therapist is responsible for the performance of all services performed by the physical therapist assistant. This responsibility requires the physical therapist to assure those services are performed with a degree of care and skill appropriate to the physical therapist assistant's education and training.
- D. The physical therapist assumes accountability for the acts delegated to or performed by a physical therapist assistant. Before delegating performance of ~~a physical therapy intervention or~~ physical therapy ~~task services~~ to a physical therapist assistant working under general supervision, the supervising physical therapist shall ensure that the physical therapist assistant is qualified by education and training to perform the physical therapy ~~intervention or physical therapy~~ task services in a safe, effective, and efficient manner.
- E. A physical therapist assistant may not supervise other personnel in the provision of physical therapy services to a patient.
- F. A physical therapist assistant under the general supervision of a licensed physical therapist may act as a clinical instructor of for a physical therapist assistant student who is providing physical therapy services. However, immediate supervision of the student physical therapist assistant remains with the physical therapist if the physical therapist assistant student is providing physical therapy

services.

Physical Therapy Aides

- F. All individuals not licensed as a physical therapist, not licensed as a provisional physical therapist, not certified as a physical therapist assistant, not authorized to practice as a student physical therapist or physical therapist assistant, and not otherwise regulated as a health care professional, shall be considered an aide for the purposes of this rule.
- G. A physical therapy aide may participate in limited designated tasks, as assigned by a physical therapist. The supervising physical therapist must participate in patient care on each date of service when a physical therapy aide is involved in care.
- H. As to recordkeeping, a physical therapy aide may participate only in basic data recording in the medical record.
- I. Wound debridement, dry needling, administration of medications, joint mobilization, and treatment on animals shall not be delegated to a physical therapy aide. The supervising physical therapist shall ensure that the physical therapy aide is qualified by education and training to participate in limited designated tasks as assigned by the physical therapist.

204203. Authorized Practice of Physical Therapy by a Person Not Licensed In Colorado

The purpose of this rule is to outline-clarify the following conditions under which a Physical-physical Therapist-therapist not licensed in Colorado may practice for a temporary period of time under-Spursuant to section 12-41-114(1)(f), C.R.S., which allows the practice of physical therapy in Colorado for no more than 4 consecutive weeks or more than once in any 12-month period by a physical therapist licensed, certified, or registered in another state or country when providing services in the absence of a physical therapist licensed in Colorado. This provision is not available for a person applying for a license in Colorado whose application is pending review and potential approval. Additional requirements for eligibility including the following:

- A. The entity wishing to employ or engage the services of a visiting, unlicensed Physical-physical Therapist-therapist who is not otherwise licensed in Colorado must notify the Board at least one week prior to the start date and must document the need for employing or engaging the services of a visiting, unlicensed Physical-physical Therapist-therapist. This requirement also applies to continuing education courses.
- B. The visiting, unlicensed Physical-physical Therapist-therapist must possess a current and active license or, certification, or registration in good standing in another state or country and provide a copy of the license, certification, or registration to the Board at least one week prior to practicing in Colorado.
- C. The visiting physical therapist must have been engaged in the active, clinical practice of physical therapy for 2 of the last 5 years in order to be eligible.

204. Licensure by Examination for Physical Therapists

The purpose of this rule is to delineate the requirements for licensure by examination for physical therapists pursuant to section 12-41-107, C.R.S.

- A. An applicant is required to demonstrate that he/she has successfully completed a physical therapy program that is either:
 - 1. Accredited by a nationally recognized accrediting agency pursuant to Rule 102, or

2. Substantially equivalent pursuant to Rule 205.

B. If applying to take the NPTE, an applicant:

1. Must have successfully completed a physical therapy program or be eligible to graduate within 90 days of a program pursuant to section A of this rule, and
2. Is subject to FSBPT's current eligibility requirements in effect at the time of registering for the NPTE, including any exam retake or low score limit policies.

C. An applicant must meet one of the following current practice competency requirements in order to be eligible for licensure by examination:

1. Graduate from a physical therapy program pursuant to section A of this rule above and pass the NPTE within the 2 years immediately preceding the date of the application, or
2. Completion of the Federation of State Boards of Physical Therapy's (FSBPT) Practice Review Tool (PRT), or its equivalency as determined by the Board, and
 - a. Submitting a Candidate Feedback Report, or its equivalency as determined by the Board, with an overall performance reporting of "sufficiently qualified" to be considered and accepted by the Board; or
 - b. Successfully completing a Board approved plan to overcome deficiencies in any area(s) rated "needs improvement" in the Candidate Feedback Report. This includes submitting an appropriate plan to address the deficiencies noted in the attached report for Board consideration and approval before proceeding, and the plan must include only Category I activities.

D. An applicant who is unable to demonstrate current practice competency under section C of this rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a license under this section D, the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.

205. Licensing of Foreign-Trained Physical Therapist Graduates of Non-Accredited Programs

The purpose of this rule is to establish procedures for determining whether a foreign-trained physical therapist applicant who has graduated from a non-accredited program has substantially equivalent education and training as required pursuant to section 12-41-111(1)(a), C.R.S.

A. A foreign-trained applicant who has graduated from a non-accredited program must have education and training in physical therapy substantially equivalent to the entry-level education and training required at accredited physical therapy programs in the United States in effect at the time of the applicant's graduation.- This includes an assessment of the applicant's general and professional education, as well as training in wound debridement ~~and administration of topical medications.~~

B. Applicants who wish to have their general and professional education considered "substantially equivalent" in order to take the National Physical Therapy Examination (NPTE) through Colorado and qualify for licensure must submit their credentials to the Foreign Credentialing Commission of Physical Therapy ("FCCPT") ~~or International Consultants of Delaware ("ICD"). -The credentialing agencies~~ FCCPT shall use the most current version of the Coursework Evaluation Tool for

Foreign-Educated Physical Therapists developed by the Federation of State Boards of Physical Therapy ("FSBPT") to evaluate the applicant's credentials against the requirements at accredited physical therapy programs in place at the time of the applicant's graduation.- The Board will not accept a credentials evaluation from an organization not listed in this rule.

C. A foreign-trained applicant who has graduated from a non-accredited program and already passed the NPTE may submit a credentials evaluation from a credentialing agency other than FCCPT as long as that credentialing agency utilized the most current version of the Coursework Evaluation Tool for Foreign-Educated Physical Therapists developed by FSBPT to evaluate the applicant's credentials against the requirements at accredited physical therapy programs in place at the time of the applicant's graduation, and the applicant has been licensed in good standing and actively engaged in clinical practice as a licensed physical therapist in the United States for 2 out of the 5 years immediately preceding his or her application for licensure.

GD. All expenses associated with the credential evaluation are the responsibility of the applicant.

DE. Failure to have a credentials evaluation pursuant to the terms of this rule will result in the Board denying the application.

EE. In the event a foreign-trained applicant's general education is found to be deficient, the applicant may take and pass subject examinations from the College-Level Examination Program ("CLEP") to overcome the deficiency in general education.

FG. In the event a foreign-trained applicant's professional education is found to be deficient, the applicant shall either:

1. Successfully complete a Board-approved plan to overcome deficiencies, or
2. Overcome the deficiency by obtaining a master or doctorate degree at an accredited physical therapy program.

GH. Degrees obtained in a transitional program are not equivalent to a professional entry-level physical therapy degree and will not be accepted for initial licensure.

206. Licensure by Endorsement for Physical Therapists

The purpose of this rule is to delineate the requirements for licensure by endorsement -for ~~Physical-physical Therapists—therapists pursuant to section under § 12-41-109, C.R.S.~~ In order to be qualified for licensure by endorsement, an applicant is required to demonstrate that he or she does not currently have a revoked, suspended, restricted, or conditional license to practice as a physical therapist, or is currently pending disciplinary action against such license in another state or territory of the United States. An applicant must meet one of the following requirements:

A. Graduated from an accredited physical therapy program within the past 2 years and passed the NPTE.

B. Practiced in the United States as a licensed physical therapist for at least 2 of the 5 years immediately preceding the date of the application.

C. If an applicant has not practiced as a licensed physical therapist for at least 2 of the 5 years immediately preceding the date of the application, then he or she is required to have passed the NPTE, or its equivalent, and may demonstrate competency through successful completion of one of the following:

1. Completion of 60 points of Professional Development Activities (PDA) pursuant to Rule

213.C.2.a-c during the 2 years immediately preceding the application. All 60 points must be Category I, and directly related to the physical therapist's clinical practice.

2. Completion of the Federation of State Boards of Physical Therapy's (FSBPT) Practice Review Tool (PRT), or its equivalency as determined by the Board, and

a. Submitting a Candidate Feedback Report, or its equivalency as determined by the Board, with an overall performance reporting of "sufficiently qualified" to be considered and accepted by the Board; or

b. Successfully completing a Board approved plan to overcome deficiencies in any area(s) rated "needs improvement" in the Candidate Feedback Report. This includes submitting an appropriate plan to address the deficiencies noted in the attached report for Board consideration and approval before proceeding, and the plan must include only Category I activities.

3. Successful completion of a Board authorized internship.

a. An applicant seeking to demonstrate competency through an internship shall:

i. Arrange for a Colorado-licensed, practicing physical therapist (the "supervising physical therapist") to supervise the internship; and

ii. Ensure that the supervising physical therapist immediately notifies the Board in writing of the establishment of the internship and submits for the Board's approval a plan for supervision using the Clinical Performance Instrument (CPI).

b. The internship shall not commence without the Board's written approval of the supervising physical therapist's plan for supervision specified in subparagraph (3) (c) of this rule.

c. The internship shall consist of:

i. The applicant's actual practice of physical therapy as defined in section 12-41-103(6), C.R.S.;

ii. Supervision of the applicant at all times by any Colorado-licensed, practicing physical therapist on the premises where physical therapy services are being rendered; and

iii. A minimum of 240 hours clinical practice within a consecutive 6-month period commencing from the Board's written approval of the plan for supervision.

d. The applicant shall ensure that the supervising physical therapist files a written report at the completion of the internship. This report shall indicate whether the applicant demonstrates entry-level performance in all skills assessed by the CPI. Hard copy or electronic copies of the CPI are acceptable.

D. An applicant who is unable to demonstrate competency under sections A, B, or C of this rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and

such other factors as the Board deems appropriate. If the Board grants a license under this section D, the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.

~~A. Licensure by endorsement through internship~~

- ~~1. An applicant seeking licensure by endorsement under the internship provisions of § 12-41-109(3)(c), C.R.S., shall:~~
 - ~~a. arrange for a Colorado-licensed, practicing Physical Therapist (the “supervising Physical Therapist”) to supervise the internship; and~~
 - ~~b. ensure that the supervising physical therapist immediately notifies the Board in writing of the establishment of the internship and submits for the Board’s approval a plan for supervision using the Clinical Performance Instrument (“CPI”); and~~
 - ~~c. pass an examination substantially equivalent to that specified in § 12-41-107(2), C.R.S.~~
- ~~2. The internship shall not commence without the Board’s written approval of the supervising Physical Therapist’s plan for supervision specified in subparagraph (1)(b) of this paragraph.~~
- ~~3. The internship shall consist of:~~
 - ~~a. the applicant’s actual practice of physical therapy as defined in § 12-41-103(6), C.R.S.; and~~
 - ~~b. supervision of the applicant at all times by any Colorado-licensed, practicing Physical Therapist on the premises where physical therapy services are being rendered; and~~
 - ~~c. a minimum of 240 hours clinical practice within a consecutive six-month period commencing from the Board’s written approval of the plan for supervision.~~
- ~~4. The applicant shall ensure that the supervising Physical Therapist files a written report at the completion of the internship.—This report shall indicate whether the applicant demonstrates entry-level performance in all skills assessed by the CPI.—Hard copy or electronic copies of the CPI are acceptable.~~
- ~~5. Subject to the provisions of this rule, the Board shall issue a license by endorsement under this paragraph based upon:~~
 - ~~a. the Board’s review and approval of the supervising Physical Therapist’s written report; and~~
 - ~~b. proof that the applicant has passed an examination—substantially equivalent to that specified in § 12-41-107(2), C.R.S.~~

~~B. Licensure by endorsement through demonstrated competency~~

- ~~1. An applicant seeking licensure by endorsement under the demonstrated competency provisions of § 12-41-109(3)(c), C.R.S., may demonstrate competency by providing proof that:~~

- ~~a. the applicant has passed an examination in another jurisdiction, which examination is substantially equivalent to that specified in § 12-41-107(2), C.R.S.; and~~
 - ~~b. the applicant has completed sixty-four hours of continuing education related to the practice of physical therapy during the two years immediately preceding the application, provided that the continuing education meets the approval of the Board.~~
- ~~2. An applicant who is unable to demonstrate competency under subparagraph (1) of this paragraph may request to demonstrate competency by any other means. The Board shall consider such a request on a case-specific basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a license under this subparagraph (2), the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.~~
- ~~3. Subject to the provisions of this rule, the Board shall issue a license by endorsement under this paragraph following demonstration of the applicant's competency.~~

207. Reinstatement or Reactivation of an Expired or Inactive Physical Therapist License

The purpose of this rule is to establish the qualifications and procedures for applicants seeking reinstatement of an expired physical therapist license or reactivation of an inactive physical therapist license pursuant to sections 12-41-112 and 12-41-112.5, C.R.S.

- A. An applicant seeking reinstatement or reactivation of a physical therapist license shall complete a reinstatement or reactivation application and pay a fee as established by the Director.
- B. If the license has been expired or inactive for two years or less:
 - 1. Effective November 1, 2016, and if:
 - a. The licensee was practicing in Colorado until his/her license expired on October 31, 2016, the applicant shall demonstrate continuing professional competency pursuant to section 12-41-114.6, C.R.S. and Rule 213, or
 - b. The licensee was practicing outside of Colorado until his/her license expired on October 31, 2016, the applicant may demonstrate continuing professional competency through an option listed in section C below.
 - 2. Effective November 1, 2018, all applicants must demonstrate continuing professional competency pursuant to section 12-41-114.6, C.R.S. and Rule 213 for the two years immediately preceding the date the application is received.
- C. If the license has been expired or inactive for more than two years, but less than five years, an applicant must establish "competency to practice" pursuant to section 24-34-102(8)(d)(II), C.R.S., by submitting one of the following:
 - 1. Verification of an active, valid physical therapist license in good standing from another state,

along with proof of clinical physical therapy practice in that state which includes a minimum of an average of 400 hours per year for the two years immediately preceding the date of application. The work experience must be attested as to the number of hours.

2. Evidence of completing an average of 15 points of Professional Development Activities (PDA) pursuant to Rule 213.C.2.a-c for each year the license has been expired or inactive.
 - a. The Board may accept 1.25 points for each month the license is expired or inactive, and
 - b. All points must be Category I, and directly related to the physical therapist's clinical practice.
 3. Completion of the Federation of State Boards of Physical Therapy's (FSBPT) Practice Review Tool (PRT), or its equivalency as determined by the Board, and
 - a. Submitting a Candidate Feedback Report, or its equivalency as determined by the Board, with an overall performance reporting of "sufficiently qualified" to be considered and accepted by the Board; or
 - b. Successfully completing a Board approved plan to overcome deficiencies in any area(s) rated "needs improvement" in the Candidate Feedback Report. This includes submitting an appropriate plan to address the deficiencies noted in the attached report for Board consideration and approval before proceeding, and the plan must include only Category I activities.
 4. Any other means as approved by the Board.
- D. An applicant seeking to reinstate or reactivate a license that has been expired or inactive for more than five years must demonstrate "competency to practice" as required in section 24-34-102(8)(d) (II), C.R.S., by submitting one of the following:
1. Verification of an active, valid physical therapist license in good standing from another state, along with proof of clinical physical therapy practice in that state which includes a minimum of an average of 400 hours per year for the two years immediately preceding the date of application. The work experience must be attested as to the number of hours.
 2. Evidence of completing an average of 15 points of Professional Development Activities (PDA) pursuant to Rule 213.C.2.a-c for each year the license has been expired or inactive.
 - a. The Board may accept 1.25 points for each month the license is expired or inactive, and
 - b. All points must be Category I, and directly related to physical therapy clinical practice.
 3. Completion of the Federation of State Boards of Physical Therapy's (FSBPT) Practice Review Tool (PRT), or its equivalency as determined by the Board, and
 - a. Submitting a Candidate Feedback Report, or its equivalency as determined by the Board, with an overall performance reporting of "sufficiently qualified" to be considered and accepted by the Board; or
 - b. Successfully completing a Board approved plan to overcome deficiencies in any area(s) rated "needs improvement" in the Candidate Feedback Report. This includes submitting an appropriate plan to address the deficiencies noted in the

attached report for Board consideration and approval before proceeding, and the plan must include only Category I activities.

4. Practice for six months on probationary status with a practice monitor subject to the terms established by the Board.
 5. Completion of a 240-hour internship within 6 consecutive months using the Physical Therapist Clinical Performance Instrument ("CPI) as the professional standard and measure of continued competency. Satisfactory completion of the internship shall require both 240 hours of internship practice and successful demonstration of entry-level performance on all skills on the CPI on electronic or paper form.
 6. Any other means as approved by the Board.
- E. An applicant for reinstatement or reactivation who has actively practiced in Colorado on an expired or inactive license in violation of section 12-41-106, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Physical Therapy Practice Act at section 12-41-101 et seq., C.R.S., and in accordance with section 24-34-102 et seq., C.R.S.

208. Use of Titles Restricted

The purpose of this rule is to clarify the use of titles and educational degrees ~~under~~ pursuant to section 12-41-104, C.R.S.

- A. Obtaining a physical therapy license does not automatically entitle or confer upon the licensee the right to use the title "Dr." -or "Doctor"-.
- B. A licensed ~~Physical-physical Therapist-therapist~~ can use the title "Doctor" -or "Dr." -only when such licensee has, in fact, been awarded a physical therapy doctorate degree (D.P.T.), or another academic or clinical doctorate degree (e.g., Ph.D., Sc.D.) from an accredited program by a nationally recognized accrediting agency as required ~~in~~ pursuant to section 6-1-707, C.R.S., pertaining to the use of titles and degrees.
- C. A ~~Physical-physical Therapist-therapist~~ holding a doctorate degree may include the title "Doctor"- or "Dr."- only when accompanied by the words of the conferred degree following his/her legal name and after the title "P.T.", for example: "Dr. Jane/John Doe, P.T., D.P.T."- or "Dr. Jane/John Doe, P.T., Ph.D."
- D. A ~~Physical-physical Therapist-therapist~~ not holding a physical therapy doctorate or transitional doctorate degree may not use the title D.P.T.

209. Declaratory Orders

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Board for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Board.
- B. The Board will determine, at its discretion and without notice to petitioner, whether to rule upon such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the

following matters, among others:

1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Board;
2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more petitioners;
3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner;
4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion; and
5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

D. Any petition filed pursuant to this rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 41.
2. The statute, rule, or order to which the petition relates.
3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

E. If the Board determines that it will rule on the petition, the following procedures shall apply:

1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Board may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Board may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Board may take administrative notice of facts pursuant to the Colorado Administrative Procedures Act at § 24-4-105(8), C.R.S., and may utilize its experience, technical competence, and specialized knowledge in the disposition

of the petition.

2. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
 3. The Board may, at its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Board intends to inquire.
 4. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.

210. Requirements for Physical Therapists to Perform Physical Therapy on Animals

The purpose of this rule is to implement the requirements of § 12-41-103.6(2)(b)(II), C.R.S., regarding the authority of Physical Therapists to treat animals.

- A. A Physical Therapist must have the knowledge, skill, ability and documented competency to perform an act that is within the scope of practice for Physical Therapists.
- B. The Director shall maintain a data base of all Physical Therapists that are qualified pursuant to this rule to practice physical therapy on animals in this state.
- C. All Physical Therapists that choose to practice physical therapy on animals shall provide the Board with such therapist's name, current address, education and qualifications to perform physical therapy on animals for inclusion in the data base referenced in part B of this rule. Information in the data base shall be open to public inspection at all times. Forms for Physical Therapists to provide such information shall be provided by the Board.
- D. A Physical Therapist that desires to perform physical therapy on animals must comply with the following educational requirements:
 1. Minimum of 80 contact hours over and above entry-level human physical therapy program course work for non-human animals, to include:
 - a. FOUNDATION/CLINICAL SCIENCES
 - i. Gross and applied non-human animal anatomy/physiology
 - ii. Wound healing and response of tissues to disuse and remobilization in the

non-human animal

iii. Animal behavior

iv. Animal restraint

v. Zoonotic and infectious diseases

b. EXAMINATION/EVALUATION/PROGNOSIS/PT DIAGNOSIS

i. Medical and surgical management of orthopedic, neurological, critically injured, geriatric, arthritic and obese non-human animals

ii. Gait and other movement analyses

c. INTERVENTION/PLAN OF CARE/OUTCOME

i. Therapeutic exercise applied to non-human animals

ii. Therapeutic modalities

iii. Outcome assessment and documentation

d. CLINICAL EXPERIENCE

i. Documented successful completion of a minimum of 120 hours under the supervision of a licensed physical therapist listed in the data base maintained by DORA to perform physical therapy of animals or a licensed veterinarian.

E. Prior to performing physical therapy on an animal, the Physical Therapist shall obtain veterinary medical clearance of the animal by a Colorado-licensed Veterinarian and must document such clearance in the animal patient's record.

F. Veterinary medical clearance means:

1. The Veterinarian has previously examined the animal patient and has provided a differential diagnosis if appropriate.
2. The Veterinarian has cleared the animal for physical therapy.

G. It is expected that the Physical Therapist and the Veterinarian will continue professional collaboration as necessary for the well-being of the animal patient.

H. Once veterinary medical clearance has been received, the Physical Therapist is responsible for developing the plan of care for the animal patient's physical therapy.

I. The animal patient's record must include the verbal or written veterinary medical clearance. If verbal clearance is received, the Physical Therapist must document the verbal clearance in the animal patient's record, including the name of the veterinarian, date and time clearance was received.

J. Complaints against Physical Therapists alleging a violation related to animal physical therapy will be forwarded to the Colorado State Board of Veterinary Medicine for its review and advisory recommendation to the State Physical Therapy Board. The State Physical Therapy Board retains the final authority by statute for decisions related to discipline of any physical therapist.

211. Requirements for Physical Therapists to Perform Dry Needling

- A. Dry needling (also known as Trigger Point Dry Needling) is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based upon Western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular or distal points.
- B. Dry needling as defined pursuant to this rule is within the scope of practice of physical therapy.
- C. A Physical Therapist must have the knowledge, skill, ability, and documented competency to perform an act that is within the Physical Therapist's scope of practice. Except as part of a course of study on dry needling pursuant to paragraph D.2 of this Rule, a Physical Therapist shall not perform dry needling unless competent to do so.
- D. To be deemed competent to perform dry needling, a Physical Therapist must:
 - 1. have practiced for at least two years as a licensed Physical Therapist; and
 - 2. have successfully completed a dry needling course of study that consists of a minimum of 46 hours of in-person (i.e. not online) dry needling training.
- E. A provider of a dry needling course of study must meet the educational and clinical prerequisites as defined in this rule, paragraph D above and demonstrate a minimum of two years of dry needling practice techniques. The provider is not required to be a Physical Therapist.
- F. Physical Therapists performing dry needling in their practice must have written informed consent for each patient where this technique is used. The patient must sign and receive a copy of the informed consent form. The consent form must, at a minimum, clearly state the following information:
 - 1. Risks and benefits of dry needling; and
 - 2. Physical Therapist's level of education and training in dry needling; and
 - 3. The Physical Therapist will not stimulate any distal or auricular points during dry needling.
- G. When dry needling is performed, it must be clearly documented in the procedure notes and must indicate how the patient tolerated the technique, as well as the outcome after the procedure.
- H. Dry needling shall not be delegated and must be directly performed by a qualified, licensed Physical Therapist.
- I. Dry needling must be performed in a manner consistent with generally accepted standards of practice, including clean needle techniques, and the guidelines and recommendations of the Centers for Disease Control and Prevention ("CDC").
- J. The Physical Therapist shall supply written documentation, upon request by the Board, which substantiates appropriate training as required by this Rule. Failure to provide written documentation, upon request, is a violation of this Rule, and is prima facie evidence that the Physical Therapist is not competent and not permitted to perform dry needling.

212. Inactive License Status for Physical Therapists

The purpose of this rule is to outline the conditions and procedures governing inactive licensure status

~~under § pursuant to section 12-41-112.5, C.R.S.~~

~~A. A licensed Physical Therapist may request inactive licensure status from the Board. The request must be made in the manner prescribed by the Board.~~

~~BA. A Physical-physical Therapist-therapist with an inactive license must not engage in any act or conduct that constitutes the practice of physical therapy while the Physical-physical Therapist's-therapist's license is inactive.~~

~~CB. A Physical-physical Therapist-therapist with an inactive license is exempt from the professional liability insurance requirements of § section 12-41-114.5, C.R.S.~~

~~DC. A Physical-physical Therapist-therapist may apply for reactivation of an inactive license by successfully completing all of the following steps: meeting the requirements of Rule 207.~~

~~1. Complete an application for reactivation and pay a reactivation fee as established by the Director; and~~

~~2. Submit proof, in a manner prescribed by the Board, that a physical therapy license held in any other state or jurisdiction is in good standing (if applicable); and~~

~~3. Demonstrate compliance with the Board's continuing professional competency rules with respect to license reactivation.~~

~~E. Inactive license status will not prevent the Board from investigating complaints or imposing discipline against a Physical Therapist in accordance with the Physical Therapy Practice Act, § 12-41-101 et seq., C.R.S.~~

~~F. If the Board has commenced investigation of a complaint or initiated disciplinary proceedings against a Physical Therapist with an inactive license, the Board may defer action on any pending request to reactivate the license.~~

~~G. The Board need not reactivate an inactive license if the Physical Therapist has committed any act that would be grounds for discipline under §12-41-115, C.R.S.~~

~~H. Except as noted above, a Physical Therapist with an inactive license remains subject to all provisions of the Physical Therapy Practice Act and the Board's rules.~~

213. Continuing Professional Competency

The purpose of this rule is to establish a continuing professional competency program pursuant to section 12-41-114.6, C.R.S., wherein a physical therapist shall maintain and demonstrate continuing professional competency in order to renew, reinstate, or reactivate a license to practice physical therapy in the state of Colorado.

Furthermore, pursuant to section 12-41-114.6(2), C.R.S., records of assessment or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a physical therapist. A person or the Board shall not use the records or documents unless used by the Board to determine whether a physical therapist is maintaining continuing professional competency to engage in the profession.

A. Definitions

1. Assessment of Knowledge and Skills (AKS): an objective third-party assessment that

compares a licensee's knowledge, skills, and abilities to the standards for entry-level practice.

2. Continuing Professional Competency: the ongoing ability of a physical therapist to learn, integrate, and apply the knowledge, skills, and judgment to practice as a physical therapist according to generally accepted standards and professional ethical standards.

3. Continuing Professional Development (CPD): the Board program through which a licensee can satisfy the continuing professional competency requirements in order to renew, reinstate, or reactivate a license.

4. Learning Plan: a Board approved form through which a licensee documents his/her goals and plans of learning that were developed from his/her Reflective Self-Assessment (RSAT), which is defined below, and AKS (when appropriately applied).

5. Professional Development Activities (PDA): learning activities undertaken to increase the licensee's knowledge and skill or hone existing knowledge and skill for the purpose of continuing professional development.

6. Reflective Self-Assessment Tool (RSAT): a reflective practice tool in which a licensee can reflect upon his/her knowledge and skills pertaining to the foundational areas of physical therapy practice taking into account the licensee's current level and area of practice.

B. Continuing Professional Competency Requirements

1. Effective after the 2014 license renewal, or upon the completion of the first renewal of a license thereafter, the licensee shall demonstrate continuing professional competency in order to renew a license by:
 - a. Participation in the Continuing Professional Development (CPD) program;
 - b. Participation in a program of continuing professional competency through a Colorado state agency or department, including continuing competency requirements imposed through a contractual arrangement with a provider as set forth in section 12-41-114.6(1)(c), C.R.S. This status is hereafter known as "Deemed Status" as described in section D of this rule; or
 - c. Receiving an exemption for military service as defined in section 12-70-102, C.R.S. Military exemptions must be approved by the Division of Professions and Occupations. Licensees seeking a military exemption shall submit a request in writing with evidence that the licensee's military service meets the criteria established in section 12-70-102, C.R.S., and section E of this rule.
2. A licensee shall attest at the time of the renewal of a license to his/her compliance with continuing professional competency requirements.

C. Continuing Professional Development Program

1. The Continuing Professional Development (CPD) program entails the following:
 - a. The licensee shall complete the Reflective Self-Assessment Tool (RSAT) once per 2-year renewal period. A licensee shall use the Board approved form.
 - i. The execution of a Learning Plan once per 2-year renewal period that is based

upon the licensee's Reflective Self-Assessment Tool (RSAT) or Assessment of Knowledge and Skills (AKS). A licensee shall use the Board approved form.

ii. Accrual of 30 points of Professional Development Activities (PDA) per 2-year renewal period.

b. The completion of an Assessment of Knowledge and Skills (AKS) once every 10 years.

2. Professional Development Activities (PDA)

a. Professional Development Activities must be relevant to the licensee's practice as a physical therapist and pertinent to his/her Learning Plan. The Board will not pre-approve specific courses or providers. The licensee shall determine which activities and topics will meet his/her Learning Plan, and select an appropriate provider.

b. Professional Development Activities are separated into Category I, Category II, and Category III activities and each category has a corresponding point value. Points are used in lieu of continuing education units (CEU) or contact hours to allow credit for non-continuing education type activities.

c. Points will be accepted if the activity is included in the Board's *Professional Development Activities List*. The Board may accept or reject activities submitted for consideration that are not identified on its list.

d. A minimum of 15 of the required 30 points must be Category I activities.

e. Professional Development Activities will only apply for one 2-year renewal period.

3. The completion of an Assessment of Knowledge and Skills (AKS) which meets Board criteria once every ten years.

a. The ten year cycle will commence upon the renewal of a license in 2014 or upon the first renewal of a license thereafter.

b. The ten year cycle will not be changed by the expiration or inactivation of a license that is expired or inactive for less than five years. Physical therapists with licenses expired or inactive for more than five years shall commence a new ten year cycle upon the first renewal of a license in active status.

c. An AKS must meet the following criteria:

i. Be drafted and validated by qualified physical therapists and psychometricians;

ii. Be comprised of evidence based practice;

iii. Be maintained for relevancy and advancements in and affecting the profession; and

iv. Provide feedback to the participant/licensee regarding his/her performance and suggested learning opportunities to enhance his/her knowledge and skills.

- d. Administrative Approval. The Board finds the following AKSs to have met the criteria established in section C.3.c of this rule, and are administratively approved by the Board:
 - i. Any Practice Review Tool (PRT) administered by the Federation of State Boards of Physical Therapy (FSBPT).
 - ii. If the AKS is not listed as administratively approved by the Board in this rule, then additional documentation demonstrating the AKS satisfies the Board criteria will be required prior to registering and completing the AKS.
 - e. The licensee may count the completion of an AKS as a Category I activity toward a mandatory 30 PDA points for the corresponding 2-year renewal period in compliance with the State Physical Therapy Board's *Professional Development Activities List* for assigned point values.
 - f. Credit for a maximum of two AKSs may be applied to the requisite PDA points during a single ten-year cycle.
4. Audit of Compliance. The following documentation is required for an audit of compliance of a licensee's Continuing Professional Development:
- a. The Learning Plan that is signed and executed which contains the licensee's goals in the form and manner as approved by the Board.
 - b. A certificate of completion or other report issued by the AKS provider indicating the name of the licensee, AKS title, content, and the licensee's date of completion.
 - c. Documentation of 30 points of Professional Development Activities in compliance with the State Physical Therapy Board's *Professional Development Activities List* for documentation requirements for PDAs.
 - d. The Board may accept or reject Professional Development Activities (PDA) that do not meet the criteria established by the Board for PDA or standards of quality as defined in the State Physical Therapy Board's *Professional Development Activities List, Standards of Quality for Category I Continuing Education Activities*, and this rule.
- D. Deemed Status. A licensee who satisfies the continuing professional competency requirements of a Colorado state agency or department pursuant to section 12-41-114.6(1)(c), C.R.S., shall meet the following criteria:
- 1. In order to renew a license, a licensee shall attest to his/her Deemed Status;
 - 2. To qualify, the program continuing professional competency must be substantially equivalent to the CPD program administered by the Board and must include, at a minimum, every two years the following components:
 - a. An assessment of knowledge and skills;
 - b. Thirty (30) contact hours of learning activities; and
 - c. Demonstration of completion of continuing competency activities.
 - 3. Licensees claiming Deemed Status are subject to an audit of compliance. To satisfy an audit

of compliance, the licensee shall submit appropriate evidence of participation in a qualifying program through submission of:

- a. A letter from the Colorado state agency or department or contractual entity specifying that the licensee has completed the continuing professional competency program, or
 - b. Other documentation approved by the Board which reflects the licensee's completion of a program of continuing professional competency.
- E. **Military Exemption.** Pursuant to section 12-70-102, C.R.S., licensees who have been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency or contingency may request an exemption from the continuing professional competency requirements for the renewal, reinstatement, or reactivation of his/her license for the 2-year renewal period that falls within the period of service or within six months following the completion of service.
1. Military exemptions must be approved by the Division of Professions and Occupations. Licensees seeking a military exemption shall submit a request in writing with evidence that the licensee's military service meets the criteria established in section 12-70-102, C.R.S.
 2. After being granted a military exemption, in order to complete the renewal process, a licensee shall attest to his/her military exemption.
- F. **Records Retention.** A licensee shall retain documentation demonstrating his/her compliance for two complete 2-year renewal periods.
- G. **Non-Compliance.** Falsifying an attestation or other documentation regarding the licensee's compliance with continuing professional competency requirements constitutes the falsification of information in an application and may be grounds for discipline pursuant to sections 12-41-115(1)(k) and (r), C.R.S.
- H. **Reinstatement and Reactivation.** A licensee seeking to reinstate or reactivate a license which has been expired or inactivated for two years or less shall meet the competency requirements outlined in Rule 207.B.

214. Reporting Criminal Convictions, Judgments, and Administrative Proceedings

The purpose of this rule is to delineate the procedures a licensee must adhere to when an act enumerated in §12-41-115, C.R.S. has occurred.

- A. A licensee must inform the Board, in a manner prescribed by the Board, within 90 days of any of the following events:
1. The conviction of a felony under the laws of any state or of the United States, or of any level of crime related to the practice of physical therapy. A guilty verdict, a plea of guilty, a plea of nolo contendere, or the imposition of a deferred sentence accepted by the court is considered a conviction.
 2. A disciplinary action imposed by another jurisdiction that licenses physical therapists including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license, whether it is imposed by consent decree, order, or in some other manner, for any cause other than failure to pay a license fee by the due date.

3. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license, other than a license as a Physical Therapist.
- B. Any award, judgment, or settlement of a civil action or arbitration in which there was a final judgment or settlement for malpractice of physical therapy.
- C. The notice to the Board must include the following information:
1. If the event is an action by a governmental agency:
 - a. the name of the agency,
 - b. its jurisdiction,
 - c. the case name,
 - d. the docket, proceeding, or case number by which the event is designated, and
 - e. a copy of the consent decree, order, or decision.
 2. If the event is a conviction of a crime described above:
 - a. the court,
 - b. its jurisdiction,
 - c. the case name,
 - d. the case number,
 - e. a description of the matter or a copy of the indictment or charges,
 - f. any plea or verdict accepted or entered by the court, and
 - g. a copy of the imposition of sentence related to the conviction and the completion of all terms of the sentence;
 3. If the event concerns a civil action or arbitration proceeding:
 - a. the court or arbitrator,
 - b. the jurisdiction,
 - c. the case name,
 - d. the case number,
 - e. a description of the matter or a copy of the complaint or demand for arbitration, and
 - f. a copy of the verdict, the court decision or arbitration award, or, if settled, the settlement agreement and court's order of dismissal.
 4. The licensee notifying the Board may submit a written statement with the notice to be included with the licensee's records.

215. Provisional Physical Therapist License

The purpose of this rule is to establish the qualifications and procedures for applicants seeking a provisional license to practice as a physical therapist pursuant to section 12-41-107.5, C.R.S.

- A. A provisional license may be issued only one time and cannot be renewed or reinstated.
- B. An applicant is not eligible to be issued a provisional physical therapist license if he or she has failed the National Physical Therapy Exam (NPTE).
- C. Pursuant to section 12-41-107.5, C.R.S., a provisional physical therapist license expires no later than 120 days after it is issued. However, if the individual issued a provisional license fails the NPTE after the license was issued, then the license expires within three (3) business days of his/her failing results being sent to the candidate.
- D. A provisional physical therapist shall purchase and maintain professional liability insurance, or be insured under a supervising physical therapist, for the amounts specified in section 12-41-114.5(1), C.R.S., unless the provisional physical therapist is exempted pursuant to section 12-41-114.5(3), C.R.S.

PHYSICAL THERAPIST ASSISTANT RULES

301. Supervision Required for Physical Therapist Assistant Practice

The purpose of this rule is to clarify supervision parameters pursuant to § 12-41-203(2), C.R.S.

Physical Therapist Assistants ("P.T.A.") shall not provide physical therapy services unless the Physical Therapist Assistant works under the general supervision of a licensed Physical Therapist.

302. Supervision by Physical Therapist Assistants of Others Prohibited

The purpose of this rule is to clarify supervisory parameters pursuant to ~~§ section~~ 12-41-103.6(2)(b), C.R.S.

~~A Physical physical Therapist therapist Assistant assistant may not supervise other personnel in the provision of physical therapy services to a patient. A physical therapist assistant under the general supervision of a physical therapist may act as a clinical instructor for a physical therapist assistant student. However, immediate supervision of the student physical therapist assistant remains with the physical therapist if the physical therapist assistant student is providing physical therapy services. A Physical Therapist Assistant under the supervision of a licensed Physical Therapist may act as a clinical instructor of a Physical Therapist Assistant student who is providing physical therapy services.~~

303. Certification by Examination for Physical Therapist Assistants

The purpose of this rule is to delineate the requirements for certification by examination for physical therapist assistants pursuant to section 12-41-205, C.R.S.

A. An applicant is required to demonstrate that he/she has successfully completed a physical therapy program pursuant to Rule 204 or a physical therapist assistant program that is either:

1. Accredited by a nationally recognized accrediting agency pursuant to Rule 102, or

2. Substantially equivalent pursuant to Rule 304.

B. If applying to take the NPTE, an applicant:

1. Must have successfully completed a physical therapy or physical therapist assistant program, or be eligible to graduate within 90 days of a program pursuant to section A of this rule, and

2. Is subject to FSBPT's current eligibility requirements in effect at the time of registering for the NPTE, including any exam retake or low score limit policies.

C. An applicant meet the following current practice competency requirements in order to be eligible for certification by examination:

1. Graduate from a program pursuant to section A of this rule above and pass the NPTE within the 2 years immediately preceding the date of the application.

D. An applicant who is unable to demonstrate current practice competency under section C of this rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a certification under this section D, the Board may subject said certification to such lawful conditions as the Board finds are necessary to protect the public.

303304. Certification of Foreign-Trained Physical Therapist Assistant Graduates of Non-Accredited Programs

The purpose of this rule is to establish procedures for determining whether a foreign-trained physical therapist assistant applicant who has graduated from a non-accredited program has substantially equivalent education and training as required pursuant to section 12-41-207(1)(a), C.R.S.

A. A foreign-trained applicant who has graduated from a non-accredited program must have education and training as a physical therapist assistant substantially equivalent to the entry-level education and training required at accredited physical therapist assistant programs in the United States in effect at the time of the applicant's graduation. This includes but is not limited to an assessment of the applicant's foundational studies and applied and technical education, as well as training in soft tissue and non-selective wound debridement ~~and administration of topical medications.~~

B. Applicants who wish to have their foundational studies and applied and technical education considered "substantially equivalent" in order to take the National Physical Therapy Examination (NPTE) through Colorado and qualify for certification must submit their credentials to the Foreign Credentialing Commission of Physical Therapy ("FCCPT") ~~or International Consultants of Delaware ("ICD"). The credentialing agencies FCCPT~~ shall use the most current version of the Coursework Tool for Foreign Educated Physical Therapist Assistants developed by the Federation of State Boards of Physical Therapy ("FSBPT") to evaluate the applicant's credentials against the requirements at accredited physical therapist assistant programs in place at the time of the applicant's graduation. The Board will not accept a credentials evaluation from an organization not listed in this rule.

C. A foreign-trained applicant who has graduated from a non-accredited program and already passed the NPTE may submit a credentials evaluation from a credentialing agency other than FCCPT as long as that credentialing agency utilized the most current version of the Coursework Evaluation Tool for Foreign-Educated Physical Therapists developed by FSBPT to evaluate the applicant's credentials against the requirements at accredited physical therapist assistant programs in place at the time of the applicant's graduation, and the applicant has been licensed, certified, or registered in good standing and actively engaged in clinical practice as a physical therapist assistant in the United States for 2 out of the 5 years immediately preceding his or her application

for certification.

GD. All expenses associated with the credentials evaluation are the responsibility of the applicant.

DE. Failure to have a credentials evaluation pursuant to the terms of this rule will result in the Board denying the application.

EE. In the event a foreign-trained applicant's foundational studies are found to be deficient, the applicant may take and pass subject examinations from the College-Level Examination Program ("CLEP") to overcome the deficiency in general education.

FG. In the event a foreign-trained applicant's applied and technical education is found to be deficient, the applicant shall either:

1. Successfully complete a Board-approved plan to overcome deficiencies, or
2. Overcome the deficiency by obtaining an associate degree from an accredited physical therapist assistant program.

304305. Certification by Endorsement for Physical Therapist Assistants

The purpose of this rule is to delineate the requirements for certification by endorsement ~~under~~ pursuant to section 12-41-206, C.R.S. In order to be qualified for certification by endorsement, an applicant is required to demonstrate that he or she does not currently have a revoked, suspended, restricted, or conditional license, certification, or registration to practice as a physical therapist assistant, or is currently pending disciplinary action against such license, certification, or registration in another state or territory of the United States. An applicant must meet one of the following requirements:

A. Graduated from an accredited physical therapy or physical therapist assistant program within the past 2 years and passed the NPTE.

B. Practiced in the United States as a licensed, certified, or registered physical therapist assistant for at least 2 of the 5 years immediately preceding the date of the application.

C. If an applicant has not practiced as a licensed, certified, or registered physical therapist assistant for at least 2 of the 5 years immediately preceding the date of the application, then he or she is required to have passed the NPTE, or its equivalent, and may demonstrate competency through successful completion of one of the following:

1. Completion of 60 hours of continuing education related to the practice of physical therapy during the 2 years immediately preceding the application, provided that the continuing education meets the approval of the Board as Category I.

2. Successful completion of a Board authorized internship.

a. An applicant seeking to demonstrate competency through an internship shall:

i. Arrange for a Colorado-licensed, practicing physical therapist (the "supervising physical therapist") to supervise the internship; and

ii. Ensure that the supervising physical therapist immediately notifies the Board in writing of the establishment of the internship and submits for the Board's approval a plan for supervision using the physical therapist assistant Clinical Performance Instrument (CPI).

b. The internship shall not commence without the Board's written approval of the supervising physical therapist's plan for supervision specified in subparagraph (3) (c) of this rule.

c. The internship shall consist of:

i. The applicant's actual practice of physical therapy as defined in section 12-41-103(6), C.R.S.;

ii. Direct supervision of the applicant at all times by the Board approved Colorado-licensed, practicing physical therapist; and

iii. A minimum of 240 hours clinical practice within a consecutive 6-month period commencing from the Board's written approval of the plan for supervision.

d. The applicant shall ensure that the supervising physical therapist files a written report at the completion of the internship. This report shall indicate whether the applicant demonstrates entry-level performance in all skills assessed by the CPI. Hard copy or electronic copies of the CPI are acceptable.

D. An applicant who is unable to demonstrate competency under sections A, B, or C of this rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a certification under this section D, the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.

A.—Certification by endorsement through internship.

1. An applicant seeking certification by endorsement under the internship provisions of § 12-41-206(3) (c), C.R.S., shall:

a. arrange for a Colorado-licensed, practicing Physical Therapist (the "supervising Physical Therapist") to supervise the internship; and

b. ensure that the supervising Physical Therapist immediately notifies the Board in writing of the establishment of the internship and submits for the Board's approval a plan for supervision using the physical therapist assistant Clinical Performance Instrument ("CPI"); and

c. have passed an examination, which examination is substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.

2. The internship shall not commence without the Board's written approval of the supervising Physical Therapist's plan for supervision specified in subparagraph (1)(b) of this paragraph.

3. The internship shall consist of:

a. the applicant's actual practice of physical therapy as defined in § 12-41-103(6), C.R.S.;—and

b. direct supervision of the applicant at all times by the Board-approved Colorado-licensed, practicing

Physical Therapist; and

c. a minimum of 240 hours clinical practice within a consecutive six-month period commencing from the Board's written approval of the plan for supervision.

4. The applicant shall ensure that the supervising Physical Therapist files a written report at the completion of the internship. This report shall indicate whether the applicant successfully demonstrates entry level performance in all skills assessed by the CPI. Hard copy or electronic copies of the CPI are acceptable.

5. Subject to the provisions of this rule, the Board shall issue a certification by endorsement under this paragraph based upon:

a. the Board's review and approval of the supervising physical therapist's written report; and

b. proof that the applicant has passed an examination, which examination is substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.

B. Certification by endorsement through demonstrated competency

1. An applicant seeking certification by endorsement under the demonstrated competency provisions of § 12-41-206(3)(c), C.R.S., may demonstrate competency by providing proof that:

a. The applicant has passed an examination, which examination is substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.; and

b. the applicant has completed sixty-four hours of continuing education related to the practice of physical therapy during the two years immediately preceding the application, provided that the continuing education meets the approval of the Board.

2. An applicant who is unable to demonstrate competency under subparagraph (1) of this paragraph may request to demonstrate competency by any other means. The Board shall consider such a request on a case-specific basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants certification under this subparagraph (2), the Board may subject said certification to such lawful conditions as the Board finds are necessary to protect the public.

3. Subject to the provisions of this rule, the Board shall issue a certification by endorsement under this paragraph following demonstration of the applicant's competency.

305306. Reinstatement of an Expired Certification for Physical Therapist Assistants

The purpose of this rule is to establish the qualifications and procedures for applicants seeking reinstatement of an expired physical therapist assistant certification pursuant to §-section 12-41-208, C.R.S.

A. An applicant seeking reinstatement of an expired Physical-physical Therapist-therapist Assistant-assistant certification shall complete a reinstatement application and pay a reinstatement fee as established by the Director.

B. If the certification has been expired for more than two-2 years, but less than five-5 years, an applicant must establish "competency to practice" under §pursuant to 24-34-102(8)(d)(II)(A) & (D), C.R.S., as-follows by submitting one of the following:

1. Verification of an active, valid physical therapist assistant license, certification or registration in good standing from another state, along with proof of clinical physical therapy practice in that state with-which includes a minimum of an average of 400 hours per year for the two-2 years immediately preceding the date of application. The work experience shall-must be attested as to the number of hours;~~-of.~~
 2. Evidence of completing an average of thirty-two30 hours per year in physical therapy continuing education courses since the date the certification expired, provided that the continuing education meets the approval of the Board as Category I.
 3. Any other means as approved by the Board.
- C. An applicant seeking to reinstate a certification that has been expired for more than five-5 years must demonstrate "competency to practice" -as required in -§-section 24-34-102(8)(d)(II)(B) & (F), C.R.S., by submitting one of the following ~~methods~~:
1. Verification of an active, valid physical therapist assistant license, certification or registration in good standing from another state, along with proof of clinical physical therapy practice in that state with-which includes a minimum an average of 400 hours per year for the two-2 years immediately preceding the date of application. The work experience shall be attested as to the number of hours;~~-.~~~~of~~
 2. Evidence of completing an average of 30 hours per year in physical therapy continuing education courses since the date the certification expired, provided that the continuing education meets the approval of the Board as Category I.
 23. Practice for six months on probationary status with a practice monitor subject to the terms established by the Board;~~-of.~~
 34. Completion of a 240-hour internship within 6 months using the physical therapist assistant Clinical Performance Instrument (CPI) as the professional standard and measure of continued competency. Satisfactory completion of the internship shall require both 240 hours of internship practice and successful demonstration of entry-level performance on all skills on the CPI on electronic or paper form;~~-of.~~
 45. Any other means as approved by the Board.
- D. An applicant for reinstatement who has actively practiced in Colorado on an expired certification in violation of -§-section 12-41-204, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Physical Therapy Practice Act at §-section 12-41-201 et seq., C.R.S., and in accordance with -§-section 24-34-102 et seq., C.R.S.

Editor's Notes

History

Rules 7, 10, 11 eff. 11/30/2007.

Rule 6 eff. 03/30/2011.

Rules 1 - 11 emer. rule repealed eff. 03/09/2012.

Rules 1 - 11 emer. rule eff. 03/09/2012.

Rules 1 - 11, 303, 304 emer. rule eff. 04/02/2012.

Rules 301, 302, 305, 306 emer. rule eff. 06/01/2012.

Rules 1 - 11 repealed eff. 06/30/2012.

Rules 201 - 211, 301 - 305 eff. 06/30/2012.

Rules 101 – 102, 212, 214 eff. 01/30/2013.

Rules 207 and 213, eff. 11/01/2014.

Rule 215 emer. rule eff. 06/02/2014.

Rules 202, 203, 205, 215, 303 eff. 09/14/2014.

Rules 207 and 213, eff. 11/01/2014.

| [Rules 102, 103, 201, 202, 203, 204, 205, 206, 208, 212, 302, 303, 304, 305, and 306 eff. 05/15/2015.](#)



Rulemaking Hearing, March 13, 2015

Proposed Changes with Statement of Basis, Purpose, and Authority

Basis and Purpose: A review and update of current Board Rules 102, 201, 202, 203, 205, 206, 208, 212, 302, 303, 304, and 305 in response to Senate Bill 14-063 “concerning the mandatory review of existing executive branch agency rules conducted by each principal department;” to create a new Board Rule 102 to clearly identify the nationally recognized accrediting agency for accrediting physical therapy and physical therapist assistant programs; and to create a new Board Rule 204 and 303 to clarify licensure/certification requirements by way of examination.

Statement of Authority: Pursuant to section 12-41-103.6(2)(b), C.R.S., the State Physical Therapy Board has the power and duty “[t]o adopt all reasonable and necessary rules for the administration and enforcement of” Article 41 of Title 12.

Pursuant to section 12-41-113(1), C.R.S., the Board shall promulgate rules governing the required supervision of non-physical therapists.

Pursuant to section 12-41-201(3), C.R.S., the Board may promulgate rules necessary to implement, administer, and enforce Part 2 of the Physical Therapy Practice Act.

Pursuant to section 24-4-103.3, C.R.S., titled “Mandatory review of rules by agencies – report on results of review in department regulatory agendas.”



Notice of Proposed Rulemaking

Tracking number

2015-00067

Department

1000 - Department of Public Health and Environment

Agency

1003 - Water Quality Control Commission (1003 Series)

CCR number

5 CCR 1003-2

Rule title

REGULATION NO. 100 - WATER AND WASTEWATER FACILITY OPERATORS
CERTIFICATION REQUIREMENTS

Rulemaking Hearing**Date**

06/30/2015

Time

09:30 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

certified operator duties

Statutory authority

sections 25-9-101 through 25-9-110

Contact information**Name**

Jackie Whelan

Title

Division Liaison To Board

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COLORADO

Water & Wastewater Facility
Operators Certification Board

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING

BEFORE THE

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

SUBJECT:

For consideration of proposed revisions to Regulation No. 100, "Water and Wastewater Facility Operators Certification Requirements" (5 CCR 1003-2). The revisions to Regulation No. 100 proposed by the Water Quality Control Division, along with proposed Statement of Basis, Statutory Authority and Purpose, are attached to this notice as Exhibit 1. Proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~.

HEARING SCHEDULE:

DATE: Tuesday, June 30, 2015
TIME: 9:30 a.m.
PLACE: Florence Sabin Conference Room
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

WRITTEN AND ORAL COMMENTS:

The Operators Certification Board encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing. Oral comments on the proposed rule will be received at the hearing. Depending on the number of people wishing to speak, a time limit for oral comments may be established.

In order to enhance the Board members' ability to review and consider public comments on the proposal, the submission of written comments in advance of the hearing is strongly encouraged. Initial written comments are due by April 22, 2015. Any written responsive comments must be received by May 20, 2015 and any written rebuttal comments must be received by June 17, 2015.

Anyone providing written comments should deliver

- 1) an electronic copy to cdphe.wwfocb@state.co.us and
- 2) 20 paper copies to the Board office or the Colorado Department of Public Health and Environment's mail room by the due date.

Anyone for whom the expense of providing these copies presents an economic hardship should contact the Board Office to make alternative arrangements. All written comments will be available to the public on the Board's website.

SPECIFIC STATUTORY AUTHORITY:

The provisions of C.R.S. 25-9-101 through 25-9-110 provide the specific statutory authority for consideration of the regulatory provisions proposed by this notice. Should the Operators Certification Board adopt the regulatory language as proposed in this notice or alternative provisions, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 27th day of January 2015 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD



Trisha Oeth
cn=Trisha Oeth, o, ou=Water Quality
Control Commission,
email=trisha.oeth@state.co.us, c=US
2015.01.27 09:40:28 -07'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION
REQUIREMENTS

REGULATION NO. 100

5 CCR 1003-2

....

- (10) "OPERATOR" means any person who performs activities and/or tasks pertinent to the operation of a water or wastewater facility. An operator may or may not be certified.
- ~~(11)~~ "OWNER" means (a) the supplier of water as defined in 5 CCR 1002-11; (b) the person or persons required to apply for a discharge permit in accordance with 5 CCR 1002-61; or (c) the person with legal responsibility for a wastewater collection system. For purposes of this definition, "person" means an individual, corporation, partnership, association, state or political subdivision thereof, federal agency, tribal agency, state agency, municipality, commission, or interstate body.
- ~~(4112)~~ "PLANT DESIGN FLOW" means the maximum flow rate (water) or the hydraulic capacity (wastewater) approved for a water or wastewater treatment facility by the Division.
- ~~(4213)~~ "TRAINING UNIT" means the credit given for an increment of training approved as applicable to the fulfillment of certificate renewal requirements. Ten contact hours shall be required to equal one training unit. A "contact hour" means a classroom or supervised hour of attendance or hour of participation recognized by the Board as a training unit.
- ~~(4314)~~ "VALIDATED EXAMINATION" means an examination that is independently reviewed by subject matter experts to ensure that the examination is based on a job analysis and is related to the classification of the system or facility.
- ~~(4415)~~ "WASTEWATER COLLECTION SYSTEM" means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility.
- ~~(4516)~~ "WASTEWATER TREATMENT FACILITY" means either a domestic wastewater treatment facility or an industrial wastewater treatment facility.

- (1617) "WATER AND/OR WASTEWATER FACILITY" means a water treatment facility, domestic wastewater treatment facility, industrial wastewater treatment facility, water distribution system, or wastewater collection system.
- (1718) "WATER DISTRIBUTION SYSTEM" means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to a consumer.
- (1819) "WATER TREATMENT FACILITY" means the facility or facilities within the water distribution system that can alter the physical, chemical, or bacteriological quality of the water.

....

100.10 APPLICATION TO SIT FOR CERTIFICATION EXAMINATION

100.10.1 A person desiring to be certified to operate a water or wastewater facility shall first file an application to sit for examination with the Board or its designee.

....

100.13 CERTIFICATES

The Board or its designee shall award to the applicant a certificate designating the appropriate certification level upon satisfactory fulfillment of the requirements of section 100.13.1, 100.13.2 or 100.13.5, as appropriate, and payment of all applicable program fees listed in section 100.19.2.

New operator certificates shall be valid for three (3) years from the date of the certification eligibility notification letter. Renewal certificates shall be valid for three (3) years from the date of expiration of the prior certificate, not from the issue date of the renewed certificate.

100.13.1 Application for New Certificates

- (a) After receiving written notification of eligibility to apply for the certificate, the applicant must complete and submit the certificate application. Applicants must meet all certification requirements and shall submit ~~Upon written notification that they have passed the certification examination and are eligible for certification, successful examinees must pay the required administration and applicable late fees as listed in section 100.19.2 and complete the following, where applicable:~~
- (i) ~~demonstrate fulfillment~~ verification of the experience requirements for Class D, Class 1, Class S and Class T certification pursuant to section 100.9.9;
 - (ii) ~~submit a copy of a high school diploma pursuant to section 100.9.3(c); and~~
 - (iii) ~~provide a current mailing address, telephone number and email address (if available); and~~
 - (iv) verification of lawful presence in the United States in accordance with section 24-76.5-101 et.seq. C.R.S.

- ~~(b) Upon satisfactory fulfillment of the requirements of section 100.13.1, the Board or its designee shall award to the applicant a certificate designating the appropriate certification level.~~
- ~~(c) Newly awarded operator certificates shall be valid for three (3) years from the date of the certification eligibility notification letter unless revoked or suspended as provided in section 100.23 of these regulations.~~
- ~~(d) An applicant shall complete the certification process by paying the administration and applicable late fees as listed in section 100.19.2 within three (3) years from the date of the certification eligibility notification letter.~~

100.13.2 Application for Renewal of Certificates

- (a) Certified operators must submit a written application for renewal to the Board or its designee six to eight weeks prior to the expiration date of the certificate, in order to avoid expiration of a certificate under section 100.13.3.
- ~~(b) Renewed certificates shall be valid for three (3) years from the date of expiration of the prior certificate, not from the issue date of the renewed certificate.~~
- (e) Renewal applications must demonstrate that the certified operator satisfies the requirements of this regulation including meeting the renewal training unit requirements stated in section 100.14.
- ~~(c) Renewal applications must include verification of lawful presence in the United States in accordance with sections 24-76.5-101 et seq. C.R.S.~~
- (d) The Board or its designee shall provide all application forms for renewal of certificates.

....

100.13.5 Application for Certificates by Reciprocity

....

- (b) Operators must submit a written application for certification by reciprocity to the Board or its designee.
- ~~(c) Upon~~ After receiving written notification of approval by the Board for certification in Colorado, applicants shall ~~pay the administration and applicable late fees as listed in section 100.19.2~~ follow the instructions provided in the approval letter to complete the certification process.
- (ed) Certificates by reciprocity shall be considered “new” certificates subject to all requirements of sections 100.13.1 and 100.19.

....

100.15 CERTIFIED OPERATOR DUTIES

....

100.15.2 Certified operators shall protect the public health and the environment by properly performing and/or supervising the activities pertinent to controlling the operation of a water or wastewater facility in accordance with a written operating plan as described in section 100.16.6 as appropriate to their level of certification, including but not limited to the following:

....

- (f) controlling the operation and maintenance of ~~operating~~ valves and/or gates ~~either manually or by remote control~~;
- (g) controlling the operation and maintenance of ~~starting and/or stopping~~ pumps;
- (h) maintaining logs and/or records; ~~or~~
- (i) collecting and/or analyzing process control samples; and
- (j) reporting instances of non-compliance or situations that could result in non-compliance to the certified operator in responsible charge.

100.15.3 Certified operators shall conduct themselves in a professional manner when acting in the capacity of a certified operator. "Professional manner" is defined as exhibiting dignified and respectful behavior towards regulators, the regulated community and the public.

100.16 CERTIFIED OPERATOR IN RESPONSIBLE CHARGE DUTIES

100.16.1 Certified operator(s) in responsible charge are designated by the owner of the water or wastewater facility and have supervisory responsibility for the operation of the facility and for the operational activities and functions of other facility operators.

....

100.16.4 Certified operator(s) in responsible charge of a water or wastewater facility must hold a valid certificate equal to or greater than the classification of the water or wastewater facility they operate.

100.16.5 Certified operator(s) in responsible charge shall protect the public health and the environment in the conduct of their duties. The certified operators in responsible charge are accountable for the operation and maintenance of the water or wastewater facility and are responsible for understanding the requirements of the applicable permits, laws and regulations. These duties ~~shall~~ include the following:

- (a) ~~the management or administration of the operation of the water or wastewater facility;~~
- (b) ~~the accountability for the proper operation and maintenance of the water or wastewater facility for compliance with applicable regulations and/or permit requirements, including monitoring and reporting requirements;~~
- (ea) the control of, supervision over, or active participation controlling, supervising or actively participating in the daily planning, operation or and maintenance of a water or wastewater facility;

- (~~db~~) ~~authority to make making~~ day-to-day process control and system integrity decisions on the operation and maintenance of the water or wastewater facility;
- (~~ec~~) ~~the availability to make making~~ decisions and ~~initiate initiating~~ actions regarding the operation of the water or wastewater facility in a timely manner;
- (~~fd~~) ~~ensuring proper inspection inspecting~~ and testing of new, modified, or repaired facilities prior to placing or returning such facilities into service;
- (~~ge~~) ~~developing and implementing preventative maintenance programs and performing routine maintenance functions for facilities;~~
- (f) developing and maintaining the written operating plan as described in section 100.16.6;
- (~~h~~) ~~overseeing compliance with laws and regulations and~~
- (g) reporting instances of non-compliance or situations that could result in non-compliance as appropriate to facility owners and the Department; and
- (~~ih~~) ~~the performance of performing~~ other functions of direct responsibility, including those enumerated in section 100.15.

100.16.6 Certified operator(s) in responsible charge of a water or wastewater facility may delegate tasks or activities to other facility operators when delineated by a written operating plan.

....

- (d) Certified operator(s) in responsible charge remain accountable for the consequences of the performance of such tasks by other facility operators under their charge.

....

100.18 RESPONSIBILITIES OF WATER AND WASTEWATER FACILITY OWNERS

100.18.1 Supervision by a Certified Operator in Responsible Charge

- (a) No owner of a water or wastewater facility shall allow the facility to be operated without the direct supervision of one or more certified operators in responsible charge.
- (~~b~~) ~~For purposes of this regulation, "direct~~ "Direct supervision" means that the certified operator(s) in responsible charge have supervisory responsibility and authority with respect to the operation of the water or wastewater facility and for the activities and functions of other facility operators.
- (~~b~~) The owner designates the certified operators in responsible charge of the water or wastewater facility by completing and submitting the appropriate division contact update form.

- (c) Owners shall ensure that their agreement(s) with the certified operator(s) in responsible charge are sufficiently detailed and formal to reflect all the duties as outlined in section 100.16.
- (d) Contracts for limited services do not fulfill the owner's obligation, under section 100.18.1(a), to place the facility under the supervision of one or more certified operators in responsible charge. Contracts for limited services, such as compliance sampling, do not rise to the level of a contract for a certified operator in responsible charge.

100.18.2 Decisions Reserved to Certified Operator in Responsible Charge

Each owner of a water or wastewater facility shall ensure that all process control and/or facility integrity decisions about water quality or quantity or wastewater effluent quality or quantity that may affect public health or the environment are made by either a certified operator in responsible charge or by another operator certified at a level equal to or above the classification of the facility he or she is operating in accordance with the facility's written operating plan as described in section 100.16.6.

100.18.3 Availability of Certified Operator in Responsible Charge

- ~~(a)~~ Each owner of a water or wastewater facility shall ensure that a certified operator in responsible charge, ~~or another operator certified at a level equal to or above the classification of the facility,~~ is available or ensure that operations are conducted in accordance with the facility's written operating plan as described in section 100.16.6 whenever the facility is in operation.
- ~~(b)~~ ~~For purposes of this regulation, "available"~~ "Available" means either on-site or able to be contacted as needed to make decisions and to initiate appropriate actions in a timely manner.

100.18.4 Reporting Requirement

Each owner of a water or wastewater facility shall submit ~~in writing to the appropriate Division~~ contact update form, no later than thirty (30) days following the date the facility is initially placed on-line and thereafter, no later than thirty (30) days after changes to any of the following information:

- (a) name, mailing address, phone number, and email address (if available) of the facility legal representative providing the information;
- (b) full legal name and operator identification number of the certified operator(s) in responsible charge ~~employed by the owner~~;
- (c) identification of the facility or facilities for which each certified operator in responsible charge ~~employed or contracted by the owner~~ has responsibility; or
- (d) the Public Water System Identification (PWSID) number, the Colorado Discharge Permit ~~s~~System (CDPS) permit number, or general permit certification number for all facilities listed.

WATER QUALITY CONTROL DIVISION PROPOSED

100.51 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: JUNE 30, 2015 RULEMAKING ADOPTED AUGUST 25, 2015; EFFECTIVE SEPTEMBER 30, 2015

Provisions of section 25-9-104, C.R.S., provide the specific statutory authority for the adoption of these amendments to the established regulatory provisions of Regulation 100 governing the requirements for water and wastewater facility operators (5 CCR 1003-2). The board hereby adopts, in compliance with section 24-4-103(4), C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

The board held a rulemaking hearing on June 30, 2015. After receiving testimony from the division and members of the public, the board determined that it was necessary to revise Regulation 100 as follows:

Generally, the board made grammatical corrections, stylistic changes and used simple declarative sentences when possible to avoid confusion or ambiguity.

Based on the input received from stakeholders, no changes to the provisions regarding experience requirements of section 100.9.4 are being made at this time.

Section 100.2(11). The board added the definition for owner. Not all suppliers of water, permittees and co-permittees are the owners of the physical facilities. Defining owner in regards to Regulation 100 clarifies who is responsible for ensuring the facility is under the direct supervision of a certified operator in responsible charge when it is operating as required by section 100.18.1.

Sections 100.10. For clarification, the board changed the title and provisions of section 100.10 to clearly reflect that this section refers to the first of the two-step process of certification, to apply to sit for a certification examination.

Section 100.13. To ensure consistency, provisions of Regulation 100 that refer to the issuing of the certificate, payment of program fees and the period each certificate is valid were moved to section 100.13 "Introduction." For transparency, the board added the requirements to comply with section 24-76.5-101 et seq., C.R.S., often referred to as the lawful presence legislation when applying for new or renewed certificates.

Section 100.13.1, 100.13.2 and 100.13.5. For clarification, the board changed the headings and provisions of these three sections to clearly reflect they refer to the second of the two-step process of certification, the requirement to submit application for new or renewed certificates or to obtain certification by reciprocity.

Section 100.15.3. In August 2014, the board adopted revisions to section 100.20.1(j) to clarify that the board may take disciplinary action for failure to conduct oneself in a professional manner. In this proceeding, the board also adopted section 100.15.3 to include in the list of certified operators' duties the requirement to act in a professional manner. The board made this addition to clarify its expectations with respect to a certified operator's obligation to uphold the integrity of the CWP profession while acting in such capacity.

Section 100.16.5. The board removed responsibility from the certified operator in responsible charge duties for the management, administration, compliance with regulatory and permit requirements, and other responsibilities that require decision-maker action and approval, such as providing operational,

technical and financial resources necessary for proper operation and maintenance of the water or wastewater facility. These responsibilities are implicitly and explicitly identified in other applicable regulatory and permit requirements as belonging to the owner of the facility. The board wanted it clearly understood that the certified operator in responsible charge is responsible for the professional operation and maintenance of the facility as appropriate to their certification level and working with the resources provided by the owner.

Section 100.18.1(a) and (b). For consistency and clarity, the board combined these provisions so the definition for direct supervision immediately follows the requirement for direct supervision by a certified operator in responsible charge.

Section 100.18.1 (b). The board defined how an owner designates the certified operator in responsible charge.

Section 100.18.3(a) and (b). For consistency and clarity, the board combined these provisions so the definition for available immediately follows the requirement for a certified operator in responsible charge to be available to make decisions and initiate actions that are reserved to the certified operator in responsible charge.

Section 100.18.4. For clarity, the board defined how an owner reports changes to the certified operator in responsible charge to the division. The division requires that current update forms be used. In addition, the board removed reference to certified operators in responsible charge being employed or contracted by the owner from sections 100.18.4 (b) and (c). There are other relationships that may exist between the owner and certified operators in responsible charge.

Notice of Proposed Rulemaking

Tracking number

2015-00083

Department

1000 - Department of Public Health and Environment

Agency

1005 - Laboratory Services Division - Rules promulgated by the Colorado Board of Health

CCR number

5 CCR 1005-3

Rule title

APPROVAL OF BREATH ALCOHOL IGNITION INTERLOCK DEVICES

Rulemaking Hearing

Date

03/18/2015

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

Proposed repeal of regulations

Statutory authority

§ 42-2-132.5(9)(a), C.R.S.

Contact information

Name

Jeff Groff

Title

Certification/EBAT Supervisor

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**COLORADO****Department of Public
Health & Environment**

Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Jeff Groff, Evidential Breath Alcohol Testing Program Manager, Laboratory Services Division (LSD)

Through: Dr. Laura Gillim-Ross, LSD Director - *LGR*

Date: January 5, 2015

Subject: **Request for Rule Making Hearing**
Proposed repeal of 5 CCR 1005-3- Breath Alcohol Ignition Interlock Devices

Dear State Board of Health Members,

The Department is recommending the repeal of the State Board of Health Rule 5 CCR 1005-3 alcohol ignition interlock devices. These rules, which are authorized but not required by statute, were promulgated in 2002. Stakeholders do not rely upon the rule but instead rely upon the statute and the Department's list. Because the rule does not provide any additional information and is unnecessarily redundant, the Department recommends that it be repealed. Repeal of the rule does not modify the role of the Department or the processes for the Department or Department of Revenue as mandated by § 42-2-132.5, C.R.S.

The recommended repeal does not pose any source of controversy, nor will there be a financial impact upon stakeholders.

Thank you for your consideration.

Jeff Groff - *JAG*
Laboratory Certification Program Manager
Laboratory Services Division
CDPHE

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
for repeal of**

5 CCR 1005-3 Breath Alcohol Ignition Interlock Devices

Basis and Purpose.

Under Section § 42-2-132.5(9), C.R.S., the Board of Health has the authority to promulgate these rules concerning the approval of Breath Alcohol Ignition Interlock Devices (BAIID's). Pursuant to the Rules and Regulations of the Colorado State Board of Health, Ignition Interlock Devices (5 CCR 1005-3), the Colorado Department of Public Health and Environment reviews and approves such devices for use.

The Department's Evidential Breath Alcohol Testing (EBAT) program verifies the National Highway Traffic Safety Administration (NHTSA) approval of the device in accordance with Federal Register Volume 78, Number 89, Wednesday May 8, 2013 pp. 26849-67. Upon verification of NHTSA approval to the current Model Specifications for Breath Alcohol Ignition Interlock Devices, the Department will list the device on the approval list and publish it on our website for public access.

The purposes for repeal of 5 CCR 1005-3 are as follows:

- The current Rule 5 CCR 1005-3 does not provide additional benefit or processes that exceed existing Colorado statutory requirements.
- The processes currently outlined in the Rule 5 CCR 1005-3 do not exceed existing Federal requirements nor provide additional testing beyond what is required by NHTSA.

Specific Statutory Authority.

These rules are promulgated pursuant to the following statute: § 42-2-132.5(9), C.R.S.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____; rules are ____ authorized ____ required.
__X__ No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
__X__ No

Does this rule incorporate materials by reference?

_____ Yes
__X__ No

Does this rule create or modify fines or fees?

_____ Yes
__X__ No

REGULATORY ANALYSIS
for repeal of
5 CCR 1005-3 Breath Alcohol Ignition Interlock Devices

1. **A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**
 - a. The Colorado Department of Revenue selects which Breath Alcohol Ignition Interlock Device is to be used from the Department's approved list when administering their Ignition Interlock Program. Repealing the rule does not modify the current process.
 - b. No financial impact or costs are associated with the proposed removal of the current Rule (5 CCR 1005-3).
2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.**

Quantitative Impact:
No quantitative impact is anticipated.

Qualitative Impact:
No qualitative impact is anticipated.
3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**

There are no identified costs anticipated to the Department or any other stakeholders by repealing this rule.
4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

The costs and benefits of the proposed rules:

 - Decreased redundancy.

The costs and benefits of inaction to the proposed rules:

 - Redundancy.
5. **A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**

No financial impact is identified in the proposed rule repeal.
6. **Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.**

Not applicable
7. **To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.**

N/A

**STAKEHOLDER Comment
for repeal of
5 CCR 1005-3 Breath Alcohol Ignition Interlock Devices**

The following individuals and/or entities were included in the development of these proposed rules:

- Brett Close - Operations Manager, Driver Services, Colorado Department of Revenue.

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health:

- Notification posted on LSD website in May 2014.
- Notification was shared with the Governor's Task Force on Drunk and Impaired Driving (TFDID) in May 2014.
- Notification was shared with officials from the Colorado Department of Revenue Driver Services Division who administer the Interlock program in May 2014.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

Stakeholder feedback has been minimal. No issues having been raised on the proposed changes.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

None identified at this time.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Laboratory Services Division****APPROVAL OF BREATH ALCOHOL IGNITION INTERLOCK DEVICES****5 CCR 1005-3**

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.1 Purpose and Scope.

This rule establishes the process and requirements for the evaluation and approval of breath alcohol ignition interlock devices by the Colorado Department of Public Health and Environment, Laboratory and Radiation Services Division and establishes the alcohol setpoint of breath alcohol concentration at which the device will prevent a driver from starting and operating a motor vehicle. This approval and rule making authority is stated in Colorado Revised Statutes section 42-2-132.5 (7)(a) & (b), 2001, as amended.

Approval of breath alcohol ignition interlock devices will be based on the device meeting or exceeding the model specifications as determined in the National Highway Traffic Safety Administration (NHTSA) "Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDS)" published in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pp. 11772-87. Any material incorporated by reference in these rules does not include later amendments to or editions of the incorporated material.

A certified copy of the NHTSA "Model Specifications" is available for public inspection during regular business hours or can be obtained by contacting the Colorado Department of Public Health and Environment, ATTN: Director, Laboratory and Radiation Services Division, 8100 Lowry Boulevard, Denver, CO 80230. Certified copies shall be provided at cost upon request. Any material that has been incorporated by reference in these rules may be examined at any state publications depository library.

1.2 Definitions as Used in This Regulation.

"Alcohol setpoint" means the breath alcohol concentration at which the ignition interlock device is set to lock the ignition and prevent the vehicle from being started.

"Approved ignition interlock device," "breath alcohol ignition interlock device (BAIID)," or "ignition interlock" means a device approved by the Colorado Department of Public Health and Environment that

- 1) is installed in a motor vehicle, and
- 2) measures the breath alcohol content of the driver before a vehicle is started, and
- 3) periodically requires additional breath samples during vehicle operation, and
- 4) prevents a driver from starting a motor vehicle or continuing normal operation if the device measures an alcohol level above the level established by the Colorado Department of Public Health and Environment.

"Approved list" means a list of ignition interlock devices that have been approved by the Colorado Department of Public Health and Environment.

"CDPHE" means the Colorado Department of Public Health and Environment.

"Model specifications" means the specifications for the performance and testing of breath alcohol ignition interlock devices as determined in the National Highway Traffic Safety Administration (NHTSA) "Model

Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDS)” published in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pp. 11772-87. This rule does not include later amendments to or editions of the incorporated material.

~~1.3 Requirements for Approval.~~

~~1.3.1 All ignition interlock devices approved for use in Colorado for implementation of Colorado Revised Statutes (CRS) Section 42-2-132.5 (7)(a) & (b), 2001, as amended, must meet or exceed all of the performance requirements set forth in the National Highway Traffic Safety Administration’s “Model Specifications for Breath Alcohol Ignition Interlock Devices” (Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pp. 11772-87). This rule does not include later amendments to or editions of the incorporated material.~~

~~1.3.2 In addition to meeting the model specifications, manufacturers or distributors of ignition interlock devices must provide required documentation to CDPHE as established in specific CDPHE protocols. This documentation will include~~

- ~~1) a written request to CDPHE for approval for each specific model of ignition interlock device, and~~
- ~~2) an affidavit from a nationally recognized, independent testing laboratory approved by CDPHE stating that each model of device has been tested and meets or exceeds the model specifications.~~

~~1.3.3 The NHTSA model specifications contain optional features specifications and optional features tests. Optional features specifications and optional features tests will not be considered by CDPHE for approval of the ignition interlock device. Optional features that are included by the manufacturer and tested by the nationally recognized laboratory will be used for informational purposes only.~~

~~1.4 Approved List of Ignition Interlock Devices.~~

~~CDPHE shall publish an approved list of ignition interlock devices. To obtain a copy, call (303) 692-3090.~~

~~1.4.1 CDPHE will update the approved list when a device is added or dropped.~~

~~1.4.2 Once a specific model is approved, no modification in design or operational concept may be made without prior written approval of CDPHE.~~

~~1.4.3 Any model of ignition interlock device that has received initial approval may be removed from the approved list if there is evidence that the device does not meet the model specifications when under actual use in Colorado.~~

~~1.5 Setpoint Value.~~

~~Approved ignition interlock devices will have an established alcohol setpoint value of 0.025 g/210 liters of breath.~~



COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing

Scheduled for March 18, 2015

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on March 18, 2015 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the repeal of regulations pertaining to 5 CCR 1005-3, Breath Alcohol Ignition Interlock Devices. The proposed repeal has been developed by the Laboratory Services Division of the Colorado Department of Public Health and Environment pursuant to Section § 42-2-132.5(9)(a), C.R.S.

The agenda for the meeting and the proposed amendments will also be available on the Board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting jeff.groff@state.co.us at the Colorado Department of Public Health and Environment, Laboratory Services Division, Evidential Breath Alcohol Testing (EBAT) Program located at 8100 Lowry Blvd., Denver, CO 80230, (303) 692-3681.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony is due by 5:00 p.m., Thursday, March 12, 2015. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: Jamie.thornton@state.co.us

Dated this 27th day of January, 2015.


Deborah Nelson
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2015-00085

Department

1000 - Department of Public Health and Environment

Agency

1010 - Division of Environmental Health and Sustainability - promulgated by Colorado Board of Health

CCR number

6 CCR 1010-15

Rule title

STANDARDS FOR INSPECTION EXAMINING BOARD OF PLUMBERS

Rulemaking Hearing

Date

03/18/2015

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

To consider the repeal of 6 CCR 1010-15, Standards for Inspection Examining Board of Plumbers.

Statutory authority

Section 142-1-1 and 142-1-3, C.R.S. (1963)

Contact information

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Title

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Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Cary E. Ruble, Regulation Development and Enforcement Coordinator,
Division of Environmental Health and Sustainability

Through: Jeff Lawrence, Director
Division of Environmental Health and Sustainability (JL)

Date: January 21, 2015

Subject: **Request for Rulemaking Hearing**
Proposed Repeal of 6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*, with a request for the rulemaking hearing to occur in March 2014

The Division of Environmental Health and Sustainability ("Division") is proposing to repeal 6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*. When reviewing the rules pursuant to Executive Order 2012-002 (EO2), program staff found that the requirements outlined in the regulation are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA). Therefore, the Division is requesting that the Board of Health schedule a rulemaking hearing for repeal of the subject rule at the March 18, 2014, Board of Health Meeting.

In accordance with the CDPHE Policy Manual, Part 13.3, this request for rulemaking proposes to repeal the *Standards for Inspection Examining Board of Plumbers*, since 6 CCR 1010-15 was adopted in November 1963, last amended by the Board of Health in December 1964, and is now administered by DORA. The standards included in 6 CCR 1010-15 are no longer authorized by statute and the repeal of these rules creates efficiencies for staff and stakeholders.

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
for Repeal of**

6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*

Basis and Purpose.

The *Standards for Inspection Examining Board of Plumbers* provided authority to the Division for the inspection of all plumbing installations in the state in order to ascertain status of compliance with rules and regulations of the State Department of Public Health. The rule also provided authority to the Division and the State Plumbing Inspector to uncover any plumbing which had been covered if there was cause to believe that the requirements of the plumbing code was not met. Additionally, if inspection or testing of plumbing showed defective material or improper installation, the Division or State Plumbing Inspector had the authority to require replacement, alteration, repair and retesting. However, these responsibilities are no longer regulated by the Division and are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA).

Specific Statutory Authority.

These rules were promulgated pursuant to CRS 1963: 142-1-1 and 142-1-3; the statutes have since been revised and there is no current statutory authority that authorizes Board of Health rules.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____; rules are ____ authorized ____ required.
 X No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
 X No

Does this rule incorporate materials by reference?

_____ Yes
 X No

Does this rule create or modify fines or fees?

_____ Yes
 X No

REGULATORY ANALYSIS**for Repeal of****6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers***

1. **A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

This rule was adopted in 1963 and is no longer enforced by the Division. No persons will be affected by the repeal of this rule as the requirements outlined in this regulation are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA).

2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.**

There is no quantitative, qualitative or economic impact due to the repeal of 6 CCR 1010-15.

3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**

There is no cost to the agency or any other agency due to the repeal of 6 CCR 1010-15.

4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

The benefit of the repeal is to eliminate obsolete regulations, clarify which state agency has authority and eliminate confusion for citizens. There is no benefit of inaction.

5. **A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**

There are no less costly or less intrusive methods for achieving the purpose of repeal.

6. **Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.**

There are no other alternative methods for achieving the purpose of the proposed rule repeal.

7. **To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.**

Not applicable.

STAKEHOLDER COMMENTS
for Repeal of
6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*

The following individuals and/or entities were included in the proposal to repeal 6 CCR 1010-15:

- CDPHE staff
 - Jeff Lawrence, Division of Environmental Health and Sustainability, Director
 - Sean Scott, Division of Environmental Health and Sustainability, Deputy Director
 - Cary Ruble, Regulation Development and Enforcement Coordinator
- DORA staff
 - Kye Lehr, Department of Regulatory Affairs, Chief Plumbing Inspector

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health:

- CDPHE staff
 - Jeff Lawrence, Division of Environmental Health and Sustainability, Director
 - Sean Scott, Division of Environmental Health and Sustainability, Deputy Director
 - Cary Ruble, Regulation Development and Enforcement Coordinator
- DORA staff
 - Kye Lehr, Department of Regulatory Affairs, Chief Plumbing Inspector

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

No major factual or policy issues have been encountered.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

The repeal of 6 CCR 1010-15 has no HEEJ impacts.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Division of Environmental Health and Sustainability—promulgated by Colorado Board of Health****STANDARDS FOR INSPECTION EXAMING BOARD OF PLUMBERS****6 CCR 1010-15***[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

**ADMINISTRATIVE CODE PLUMBING
REGULATIONS****AUTHORITY:****ADOPTED:****EFFECTIVE DATE:****REPEALS:**

~~—Standards for Inspection Plumbing Licenses and
Temporary Working Permits Operation Policy for
Examining Board of Plumbers~~

~~—Chapter 142-1-1 and 3~~

~~—Colorado State Board of Health, November 11,
1963 (Amended December 14, 1964)~~

~~—April 1, 1984~~

~~—ADMINISTRATIVE CODE PLUMBING, including
previously adopted Articles XVI, XVII, XVIII, XIX and
XX.~~

I. INSPECTION AND INSTALLATION—STANDARDS**A. GENERAL:**

~~All plumbing within the State as defined by the plumbing law (CRS 1963: 142-1-21) is subject to
inspection in order to ascertain status of compliance with the rules and regulations of the State
Department of Public Health.~~

II. INSPECTION—DANGEROUS OR DEFECTIVE WORK**A. UNCOVERING WORK:**

~~Any plumbing installation or part thereof which has been covered and which the State Plumbing
inspector has information or cause to believe does not meet the requirements of this Code, shall
be uncovered for inspection upon his direction. (CRS 1963: 142-1-1)~~

B. DEFECTIVE WORK:

~~If inspection or testing of plumbing shows defective material or improper Installation it shall be
replaced, altered, or repaired not later than a date specified in writing by the State Plumbing
Inspector, or authorized deputy. Defective plumbing shall be subject to retesting until passed.
Test(s) lay be witnessed by building contractor, owner or owner's authorized deputy when an
Inspector of plumbing or sanitarian is not available. (See CRS 1963: 142-1-1)~~



COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing

Scheduled for March 18, 2015

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on March 18, 2015 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the repeal of 6 CCR 1010-15, Standards for Inspection Examining Board of Plumbers. The rule was originally promulgated pursuant to Section 142-1-1 and 142-1-3, C.R.S. (1963). Statute was subsequently revised. Pursuant to Section 12-58-104 & 104.5, C.R.S. (2014) the Department of Regulatory Agencies Colorado State Plumbing Board rather than the Colorado Department of Public Health and Environment (CDPHE) is charged with oversight of plumbing and plumbing practice. CDPHE rules concerning the Standards for Inspection Examining Board of Plumbers are no longer authorized by statute.

The agenda for the meeting and the proposed repeal will also be available on the Board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The rules together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the rules may be obtained by contacting the Colorado Department of Public Health and Environment, Environmental Health and Sustainability Division DEHS-A2, 4300 Cherry Creek Drive S., Denver, CO 80246, (303) 692-2978.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony is due by 5:00 p.m., Thursday, March 12, 2015. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: Jamie.thornton@state.co.us

Dated this 27th day of January, 2015.

Deborah Nelson
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2015-00084

Department

1000 - Department of Public Health and Environment

Agency

1014 - Colorado State Board of Health

CCR number

6 CCR 1014-4

Rule title

COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION

Rulemaking Hearing

Date

03/18/2015

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

To consider revisions to 6 CCR 1014-4 pertaining to Colorado Health Care Professional Credentials Application

Statutory authority

C.R.S. §25-1-108.7.

Contact information

Name

Deborah Nelson

Title

Board of Health Administrator

Telephone

303-692-3466

Email

deborah.nelson@state.co.us

TO: Colorado State Board of Health

FROM: George Dikeou, Chairman Health Care Credentials Application Review Committee

DATE: February 18, 2014

RE: Request for Rulemaking Hearing
Proposed Amendments to the Colorado Health Care Professional Credentials Application, 6 CCR 1014-4

The Application Review Committee (Committee) is mandated by statute to meet at least once a calendar year to receive input from the public as well as consider changes to the Professional Credentials Application (Application). Based upon input from members of the Committee and the public, the Committee has met twice in the last year to discuss the Application. It is the intention of the Committee to avoid changes to the Application unless there is strong support for such changes and the changes do not impact the usability or functionality of the document. Public impact is important to the Committee because of their day-to-day use of the Application and the groups of interested parties they represent.

The proposed changes are addressed in the Statement of Basis and Purpose as well as the Regulatory Analysis. A substantive change occurs on Supplemental B, Question 2 that was added by the committee creating separate questions for “physical/mental conditions” (Question 1) and “treatment programs” (Question 2) as the committee felt it necessary to address separate reporting situations. Outreach to the community has been ongoing as committee members have discussed treatment situations and confidentiality associated with the same.

I am happy to address any questions or concerns you may have about the Application and the proposed Amendments. Thank you for your consideration and cooperation.

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY**

for Amendments to
Colorado Health Care Professional Credentials Application
6 CCR 1014-4

Basis and Purpose.

The Health Care Credentials Application Review Committee, per § 25-1-108.7, C.R.S, recommends the Colorado Health Care Professional Credentials Application be amended and that such amendments be approved by the Colorado State Board of Health effective June 1, 2015. The changes include:

- Include a June 1, 2015 effective date.
- Eliminate the requirement to provide a Social Security Number on supplemental materials.
- Pg 3, add Continuing Medical Education transcripts/certificates.
- Pg. 4, remove the requirement to list other addresses and provide a UPIN number and instead require that the individual provide their city and state of birth as well as his/her National Provider Identifier #.
- Pg. 5, remove the term “beeper” and add a requirement to provide contact information for Office Manager/Administrative Contact.
- Pg. 9, add language to require an individual has identified whether the program has been completed.
- Pg. 12, add the question, “Have you ever failed a certification exam?”
- Pg. 13 & 14, remove the submission date.
- Pg. 26, provide applicants an opportunity to explain if a reasonable accommodation is required.
- Pg 26, creating two separate questions for “treatment programs” and “physical/mental conditions”.
- Rephrasing, relocations and reformatting to ease individuals in completing the application.

Specific Statutory Authority.

These rules are promulgated pursuant to the following statutes: § 25-1-108.7, C.R.S.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____; rules are ____ authorized ____ required.
____X____ No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
____X____ No

Does this rule incorporate materials by reference?

_____ Yes
____X____ No

Does this rule create or modify fines or fees?

_____ Yes
____X____ No

REGULATORY ANALYSIS

for Amendments to
Colorado Health Care Professional Credentials Application
6 CCR 1014-4

1. A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Health care professionals who are registered, certified or licensed by the state of Colorado, who are practicing or intend to practice and subject to credentialing are affected and will benefit by the proposed changes. There are no anticipated costs associated with these changes.

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The current application is being updated to remove unnecessary requirements, continue to streamline the questions to assist applicants in being able to use the application easily and capture current and more accurate information. Minimizing errors and including more accurate information allows for an efficient and effective credentialing process.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

None.

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The effort required to update the application is minimal. The benefits of the proposed rule will make for a more user friendly and efficient document for credentialing purposes.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no costs. The changes do not make the rule any more or less intrusive.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

Because of how the statute is written, the application is in rule and thus, any changes to the application must occur with rulemaking.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

These recommended changes address the feedback received from health care providers, their various credentialing entities, and health care professionals. The review committee works to avoid changes to the application unless there is strong support for such changes and the changes do not impact the usability or functionality of the document. Because professional credentialing is important to the careers of each professional being credentialed, clarity of questions asked, clarity of expected and anticipated answers and wide-ranging understanding of the process governs the Committee in making its recommendations to the Board.

STAKEHOLDER COMMENTS
for Amendments to
Colorado Health Care Professional Credentials Application
6 CCR 1014-4

The following individuals and/or entities were included in the development of these proposed rules:

The Application Review Committee is comprised of individuals that represent a statewide association or society of physicians, a statewide association or society of Colorado hospitals, a statewide association or society of health plans, a professional liability insurance carrier that provides professional liability insurance to health care professionals in Colorado, a statewide association or society of Colorado health care medical staff service specialists, and advanced practice nurses.

The Committee making these recommendations to you is representative of most, if not all, of the stakeholders who have an interest in the process of credentialing health care providers in Colorado. In addition, at least ten other stakeholders are always invited to the Committee meetings. Each of the Committee members and those invited participate actively in the suggestion of changes to the uniform application. These recommended changes are based on issues that arise from the user community (health care providers), who raise with their various credentialing entities, concerns about the form, the process, the nature of the questions asked, the proper response, etc. Full and open discussion always takes place and the pros and cons of each suggestion are fully discussed before the Committee votes. The Committee will not make a recommendation to you unless there is full consensus agreement among all of the participants that the change is warranted and needed to improve the credentialing process.

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health:

Including committee members who represent the Colorado Medical Society, the Colorado Hospital Association, the Colorado Association of Health Plans, COPIC Insurance Company, the Colorado Association of Medical Staff Services and Advanced Practice Nurses, also represented and informed of the rule-making are: Elaine Gatto from Colorado Permanente Medical Group; Jane Berg of Colorado Imaging Associates; Holly Browning of Longmont United Hospital; Aimee Woolley-Randall of Penrose-St. Francis Health Services; Denise Ross and Tommy Lee of Centura Health Physician Group, Danielle Roper and Lacey Peterson of Greater Colorado Anesthesia and Sandra Taylor of Denver Health. While these were the attendees at the meeting, notice was sent to various entities who have participated in the past or have expressed an interest in the process.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

No major factual or policy issues were encountered. The changes streamline the application and protect the privacy of applicants.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

There are no health equity or environmental justice concerns. The application treats all healthcare professionals similarly and the benefit of uniform credentialing impacts Coloradoans similarly.

Proposed revisions are highlighted in yellow; editorial comments appear in red and are used to identify the nature of the change. The highlighting and editorial comments are not part of the rule.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

6 CCR 1014-4

COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION

Adopted by the State Board of Health 04/15/15, effective 06/01/15.

This is the Colorado healthcare professional credentials application. The Colorado legislature has mandated that all health care entities and all health care plans engaged in the collection of information to be used in the process of credentialing of health care professionals use this form (C.R.S. § 25-1-108.7).

This uniform application has been designed to allow each credentialing entity to receive from you core credentialing information needed in common by all of them, without duplication.

This uniform application has been designed to allow each practitioner to complete a single form with core information for submission to each credentialing entity to which the practitioner is applying. This application need not be used for case specific temporary privileges.

Each credentialing entity may require additional, non – duplicative credentials information, if it is deemed by them to be essential to the completion of their credentialing process.

A healthcare professional by law, means any physician, dentist, dental hygienist, chiropractor, podiatrist, psychologist, advanced practice nurse, optometrist, physician assistant, licensed clinical social worker, child health associate, marriage and family therapist, or any other health care professional who is registered, certified or licensed by the state of Colorado, who practices, or intends to practice, in Colorado, and who is subject to credentialing.

Those credentialing entities that are required to use this uniform application are:

- 1) A health care facility or other health care organization licensed or certified to provide medical or health services in Colorado;
- 2) A health care professional partnership, corporation, limited liability company, professional services corporation or group practice;
- 3) An independent practice association or physician-hospital organization;
- 4) A professional liability insurance carrier; or
- 5) An insurance company, health maintenance organization, or other entity that contracts for the provision of health benefits.

No State of Colorado licensing or certification board is required to use this uniform application.

The reason Colorado has mandated the use of this uniform application is to reduce health care costs and duplication.

COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION

This application form should be used for both initial credentialing and recredentialing purposes. PRIOR TO COMPLETING THIS APPLICATION FORM, PLEASE READ AND OBSERVE THE FOLLOWING:

GENERAL INSTRUCTIONS

1. Please type or print your responses legibly.
2. Please note that modification to the wording or format of this Application will invalidate it. Use of any form of correctional fluid or tape is not acceptable.
3. All information requested must be FULLY and TRUTHFULLY provided.
4. Any changes to your responses must be lined through, initialed and dated. Use of any form of correctional fluid or tape is not acceptable.
5. If an entire section does not apply to you, then please check the box provided at the top of that section to indicate that the section does not apply to you.
6. If a particular question does not apply to you, then write "N/A" in the answer blank. If there are multiple, repetitive answer blanks in a particular section (as, for example, in the section entitled "Residencies and Fellowships"), it is not necessary to mark "N/A" in each unneeded answer blank.
7. Unless *specifically permitted* by a particular question, please understand that a reference to "See CV" for an answer is not appropriate.
8. **If you need more space to answer a question completely, please attach additional paper. Include the section and page number of the question being answered as well as your name (printed), signature, Social Security Number (Remove) and date on each additional sheet. Attach all additional sheets to this application.**
9. After the Application has been completed in its entirety but *before* you sign and date it, make a copy of the Application to retain in your files and/or computer for future use. In so doing, at the time of a submission to another Healthcare Entity, all you will need to do is to check to ensure that all the information remains complete, current and accurate before signing and forwarding the Application as needed.
10. Any gaps of time greater than thirty (30) days from completion of health care professional school to the present date must be accounted for before your Application will be considered complete.
11. Please sign and date the Application prior to mailing.
12. Please sign and date Schedule A.
13. Mail the Application, Schedule A, any attached sheets prepared in order to answer any question(s) completely as well as a copy of all applicable enclosures listed on pages 3 and 26 to the Healthcare Entity to which you are submitting this application.
14. Each Entity and its representatives, employees, and agent(s) acknowledge that the information obtained relating to the application process will be held confidential to the extent permitted by law and that they will conform to both HIPAA, ADA and other applicable laws and regulations.
15. All signatures *must be* original or electronic equivalent. Stamp signatures are not acceptable.

GENERAL INSTRUCTION – continued

If requested by your credentialing entity for purposes of credentialing or recredentialing, please include a current copy of the following documents:

- A. State Professional License(s).
- B. Federal Narcotics License (DEA Registration).
- C. All applicants must submit a resume or curriculum vitae, whichever is appropriate, with complete professional history in chronological order (month and year).
- D. Diplomas and/or certificates of completion (e.g., medical school, internship, residency, fellowship, nursing, dental or other healthcare professional school).
- E. Diplomat of National Board of Medical Examiners or Educational Commission for Foreign Medical Graduates (ECFMG) Certificate (if applicable).
- F. Specialty/Subspecialty Board Certification or letter from Board(s) stating your status (if applicable).
- G. Certificate of Insurance.
- H. Military Discharge Record (Form DD-214) (if applicable).
- I. Certificates for Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), Advanced Trauma Life Support (ATLS), Pediatric Advanced Life Support (PALS) and Neonatal Resuscitation Program (NRP).
- J. CME transcripts/certificates. (Add)

COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION FORM

I. Identifying Information *Please provide your full legal name.*

A. Last Name(include suffix, Jr., Sr., III): _____ First: _____ Middle: _____ Title: _____

B. Other name used (e.g., maiden name, nickname)? ☐ Yes ☐ No
 Name: _____ Dates used (mm/dd/yyyy): From: _____ To: _____
 Name: _____ Dates used (mm/dd/yyyy): From: _____ To: _____
 Name: _____ Dates used (mm/dd/yyyy): From: _____ To: _____

C. Home Address: _____
 City: _____ State: ____ Zip: _____

D. Home Telephone Number: _____ Cell Phone: _____ Email Address: _____

E. List any other current residential address(s): (Remove)

F. Social Security Number: _____ UPIN (Remove) _____ National Provider Identifier #: _____
 _____ Place of birth: (Add) _____ (Remove, duplicate question)

II. Current Practice Setting(s) *Use additional copies of this Part II to list any additional practice sites*

A. Primary Practice Location

Name of Clinical Practice: _____

Type of Practice Setting: _____

☐ Group/Multi-Specialty☐ Solo☐ Hospital Based

Clinical Practice Street Address: _____

☐ Group/Single Specialty☐ Other

City: _____

Start Date at Location (mm/yy): _____

County: _____

State: _____

Zip: _____

Office Telephone Number: _____

Office Fax Number: _____

Patient Appointment Telephone Number: _____

Mailing Address (if different from above): _____

City: _____

St: _____ Zip: _____

Name of Office Manager/Administrative Contact: _____

Credentialing Contact: _____

Office Manager's Telephone Number: _____

Telephone Number: (Add)

Office Manager's Fax Number: _____

Fax Number: (Add)

Email address (Add)

Email Address: (Add)

Answering Service Number: _____

Pager/Beeper (Remove) Number: _____

Office Email Address: _____

Provider Website: _____

Federal Tax ID Number for this Practice Address: _____

Name Affiliated with Tax ID Number: _____

Practice National Provider Identifier #: _____

Medicare Provider #: _____ Colorado Medicaid Provider #: _____ (Moved from Section IV)

Office Hours (enter time as HH:mm and circle am or pm for each):

Monday _____ am pm . . . to _____ am pm

Thursday _____ am pm . . . to _____ am pm

Tuesday _____ am pm . . . to _____ am pm

Friday _____ am pm . . . to _____ am pm

Wednesday _____ am pm . . . to _____ am pm

Saturday _____ am pm . . . to _____ am pm

Sunday _____ am pm . . . to _____ am pm

Languages:

Please list all languages other than English (including sign language and type) available in this office.

Billing Address – if different from your primary practice site address:

City: _____ St: _____ Zip: _____

B. Other Practice Location ☐ Not Applicable

Name of Clinical Practice: _____

Type of Practice Setting: ☐ Group/Multi-Specialty

☐ Solo

☐ Hospital Based

Clinical Practice Street Address: _____

☐ Group/Single Specialty

☐ Other

Start Date at Location (mm/yy): _____

City: _____

County: _____

State: _____ Zip: _____

Office Telephone Number: _____

Office Fax Number: _____

Patient Appointment Telephone Number: _____

Mailing Address (if different from above):

City: _____ St: _____ Zip: _____

Name of Office Manager/Administrative Contact: _____

Office Manager's Telephone Number: _____

Office Manager's Fax Number: _____

Answering Service Number: _____

Pager/Beeper (Remove) Number: _____

Office Email Address: _____

Federal Tax ID Number for this Practice Address: _____

Name Affiliated with Tax ID Number: _____

Practice National Provider Identifier #: _____

Medicare Provider #: _____ Colorado Medicaid Provider #: _____ (Moved from Section IV)

Office Hours (enter time as HH:mm and circle am or pm for each):

Monday _____ am pm . . . to _____ am pm Thursday _____ am pm . . . to _____ am pm

Tuesday _____ am pm . . . to _____ am pm Friday _____ am pm . . . to _____ am pm

Wednesday _____ am pm . . . to _____ am pm Saturday _____ am pm . . . to _____ am pm

Sunday _____ am pm . . . to _____ am pm

Languages: Please list all languages other than English (including sign language & type) available in this office.

Billing Address – if different from your primary practice site address:

City: _____

St: _____ Zip: _____

III. Call Coverage Please list all persons with whom you have made arrangement for call coverage.

☐ Not Applicable If not applicable, please explain why:

Name/Address:

Specialty:

IV. Licenses/Registrations/Certificates List all state health care licenses, registrations, certificates and advanced practice registry as well as other relevant numbers, including pending, expired and inactive.

Practice Type—MD, DO, RN, APN etc: _____

Specialty: _____

List all sub specialties or areas of interest/emphasis: _____

Type of License, Certificate or Registration: _____

Number: _____

State/Institution: _____

Expiration Date (mm/yy): _____ Year Obtained: _____

☐

Active

☐

Inactive/Expired

☐

Pending

Year Relinquished: _____

Type of License, Certificate or Registration: _____

Number: _____

State/Institution: _____

Expiration Date (mm/yy): _____ Year Obtained: _____

☐

Active

☐

Inactive/Expired

☐

Pending

Year Relinquished: _____

Type of License, Certificate or Registration: _____

Number: _____

State/Institution: _____

Expiration Date (mm/yy): _____ Year Obtained: _____

☐

Active

☐

Inactive/Expired

☐

Pending

Year Relinquished: _____

Medicare Provider #: _____

Colorado Medicaid Provider #: _____

Moved to Section II.

DEA Registration Number: _____ Expiration Date (mm/yy): _____

Prescriptive Authority #: _____ (PA, NP, CNM, CNS, CRNA only) Date Issued(mm/yy): _____

V. Education Since High School. Check the appropriate box (i.e., undergraduate, graduate, medical/professional) for each school attended.

A. Foreign Medical Graduate

☐ Not Applicable

Educational Commission for Foreign Medical Graduates
(ECFMG) Number: _____

Date Issued (mm/yy): _____

Other:

Fifth Pathway ☐ Yes ☐ No If Yes, please provide name and address of institution:

Date of Attendance: From (mm/dd/yyyy): _____

To: _____

B. Education *List in chronological order beginning with the earliest. Use additional copies of this Part V B. to list additional education other than post graduate, CME or clinical training courses.*

☐ Undergraduate

☐ Graduate

☐ Medical /Professional

Complete School Name: _____

Degrees/Certification Received: _____

Graduation Date(mm/yy): _____

Course of Study or Major: _____

Address: _____

Email: _____

Telephone #: _____

Fax #: _____

Dates Attended: From (mm/yy): _____

To: _____

Program Completed? ☐ Yes ☐ No

☐ Undergraduate

☐ Graduate

☐ Medical /Professional

Complete School Name: _____

Degrees/Certification Received: _____

Graduation Date(mm/yy): _____

Course of Study or Major: _____

Address: _____

Email: _____

Telephone #: _____

Fax #: _____

Dates Attended: From (mm/yy): _____

To: _____

Program Completed? ☐ Yes ☐ No

☐ Undergraduate

☐ Graduate

☐ Medical /Professional

Complete School Name: _____

Degrees/Certification Received: _____

Graduation Date(mm/yy): _____

Course of Study or Major: _____

Address: _____

Email: _____

Telephone #: _____

Fax #: _____

Dates Attended: From (mm/yy): _____

To: _____

Program Completed? ☐ Yes ☐ No

C. Post Graduate Training Check the appropriate box (i.e., internship, residency, fellowship) for each type of training. Use additional copies of this Part V C. to list additional post graduate training. ☐ Not Applicable

☐ Internship☐ Residency☐ Fellowship

Institution Name: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended (mm/yy): From: _____

To: _____

Program Completed: Yes ☐ No ☐ (Add)

Date of Completion(mm/yy): _____

Specialty: _____

Name of Program Director: _____

Fax #: _____

Telephone Number: _____

Email: _____

☐ Internship☐ Residency☐ Fellowship

Institution Name: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended (mm/yy): From: _____

To: _____

Date of Completion(mm/yy): _____

Specialty: _____

Name of Program Director: _____

Fax #: _____

Telephone Number: _____

Email: _____

☐ Internship☐ Residency☐ Fellowship

Institution Name: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended (mm/yy): From: _____

To: _____

Date of Completion(mm/yy): _____

Specialty: _____

Name of Program Director: _____

Fax #: _____

Telephone Number: _____

Email: _____

D. Other Clinical Training Programs *List those that are pertinent to your required privileges/practice (For example, preceptorship, procedural certificate course, etc.). Use additional copies of this part V. D to list additional clinical training.* ☐ Not Applicable

Institution Name: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended (mm/yy): From: _____

To: _____

Date of Completion(mm/yy): _____

Specialty: _____

Certificate Awarded: _____

Did you complete the program? ☐ Yes ☐ No

If no, please attach Explanation Form(s).

Name of Program Director: _____

Fax #: _____

Telephone Number: _____

Email: _____

Institution Name: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended (mm/yy): From: _____

To: _____

Date of Completion(mm/yy): _____

Specialty: _____

Certificate Awarded: _____

Did you complete the program? ☐ Yes ☐ No

If no, please attach Explanation Form(s).

Name of Program Director: _____

Fax #: _____

Telephone Number: _____

Email: _____

List Certifications (*provide copies – see page 3*)

☐ BLS (Basic Life Support)

Expiration Date (mm/yy): _____

☐ ACLS (Advanced Cardiac Life Support)

Expiration Date (mm/yy): _____

☐ ATLS (Advanced Trauma Life Support)

Expiration Date (mm/yy): _____

☐ PALS (Pediatric Advanced Life Support)

Expiration Date (mm/yy): _____

☐ NRP (Neonatal Resuscitation Program)

Expiration Date (mm/yy): _____

☐ Other _____

Expiration Date (mm/yy): _____

Expiration Date (mm/yy): _____

Expiration Date (mm/yy): _____

Expiration Date (mm/yy): _____

E. Faculty Positions *List all academic, faculty, research, assistantships or teaching positions you have held and the dates of those appointments. Use additional copies of part V. E and/or F to list additional faculty positions or CME.* ☐ Not Applicable

Institution Name: _____

Academic Rank/Title: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended(mm/yy): From : _____

To: _____

Specialty: _____

Contact: _____

Email: _____

Address: _____

Telephone Number: _____

Fax Number: _____

Institution Name: _____

Academic Rank/Title: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Dates Attended(mm/yy): From : _____

To: _____

Specialty: _____

Contact: _____

Email: _____

Address: _____

Telephone Number: _____

Fax Number: _____

F. Continuing Medical Education *State the number of relevant CME or CEU credit hours you have received in the last 36 months.* ☐ Not Applicable

VI. Board and Professional Certification/Recertification *List all current and past Board certifications.*

Physicians: Please enter all Board Certifications and answer the questions below regarding such Board Certifications

Allied Health Professionals: Please enter all Professional and National Certifications and answer the questions below regarding such Certifications

Are you Board certified? ☐ Yes ☐ No ☐ Not Applicable

Name of Issuing Board

Specialty

Dt Certified

Dt Recertified

Expiration

Please answer the following questions. Attach explanation form(s) if necessary.

- A. 1. If you are not currently certified, have you applied for the certification examination? ☐ Yes ☐ No
2. If you have not applied for the certification examination, do you intend to apply for the certification examination? If yes, when? ☐ Yes Date: _____
☐ No
3. If you have applied for the certification examination, have you been accepted to take the certification examination? ☐ Yes ☐ No
4. If you have been accepted, when do you intend to take the examination? Date: _____
5. If you do not intend to apply for the certification examination, please attach reason on Explanation Form(s).
6. If you are not currently certified, please provide the expiration date of admissibility. Date: _____
- B. Have you ever had certification denied, revoked, limited, restricted, suspended, involuntarily relinquished, subject to stipulated or probationary conditions, received a letter of reprimand from a specialty Board, or is any such action currently pending or under review? If yes, please attach Explanation Form(s). ☐ Yes Date: _____
☐ No
- C. Have you ever voluntarily relinquished a certification, including any voluntary non-renewal of a time limited certification? If yes, please attach an Explanation Form(s). ☐ Yes Date: _____
☐ No
- D. Have you ever failed a certification exam? Yes___ No___ (Add)

VII. Current Hospital and Other Facility Affiliations

Please list in reverse chronological order the past ten years of all hospital and other facility affiliations beginning with all hospital applications in process: current hospital affiliation(s) second, previous hospital affiliations third and other current facility affiliations (which includes surgery centers, dialysis centers, nursing homes and other health care related facilities) fourth. Do not list residencies, internships, fellowships, or employment. A resume is not sufficient for a complete answer to these questions. Submission date only required if pending.

Facility Name: _____

Submission Date(mm/yy): _____ (Remove)

Department: _____

Staff Status: _____
(e.g., active, courtesy, provisional, pending)

Appointment Date: From (mm/yy): _____

To (mm/yy): _____

Address: _____

Contact: _____

Phone #: _____

Email: _____

Fax #: _____

Facility Name: _____

Submission Date(mm/yy): _____ (Remove)

Department: _____

Staff Status: _____
(e.g., active, courtesy, provisional, pending)

Appointment Date: From (mm/yy): _____

To (mm/yy): _____

Address: _____

Contact: _____

Phone #: _____

Email: _____

Fax #: _____

Facility Name: _____

Submission Date(mm/yy): _____ (Remove)

Department: _____

Staff Status: _____
(e.g., active, courtesy, provisional, pending)

Appointment Date: From (mm/yy): _____

To (mm/yy): _____

Address: _____

Contact: _____

Phone #: _____

Email: _____

Fax #: _____

Facility Name: _____

Submission Date(mm/yy): _____ (Remove)

Department: _____

Staff Status: _____
(e.g., active, courtesy, provisional, pending)

Appointment Date: From (mm/yy): _____

To (mm/yy): _____

Address: _____

Contact: _____

Phone #: _____

Email: _____

Fax #: _____

VII. Current Hospital and Other Facility Affiliations - continued

Facility Name: _____	Submission Date: _____ (Remove)
Department: _____	Staff Status: _____ (e.g., active, courtesy, provisional, pending)
Appointment Date: From (mm/yy): _____	To (mm/yy): _____
Address: _____	
Contact: _____	Phone #: _____
Email: _____	Fax #: _____

Facility Name: _____	Submission Date: _____ (Remove)
Department: _____	Staff Status: _____ (e.g., active, courtesy, provisional, pending)
Appointment Date: From (mm/yy): _____	To (mm/yy): _____
Address: _____	
Contact: _____	Phone #: _____
Email: _____	Fax #: _____

Facility Name: _____	Submission Date: _____ (Remove)
Department: _____	Staff Status: _____ (e.g., active, courtesy, provisional, pending)
Appointment Date: From (mm/yy): _____	To (mm/yy): _____
Address: _____	
Contact: _____	Phone #: _____
Email: _____	Fax #: _____

VIII. Professional Work History

Please list in reverse chronological order all professional work history during the past ten years not listed previously. Include any previous office addresses and any military experience and public health service. Explain below any gaps greater than thirty (30) days. Use additional copies of this part VIII to list additional professional work history. A curriculum vitae is not sufficient for a complete answer to these questions.

☐ Not Applicable

Name of Current (Remove) Practice/Employer: _____			
Title/Position held: _____			
From (mm/yy): _____	To (mm/yy): _____		
Address: _____	City: _____		
State/Country: _____	Zip: _____		
Contact: _____	Fax #: _____		
Email: _____	Telephone #: _____		

VIII. Professional Work History - continued

Name of Prior Practice/Employer: _____

Title/Position held: _____

From (mm/yy): _____

To (mm/yy): _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Contact: _____

Fax #: _____

Email: _____

Telephone #: _____

Name of Prior Practice/Employer: _____

Title/Position held: _____

From (mm/yy): _____

To (mm/yy): _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Contact: _____

Fax #: _____

Email: _____

Telephone #: _____

IX. Peer References

Please list three (3) references, from professional peers (preferably no more than 1 partner) who through recent observations have personal knowledge of and are directly familiar with your professional competence, conduct and work. Do not include relatives. Prefer references be practitioners in your same professional discipline. Allied Health Professionals must list at least one physician reference.

Name of Reference: _____

Relationship: _____

Specialty: _____

Dates of Association: _____

Address: _____

City: _____

State/Country: _____

Zip: _____

Telephone Number: _____

Fax Number: _____

Email: _____

IX. Peer References – continued

Name of Reference: _____	Relationship: _____
Specialty: _____	Dates of Association: _____
Address: _____	City: _____
State/Country: _____	Zip: _____
Telephone Number: _____	Fax Number: _____
Email: _____	

Name of Reference: _____	Relationship: _____
Specialty: _____	Dates of Association: _____
Address: _____	City: _____
State/Country: _____	Zip: _____
Telephone Number: _____	Fax Number: _____
Email: _____	

X. Professional Liability Insurance (*yours or your supervising agent*)

Insurance Carrier / Provider of Professional Liability Coverage: _____		
Policy Number: _____	Type of Coverage (check one): <input type="checkbox"/> Claims-Made <input type="checkbox"/> Occurrence	
Per claim limit of liability: \$ _____	Aggregate amount: \$ _____	
Dates (mm/dd/yyyy): Effective: _____	Expiration: _____	Retroactive: _____
If you have changed your coverage <u>within the last ten years</u> , did you purchase tail and/or nose (prior occurrence/acts) coverage? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details/supporting data. If no, please explain why not. _____		
Name of Local Contact : _____ (e.g., insurance agent or broker)		
Mailing Address: _____		
Telephone Number: _____	Ext: _____	

X. Professional Liability Insurance - continued

Please list all previous professional liability carriers within the past ten (10) years including any carriers during professional training if within the ten year period. Use additional copies of this Part X to list additional professional liability insurance. ☐ Not Applicable

Insurance Carrier / Provider of Professional Liability Coverage: _____		
Policy Number: _____	Type of Coverage (check one): <input type="checkbox"/> Claims-Made <input type="checkbox"/> Occurrence	
Per claim limit of liability: \$ _____	Aggregate amount: \$ _____	
Dates (mm/dd/yyyy): Effective: _____	Expiration: _____	Retroactive: _____
If you have changed your coverage <u>within the last ten years</u> , did you purchase tail and/or nose (prior occurrence/acts) coverage? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details/supporting data. If no, please explain why not. _____		
Name of Local Contact : _____ (e.g., insurance agent or broker)		
Mailing Address: _____		
Telephone Number: _____	Ext: _____	

Professional Insurance History: *Please answer each of the following questions in full. If the answer to any question is "YES", or requires further information, please give a full explanation of the specific details and attach to the Application.*

1. Has your professional liability insurance coverage ever been terminated, not renewed, cancelled, limited, restricted, modified, or altered by action of the insurance company? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No If yes, please provide date, name of company(s), and basis for coverage change.	
2. Have you ever been denied coverage? <input type="checkbox"/> Yes Date: _____ If yes, please provide details. <input type="checkbox"/> No	
3. Has your present professional liability insurance carrier excluded any specific procedures from your insurance coverage? <input type="checkbox"/> Yes Date: _____ If yes, please identify procedures and provide details. <input type="checkbox"/> No	

Professional Claims History: *If the answer to any of these questions is "Yes", please give a full explanation and attach to the Application.*

1. Have there <i>ever</i> been any professional liability (i.e., malpractice) claims, suits, judgments, settlements or arbitration proceeding involving you? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	
2. Are any professional liability (i.e., malpractice) claims, suits, judgments, settlements or arbitration proceedings involving you <i>currently pending</i> ? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	
3. Are you aware of any formal demand for payment or similar claim submitted to your insurer that did not result in a lawsuit or other proceeding alleging professional liability? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	

XI. QUESTIONS FOR HEALTH PLANS ONLY *Answer these questions only if you are applying to a Health Plan.*

1. Do you wish to be listed in the Health Plan Directory as a primary care practitioner?

☐ Yes ☐ No

2. Do you wish to be listed in the Health Plan Directory as a specialist?

☐ Yes ☐ No

3. List which specialty: _____

4. Please furnish a copy of your W-9 Federal Tax Form.

5. Please list the credentialing contact in your office, if different from the office manager:

6. Does this site offer handicapped access for the following:

Building?

☐ Yes ☐ No

Parking?

☐ Yes ☐ No

Restroom?

☐ Yes ☐ No

Does this site offer other services for the disabled?

☐ Yes ☐ No

Text Telephone (TTY)?

☐ Yes ☐ No

American Sign Language?

☐ Yes ☐ No

Mental/Physical Impairment Services?

☐ Yes ☐ No

Accessible by public transportation?

☐ Yes ☐ No

Bus?

☐ Yes ☐ No

Light rail?

☐ Yes ☐ No

Regional train?

☐ Yes ☐ No

XII. Attestation Questions

This section to be completed by the Practitioner. Modification to the wording or format of these Attestation Questions will invalidate the Application..

Please answer the following questions “yes” or “no”. If your answer to any of the following questions is “yes”, please provide details and reasons including dates, as specified in each question, on an Explanation Form and attach to the Application.

For the purpose of the following questions, the term “adverse action” means a voluntary or involuntary termination, loss of, reduction, withdrawal, limitation, restriction, suspension, revocation, denial, surrender, resign, relinquish, reprimand, censure, sanction, subject to probation, placed under special or intensified review, withdrawn or failed to proceed with an application, denied or recommended for denial, any such action pending or in progress, or non-renewal of membership, clinical privileges, academic affiliation or appointment or employment. “Adverse action” also means, with respect to professional licensure registration or certification, any previously successful or currently pending challenges to such licensure, registration or certification including any voluntary or involuntary restriction, suspension, revocation, denial, surrender, non-renewal, admonishment, public or private reprimand, probation, consent order, reduction, withdrawal, limitation, relinquishment, or failure to proceed with an application for such licensure, registration or certification.

A. To your knowledge, have you ever been the subject of an **adverse action** (or is an investigation or **adverse action** currently pending) by:

1. a hospital or other healthcare facility (e.g., surgical center, nursing home, renal dialysis facility, etc.)? ☐ Yes Date: _____ ☐ No
2. an education facility or program (e.g., dental or other health care professional school, residency, internship, etc.)? ☐ Yes Date: _____ ☐ No
3. a professional organization or society? ☐ Yes Date: _____ ☐ No
4. a professional licensing body (in any jurisdiction for any profession)? ☐ Yes Date: _____ ☐ No
5. a private, federal, or state agency regarding your participation in a third party payment program (Medicare, Medicaid, Health Maintenance Organization (HMO), Preferred Provider Organization (PPO), Preferred Hospital Organization (PHO), Provider-Sponsored Health Care Corporations (PSHCC), network, system, managed care organization, etc.)? ☐ Yes Date: _____ ☐ No
6. a state or federal agency (DEA, etc.) regarding your prescription of controlled substances? ☐ Yes Date: _____ ☐ No

B. To your knowledge, have you ever been the subject of any report(s) to a state or federal data bank or state licensing or disciplining entity? ☐ Yes Date: _____ ☐ No

XII. Attestation Questions - continued

C. Have you ever voluntarily or involuntarily resigned, terminated or surrendered medical staff privileges or employment from a hospital, group practice or other health care facility or medical staff to avoid disciplinary action or investigation or while under investigation, or is such an investigation pending?

☐ Yes Date: _____
☐ No

D. Have you ever been suspended, fined, disciplined, investigated, expelled, sanctioned or otherwise restricted or excluded from participating in any private, federal or state health insurance program (for example, Medicare or Medicaid) or are any such proceedings in progress?

☐ Yes Date: _____
☐ No

E. Has any professional review organization under contract with Medicare or Medicaid ever made an adverse quality determination concerning your treatment rendered to any patient or are any such proceedings in progress?

☐ Yes Date: _____
☐ No

F. Have you ever been convicted of, pled guilty to, or pled nolo contendere to any felony or misdemeanor that is reasonably related to your qualifications, competence, functions, or duties as a health care professional or are you currently under indictment or currently have pending against you any such charges?

☐ Yes Date: _____
☐ No

G. Have you ever been convicted of, pled guilty to, or pled nolo contendere to any felony or misdemeanor that alleged fraud, an act of violence, child abuse, or a sexual offense or sexual misconduct or are you currently under indictment or currently have pending against you any such charges?

☐ Yes Date: _____
☐ No

H. In the last ten years, have you been found liable or responsible for or named in any civil offense that is reasonably related to your qualifications, competence, functions, or duties as a health care professional or that alleged fraud, an act of violence, child abuse, or a sexual offense or sexual misconduct?

☐ Yes Date: _____
☐ No

I. Have you ever been court-martialed for actions related to your duties as a health care professional?

☐ Yes Date: _____
☐ No

XIII. ATTESTATION AND SIGNATURE

By signing this Application, I certify, agree, understand and acknowledge the following:

1. The information in this entire Application, including all subparts and attachments, is complete, current, correct, and not misleading.
2. Any misstatements or omissions (whether intentional or unintentional) on this Application may constitute cause for denial of my Application or summary dismissal or termination of my clinical privileges, membership or practitioner participation agreement without right of hearing.
3. A photocopy of this Application, including this attestation, the authorization and release of information form and any or all attachments has the same force and effect as the original.
4. I have reviewed the information in this Application on the most recent date indicated below and it continues to be true and complete.
5. While this Application is being processed, I agree to update the information originally provided should there be any change in the information.
6. No action will be taken on this Application until it is complete and all outstanding questions with respect to the Application have been resolved.
7. I acknowledge that each Entity has its own criteria for acceptance, and I may be accepted or rejected by each independently. I further acknowledge and understand that my cooperation in obtaining information and my consent to the release of information do not guarantee that any Entity will grant me clinical privileges or contract with me as a provider of services. I understand that my application for Participation with the Entity is not per se an application for employment with the Entity and that acceptance of my application by the Entity may not result in my employment by the Entity.
8. I understand and agree that I will notify all credentialing entities to which I have submitted this Uniform Application of any and all changes to the information contained in this Application

This attestation statement and Application must be signed no more than 180 days prior to the credentialing decision date.

Please print your name: _____

Signature

Date

REMEMBER TO SAVE THE COMPLETED APPLICATION TO YOUR PERSONAL COMPUTER!

Schedule A**COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION
AUTHORIZATION AND RELEASE OF INFORMATION FORM****Modified Releases Will Not Be Accepted**

By submitting this Application, including all subparts and attachments, I acknowledge, understand consent and agree to the following:

1. As an applicant for medical staff membership at the designated hospital(s) and/or participation status with the health care related organization(s) (e.g., *hospital, medical staff, medical group independent practice association (IPA), health plan, health maintenance organization (HMO), preferred provider organization (PPO), physician hospital organization (PHO), managed care organization network, medical society, professional association, medical school faculty position, other healthcare delivery entity or system, hereinafter referred to as a "Healthcare Entity"*) indicated on this Application, I have the burden of producing adequate information for proper evaluation of this Application.
2. I also understand that I have the continuing responsibilities to resolve any questions, concerns or doubts regarding any and all information in this Application. If I fail to produce this information, then I understand that the Healthcare Entity will not be required to evaluate or act upon this Application. I also agree to provide updated information as may be required or requested by the Healthcare Entity or its authorized representatives or designated agents.
3. The Healthcare Entity and its authorized representatives or designated agents will investigate the information in this Application. I consent and agree to such investigation and to the disciplinary reporting and information exchange activities of the Healthcare Entity as a part of the verification and credentialing process.
4. I specifically authorize the Healthcare Entity and its authorized representatives and designated agents to obtain and act upon information regarding my competence, qualifications, education, training, professional and clinical ability, character, conduct, ethics, judgment, mental and physical health status, emotional stability, utilization practices, professional licensure of certification, and any other matter related to my qualification or matters addressed in this Application (my "Qualifications")
5. I authorize all individuals, institutions, schools, programs, entities, facilities, hospitals, societies, associations, companies, agencies, licensing authorities, boards, plans, organizations, Healthcare Entities or others with which I have been associated as well as all professional liability insurers with which I have had or currently have professional liability insurance, who may have information bearing on my Qualifications to consult with the Healthcare Entity and its authorized representatives and designated agents and to report, release, exchange and share information and documents with the Healthcare Entity, for the purpose of evaluating this application and my Qualifications.
6. I consent to and authorize the inspection of appropriate records and documents that may be material to an evaluation of this Application and my Qualifications and my ability to carry out the clinical privileges/services/participation I have requested. I authorize each and every individual and organization with custody of such records and documents to permit such inspection and copying as may be necessary for the evaluation of this Application. I also agree to appear for interviews, if required or requested by the Healthcare Entity, in regard to this Application.

7. I further consent to and authorize the release by the Healthcare Entity to other Healthcare Entities and interested persons on request of information the Healthcare Entity may have concerning me (including but not limited to peer review information which is provided to another Healthcare Entity for peer review purposes). I hereby release from all liability the Healthcare Entity and its authorized representatives or designated agents from any claim for damages of whatever nature for any release of information made in good faith by the Healthcare Entity or its representatives or agents.
8. I release from any liability, to the fullest extent permitted by law, all persons and entities (individuals and organizations) for their acts performed in a reasonable manner in conjunction with investigating and evaluating my Application and Qualifications, and I waive all legal claims of whatever nature against the Healthcare Entity and its representatives and designated agents acting in good faith and without malice in connection with the investigation of this Application and my Qualifications.
9. For Healthcare Entity membership and privileges, I acknowledge that I have been informed of or have been given the opportunity to review the medical staff bylaws, rules, regulations and policies of the entity and I hereby agree to abide by them. I agree to conduct my practice in accordance with applicable laws and ethical principles of my profession.
10. I acknowledge that any investigations, actions or recommendations of any committee or the governing body of the Healthcare Entity with respect to the evaluation of this Application and any periodic reappraisals or evaluations will be undertaken as a medical review and/or peer review committee and in fulfillment of the Healthcare Entity's obligations under Colorado law to conduct a review of professional practices in the facility, and are therefore entitled to any protections provided by law.
11. I have read and understand this Authorization and Release of Information Form. A photocopy of this Authorization and Release of Information Form shall be as effective as the original and shall constitute my written authorization and request to communicate any relevant information and to release any and all supportive documentation regarding this Application. This Authorization and Release shall apply in connection with the evaluation and processing of this Application as well as in connection with any periodic reappraisals and evaluation undertaken. I agree to execute such additional releases as may be required from time to time in connection with such periodic reappraisals and evaluations.
12. I understand that I have an opportunity to review the information submitted in support of this application pursuant to each entity's policy regarding review. If during the process of credentialing, an entity receives information that varies substantially from information I have provided, I will be notified of this and will have an opportunity to correct erroneous information. I have the right, upon request, to be informed of the status of my application

COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION
AUTHORIZATION AND RELEASE OF INFORMATION FORM

Please print your name: _____

Signature: _____ Date: _____

REMEMBER TO SAVE THE COMPLETED APPLICATION TO YOUR PERSONAL COMPUTER!

CAUTION
READ THIS INSTRUCTION CAREFULLY

Complete Supplemental A, page 25, and Supplemental B, page 26 unless instructed otherwise by credentialing entity.

Supplemental A

Please answer these questions in full. DO NOT ANSWER THESE QUESTIONS if you are seeking to be employed by the credentialing entity.

1. Citizenship: Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please provide appropriate documentation.
2. Date of Birth: Month ____ Day ____ Year ____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
3. Are you currently engaged in the illegal use of drugs? (Currently means sufficiently recent to justify a reasonable belief that the use of drugs may have an ongoing impact on one's ability to practice your profession. It is not limited to the day of, or within a matter of days or weeks before the date of application, rather that it has occurred recently enough to indicate the individual is actively engaged in such conduct. "Illegal use of drugs" refers to drugs whose possession or distribution is unlawful under the Controlled Substances Act, 21 U.S.C. § 812.22. It "does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provision of Federal law." The term does include, however, the unlawful use of prescription controlled substances and alcohol). <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
4. Do you use any chemical substances that would in any way impair or limit your ability to practice medicine and perform the functions of your job with reasonable skill and safety? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
5. Do you have any reason to believe that you would pose a risk to the safety or well being of your patients? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
6. You <u>must provide</u> the following documents <u>unless</u> you are seeking to be employed by the credentialing entity. A. One recent passport size photograph of yourself or a copy of your current driver's license. B. Permanent Resident Card or Visa Status (if applicable).

Please print your name: _____

Signature

Date

REMEMBER TO SAVE THE COMPLETED APPLICATION TO YOUR PERSONAL COMPUTER!

Supplemental B

Health Status. *Please answer each of the following questions in full. DO NOT ANSWER THESE QUESTIONS if you are seeking to be employed by the credentialing entity.*

1. Do you currently have any physical or mental condition(s) that may affect your ability to practice or exercise the clinical privileges or responsibilities typically associated with the specialty and position for which you are submitting this Application? *If the answer to this question is "YES", please give full explanation of the specific details on an Explanation Form and attach to the Application.*

☐ Yes ☐ No

(Note: Physical or mental condition(s) include, but are not limited to, current alcohol or drug dependency, current treatment programs for alcohol or drug dependency, medical limitation of activity, workload, etc., and prescribed medications that may affect your clinical judgment or motor skills.)

2. Are you currently in a treatment program(s) that may affect your ability to practice or exercise the clinical privileges or responsibilities typically associated with the specialty and position for which you are submitting this application? *If the answer to this question is "YES", please give full explanation of the specific details on an Explanation Form and attach to the Application.*

Yes ☐ No ☐ (Add)

- 2 (3). Are you able to perform all the essential functions of the position for which you are applying, safely and according to accepted standards of performance, with or without reasonable accommodation? *If reasonable accommodation is required, please specify such on an attached Explanation Form explain.*

☐ Yes ☐ No

- 3 (4). I have had a TB test within the last 12 months and the test was negative. I have not experienced new risk factors for TB nor am I experiencing symptoms of active TB since my last TB test. Documentation is attached. If no, please explain.

☐ Yes ☐ No

I have had a history of previous infection with Mycobacterium Tuberculosis or a positive TB test but I since have had a chest x-ray which was read as normal. I currently have no symptoms of active disease and have not experienced new risk factors for TB in the past year. ☐ Yes ☐ No

I currently have active TB disease which is being adequately treated.

Applicable documentation is attached.

☐ Yes ☐ No

I have not had a TB test within the past 12 months, but have scheduled an appointment for the test and will forward the results within 30 days from that date.

☐ Yes ☐ No

Please print your name:

Signature

Date

REMEMBER TO SAVE THE COMPLETED APPLICATION TO YOUR PERSONAL COMPUTER!



COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing

Scheduled for March 18, 2015

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on March 18, 2015 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider revisions to 6 CCR 1014-4 pertaining to Colorado Health Care Professional Credentials Application. The proposed rules have been developed by the Health Care Credentials Application Review Committee, pursuant to C.R.S. §25-1-108.7.

The agenda for the meeting and the proposed amendments will also be available on the Board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Health Care Credentials Application Review Committee, Attn: Al Schwindt, COPIC Insurance Company, 7351 Lowry Blvd., Denver, CO 80231. (720) 858-6038.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony is due by 5:00 p.m., Thursday, March 12, 2015. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: Jamie.thornton@state.co.us

Dated this 27th day of January, 2015

Deborah Nelson
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2015-00066

Department

2505,1305 - Department of Health Care Policy and Financing

Agency

2505 - Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

Rulemaking Hearing**Date**

03/13/2015

Time

09:00 AM

Location

303 E. 17th Ave. 7th floor, Denver, CO 80203

Subjects and issues involved

see attached

Statutory authority

25.5-1-301 through 25.5-1-303, CRS (2014)

Contact information**Name**

Judi Carey

Title

MSB Coordinator

Telephone

303-866-4416

Email

judith.carey@state.co.us



COLORADO

Department of Health Care Policy & Financing

Medical Services Board

January 30, 2015

The Honorable Wayne W. Williams

Secretary of State

1560 Broadway, 2nd Floor

Denver, Colorado 80203

Dear Mr. Williams:

Attached is the Notice of Proposed Rules concerning Medical Assistance rules to be considered for final adoption at the March 2015 meeting of the Medical Services Board of the Department of Health Care Policy and Financing. The meeting will be held on Friday, March 13, 2015, beginning at 9:00 A.M., in the seventh floor conference room at 303 East 17th Avenue, Denver, CO 80203.

This notice is submitted to you for publication, pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

Respectfully,

Judi Carey,



Medical Services Board Coordinator
Department of Health Care Policy and Financing



NOTICE OF PROPOSED RULES

The Medical Services Board of the Colorado Department of Health Care Policy and Financing will hold a public meeting on Friday, March 13, 2015, beginning at 9:00 a.m., in the seventh floor conference room at 303 East 17th Avenue, Denver, CO 80203. Reasonable accommodations will be provided upon request prior to the meeting, by contacting the Medical Services Board Coordinator at 303-866-4416.

A copy of the full text of these proposed rule changes is available for review from the Medical Services Board Office, 1570 Grant Street, Denver, Colorado 80203, (303) 866-4416, fax (303) 866-4411. Written comments may be submitted to the Medical Services Board Office on or before close of business the Wednesday prior to the meeting. Additionally, the full text of all proposed changes will be available approximately one week prior to the meeting on the [Department's website](#).

MSB 14-10-02-A. Revision to the Medical Assistance Delivery System and Payment Innovation Program Rule Concerning Emergency Transportation Services, Section 8.305

Medical Assistance. This rule change will define the amount scope and duration of the Ambulance Services benefit. In order to define amount, scope and duration, the Department is amending the existing rule to place all of the substantive content from the Benefit Coverage Standards into rule. The authority for this rule is contained in 25.5-1-301 through 25.5-1-303 and §1905(a)(1) of the Social Security Act.

MSB 14-09-09-A, Revision to the Medical Assistance Community Living Rule Concerning Colorado Choice Transitions (CCT), a Money Follows the Person Demonstration, Section 8.555

Medical Assistance. Colorado Choice Transitions. Revision to the Colorado Choice Transitions Rule, 10 CCR 2505-10 8.555. The proposed CCT rule amendment will align it with standard operating procedures and remove two demonstration services from the benefits and services available to members: transitional substance abuse and transitional specialized day rehabilitation services. The substance abuse benefit is now available through the State Plan and cannot be duplicated through the CCT program. Activities offered through the transitional specialized day rehabilitation service can be offered through the adult day programs and day habilitation services instead.

To date, we have not had any clients access any of these services and have very few providers enrolled; the impact on clients and providers should be nil.

Implementation of this rule change is essential to comply with 1915(c) waiver rules that dictate waiver services cannot duplicate State Plan services and to bring the rule up to date with



current practices and procedures. Authority for this grant award authorized by section 6071 of the Deficit Reduction Act of 2005 and extended through section 2403 of the Patient Protection and Affordable Care Act.

MSB 14-12-03-A, Revision to the Medical Assistance Eligibility Determination Rule Concerning the Medicaid Buy-In Program for Working Adults with Disabilities and the Medicaid Buy-In Program for Children with Disabilities, Section 8.100.6.P and Section 8.100.6.Q.

Medical Assistance. Medicaid Buy-In Program for Working Adults with Disabilities and Medicaid Buy-In Program for Children with Disabilities. The proposed rules for the Medicaid Buy-In Program for Working Adults with Disabilities under 8.100.6. P and for the Medicaid Buy-In Program for Children with Disabilities under 8.100.6.Q establish premium payment after an individual has been advised of eligibility for the Buy-In programs and allows adequate time to plan for premium payment. They further allow an individual to dis-enroll from a Buy-In Program. The authority for this rule is contained in Section 25.5-1-301 through 25.5-1-303, CRS (2014) and Sections 1902(a)(10)(A)(ii) (XV), (XVI), and 1916(g) of the Social Security Act for the Medicaid Buy-In Program for Working Adults with Disabilities and Sections 1902(a)(10)(A)(ii)(XIX), 1916(i) and 1902(cc)(2)(A)(ii)(1) of the Social Security Act for the Medicaid Buy-In Program for Children with Disabilities.

MSB 14-11-19-A, Revision to the Medical Assistance Health Programs Provider Relations and Dental Program Rule Concerning Adult Dental Services, Section 8.201

Medical Assistance. This rule change will define the amount, scope and duration of the dental benefit. In order to better define amount, scope and duration, the Department is amending the existing dental rule. The rule amendment is designed to increase access for Medicaid enrolled adults (age 21 years and older) and to reduce burden on providers in the areas where the Department has heard concerns from the Medicaid dental provider network through the Department's dental Administrative Service Organization since it began its administration of the new comprehensive adult dental program on July 1, 2014. The Department is also correcting typos and other technical errors. The authority for this rule is contained in Section 25.5-1-301 through 25.5-1-303, CRS (2014.)

MSB 14-04-15-A, Revision to the Medical Assistance Rule Concerning Long Term Care, Sections 8.400-8.499

Medical Assistance. In March 2014, the Department of Health Care Policy and Financing completed a review of its Long Term Care rules found in 10 CCR 2505-10 sections 8.400 through 8.499. This review identified over three hundred instances of spelling and grammatical errors, inaccurate citations, inconsistent citations, and outdated language. Therefore, the rules in 10 CCR 2505-10 sections 8.400 through 8.499 are being amended to fix these issues. No substantive changes to policy are being made. The authority for this rule is contained in Section 25.5-1-301 through 25.5-1-303, CRS (2014) and Section § 25.5-5-201(1)(w), C.R.S. (2014).



Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-1

Rule title

1 CCR 201-1 PROCEDURE AND ADMINISTRATION 1 - eff 03/02/2015

Effective date

03/02/2015

PRIORITY OF PAYMENTS

39-21-103(1)

- (1) Payments received by the Department shall be applied to a taxpayer's liabilities in accordance with the following rules:
 - (a) A taxpayer can designate how a payment is to be applied to a liability owed to the Department only by remitting payment with the appropriate Departmental form (e.g., tax return, voucher, coupon, or, if an electronic payment, in conformity with paragraph (4) of this rule). Such payment shall be applied to the type of tax, fee, or charge for which the form is filed and for the period covered by the form in the order set forth below. A designation in a cover letter or a notation on a check will not designate the liability that will be paid and such payment will be applied as set forth in paragraph 1(b).
 - (i) Tax, fee, or charge owed to the state or a local jurisdiction (in proportion to the share of the debt owed to each).
 - (ii) Related interest owed to the state or a local jurisdiction (in proportion to the share of the debt owed to each).
 - (iii) Related penalty owed to the state or a local jurisdiction (in proportion to the share of the debt owed to each).
 - (iv) Any excess payment shall be applied in accordance with paragraph (1)(b) of this rule.
 - (b) A payment remitted without an accompanying Departmental form shall be applied to the liability for the earliest debt recorded on the Department's systems in the order set forth below:
 - (i) With respect to any account for which a Statement of Account has been issued, oldest debt to newest debt and applicable interest and penalty owed to the state or a local jurisdiction (in proportion to the share of the debt owed to each).
 - (ii) With respect to any account for which a Statement of Account has not been issued: (It will only be very rare circumstances in which a debt from multiple taxes and periods exist without a Statement of Account);
 - (A) Any International Registration Plan and applicable interest and penalty owed to the state.
 - (B) Any sales tax and applicable interest and penalty owed to the state or a local jurisdiction (in proportion to the share of the debt owed to each).
 - (C) Any other tax, oldest to newest, that is owed to the Department and applicable interest and penalty owed to the state or local jurisdiction (in proportion to the share of the debt owed to each).
 - (iii) In any event after all other liabilities have been satisfied, any existing payment plan.

- (c) This rule applies to taxes on income, sales/use, liquor, cigarette, other tobacco products, gas and special fuels, and severance, as well as periodic wage and severance tax withholding statements, estimated tax statements, annual reconciliation statements, and any other tax, fee, or charge administered by the Division of Taxation of the Department of Revenue.
 - (d) The Department rejects any provision on a check, cover letter accompanying a check, or any other document submitted to the Department by or on behalf of the taxpayer, except as specifically agreed to by the Department, that purports to be an accord and satisfaction of any liabilities owed by the taxpayer to the Department upon the presentment of the check to a bank for payment. Notwithstanding this rejection, the Department is authorized to and will present for payment any form of payment remitted.
- (2) Payments made by the Department for liabilities owed to a taxpayer, including tax refunds, shall be applied in the following order:
 - (a) Offset of liabilities owed to the Department, paid in the order set forth in paragraph (1) of this rule pursuant to §39-21-108(3), C.R.S.
 - (b) Offset of other liabilities owed by taxpayer pursuant §39-21-108(3), C.R.S.
 - (c) Offset of federal Internal Revenue Service liens and levies.
 - (d) Payment of garnishments and other court orders for debt collection duly served on the Department.
 - (e) Refund of any tax, fee or charge due to taxpayer.
 - (f) Related interest on refund due.
 - (g) Related penalty due to taxpayer pursuant to §39-22-622(3), C.R.S.
- (3) Any payment received, or a refund made, by the Department shall be applied, as described in paragraphs (1) and (2) above, only to a taxpayer's obligation, if any, on which a final determination has been made.
- (4) Accepted electronic payments include Automated Clearing House (ACH) or Electronic Funds Transfer (EFT). Payments made by ACH may designate to what liability and period the payment shall be applied by making such payment when filing a return, by including a TXP addenda record, or by including a TPP addenda record with such payment. Payments made by EFT are required to designate to what liability and period the payment shall be applied by submitting the required information when making such payment.
- (5) The Department does not accept a wire transfer of funds unless such wire transfer is pre-approved by the Department. A wire transfer does not include a transfer by ACH or EFT.
- (6) "Tax, fee, or charge" means any tax, fee or charge administered by the Department pursuant to §39-21-102, C.R.S.
- (7) A taxpayer includes both the primary and secondary individual listed on a joint return. In the case of a secondary taxpayer that has filed a request pursuant to §39-21-108(3)(a)(I)(A), C.R.S., any refund paid to the taxpayer shall be divided pursuant to §39-21-108(3)(a)(I)(A), C.R.S.

John W. Suthers

Attorney General

Cynthia H. Coffman

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State of Colorado

Department of Law

Office of the Attorney General

Tracking number: 2014-01014

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group**

on 01/08/2015

1 CCR 201-1

PROCEDURE AND ADMINISTRATION

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 26, 2015 13:16:25

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Lottery Commission

CCR number

1 CCR 206-1

Rule title

1 CCR 206-1 LOTTERY RULES AND REGULATIONS 1 - eff 03/02/2015

Effective date

03/02/2015

DEPARTMENT OF REVENUE

Lottery Commission

1 CCR 206-1 RULES AND REGULATIONS

AMENDED RULE 14.A COLORADO LOTTERY MULTI-STATE JACKPOT GAME, "POWERBALL®"

BASIS AND PURPOSE FOR AMENDED RULE 14.A

The purpose of Amended Rule 14.A is to provide specific game details and requirements for the Colorado Lottery Multi-State Jackpot Game "POWERBALL®" such as type of play, prizes, method of selecting winning numbers, drawings, and the allocation of revenues. The statutory basis for Rule 14.A is found in C.R.S. 24-35-201, 24-35-208 (1) (a) and (2), and 24-35-212 and 24-35-212.5.

14.A.1 General Provisions

Amended Rule 14. A, Colorado Lottery Multi-State Jackpot Game, "Powerball", will be effective beginning July 12, 2015 with the first drawing July 15, 2015.

- A. A Colorado Lottery multi-state Jackpot game to be known as "POWERBALL®" is authorized to be conducted by the Director under the following Rules and Regulations and under such further instructions and directives as the Director may issue in furtherance thereof. If a conflict arises between Rule 14 and this Rule 14.A, Rule 14.A shall apply.
- B. All MUSL (Multi-State Lottery Association) guidelines and MUSL Board decisions must be approved by the Colorado Lottery (hereafter referred to as Lottery) and the Lottery Commission, prior to implementation.
- C. The Director will be a voting member of the MUSL Board during the timeframe in which the Lottery shall be a member of MUSL. The Director will also be a voting member of any MUSL Specific Product Group the Lottery joins.
- D. At any time the Lottery Director determines that any provisions of MUSL or of MUSL's Specific Game Playing Rules do not sufficiently provide for the security and integrity necessary to protect the Colorado Lottery, he/she shall recommend to the Lottery Commission that the Lottery end its membership with MUSL or with the specific Product Group. Upon concurrence by the Lottery Commission, membership can end at any time.

14.A.2 Definitions

In addition to the definitions provided in Paragraph 1.2 of Rule 1 and Rule 14, and unless the context in this Rule 14.A otherwise requires:

- A. "Advance Play" means the ability to purchase tickets for more than one drawing.
- B. "Breakage" means the results of rounding prize amounts down to the nearest whole dollar.
- C. "Drawing" means the event that occurs wherein the official "POWERBALL®" numbers are drawn.

- D. "Game Board(s)" or "Board(s)" means that area of the play slip that contains a set of two (2) grids. The first grid containing sixty-six (66) squares numbered one (1) through - sixty-six (66) and the second grid containing thirty-two (32) squares, numbered one (1) through thirty-two (32).
- E. "Grand Prize" means a pari-mutuel prize that is advertised to be paid with per-winner annuities or as a lump sum cash payment, unless otherwise specified by the Lottery.
- F. "Grid" means the area of a play slip that contains a set of numbered squares to be marked by the player.
- G. "Matching Combinations" means the numbers on a play that coincide with the numbers randomly selected at a drawing for which that play was purchased.
- H. "MUSL" means the Multi-State Lottery Association, a government-benefit association wholly owned and operated by the Party Lotteries.
- I. "MUSL Board" means the governing body of MUSL, which is comprised of the chief executive officer of each Party Lottery.
- J. "Number" means any play integer from one (1) through sixty-six (66) inclusive.
- K. "Play" means the six (6) numbers selected on each Board and printed on the ticket.
- L. "Play slip" means a mark-sense game card used by players of "POWERBALL®" to select plays. A play slip has no pecuniary value and shall not constitute evidence of ticket purchase or of numbers selected.
- M. "Prize Amount" means the pari-mutuel and/or set prize values established for a game.
- N. "Prize Category" means and refers to a specific prize within the prize pool.
- O. "Prize Pool" means a defined percentage of sales as specified in this rule.
- P. "Quick Pick" or "Partial Quick Pick" means a number or numbers that are randomly generated by the computer when all or a portion of the player's selections have been left blank.
- Q. "Roll-over" means the amount from the direct prize category contribution from previous drawing(s) in the Grand Prize category, that is not won, that is carried forward to the Grand Prize category for the next drawing.
- R. "Set Prize" means all other prizes except the Grand Prize that are advertised to be paid by a single cash payment and, except in instances outlined in these rules, will be equal to the prize amount established within the Specific Game Playing Rules.
- S. "Set Prize Payout Variance" means an account held by MUSL that holds the temporary balances, transferred to MUSL from party lotteries, which results from having fewer-than-expected winners in the set prize categories. This money is paid out to party lotteries in subsequent drawings that have more winners than are statistically expected in the set prize categories.
- T. "Share(s)" means the total number of matching combinations within each prize category as determined for each drawing.
- U. "Winning Numbers" means the six (6) numbers, the first five (5) from a field of sixty-six (66) numbers and the last one (1) from a separate field of thirty-two (32) numbers, randomly selected

at each drawing, which shall be used to determine winning plays contained on a multi-state Jackpot Game ticket.

- V. "Multiplier" means the random value which will increase the set prize. Multipliers are weighted and include two times (2X), three times (3X), four times (4X), five times (5X), and ten times (10X).
- W. "Multiplier Distribution" means the random assignment of weighted multiplier values to the multiplier key.
- X. "Multiplier Key" means the P O W E R designation of the multiplier values.

14.A.3 Price of "POWERBALL®" Play/Board

The price of each "POWERBALL®" play/board shall be \$2.00.

14.A.4 Ticket Purchases

- A. "POWERBALL®" tickets may be purchased only from a Lottery licensee authorized by the Director to sell multi-state Jackpot Game tickets.
- B. "POWERBALL®" tickets shall show, at a minimum, the player's selection of numbers in the boards played, drawing date, multiplier key, validation and reference numbers. The Lottery shall not directly and knowingly sell a combination of tickets to any person or entity that would guarantee such purchaser a winning ticket.
- C. Plays may be entered manually using the Jackpot Game terminal keypad or by means of a play slip provided by the Lottery. Facsimiles of play slips, copies of play slips, or other materials which are inserted into the terminal's play slip reader and which are not printed or approved by the Lottery shall not be used to enter a play. No device shall be connected to a Jackpot Game terminal to enter plays, except as may be approved by the Lottery. Unapproved play slips or other devices may be seized by the Lottery.
- D. All plays made in the game using a play slip shall be marked on the play slip by hand. No machine-printed play slips shall be used to enter plays. Machine-printed play slips may be seized by the Lottery. Nothing in this regulation shall be deemed to prevent a person with a physical handicap who would otherwise be unable to mark a play slip manually from using any device intended to permit such person to make such a mark (for his/her sole personal use or benefit).

14.A.5 Play for "POWERBALL®"

- A. Type of play:
 - 1. A "POWERBALL®" player must select six numbers in each play, five (5) numbers out of sixty-six (66) plus one (1) out of thirty-two (32). A winning play is achieved only when the following combinations of numbers selected by the player match, in any order, the five plus one winning numbers drawn by the MUSL. Those combinations are 5+1, 5+0, 4+1, 4+0, 3+1, 3+0, 2+1, 1+1 and 0+1.
 - 2. A Multiplier Key is included on each Powerball ticket generated. The multiplier distribution in the multiplier key of two times (2X), three times (3X), four times (4X), five times (5X), or ten times (10X) associated with each letter in the word POWER is random and weighted.

- a. Examples of multiplier distribution are:

P	O	W	E	R
2X	5X	10X	2X	3X

P	O	W	E	R
3X	4X	2X	2X	3X

- b. The Multiplier is weighted as follows:

	"10"	"5"	"4"	"3"	"2"	TOTAL
Percentage	2.5641%	2.5641%	7.6923%	25.6410%	61.5385%	100%

- B. Method of play:

The player will use play slips, as provided in Paragraph 14.A.4 of this Rule 14.A, to make number selections. The Jackpot Game terminal will read the play slip and issue a ticket with corresponding play(s). If a play slip is not available, the Jackpot Game licensee may enter the selected numbers via the keyboard. If offered by the Lottery, a player may leave all or a portion of his/her play selections to a random number generator operated by the computer, commonly referred to as "QUICK PICK" or "PARTIAL QUICK PICK."

14.A.6 Prizes for "POWERBALL®"

- A. Odds of winning are displayed in the table below.

MATCHING COMBINATIONS	PRIZE CATEGORY	ODDS OF WINNING (ONE PLAY)
All five (5) of first set plus one (1) of second set	Grand Prize	1:285,981,696.00
All five (5) of first set plus none of second set	Second Prize	1:9,225,216.00
Any four (4) of first set, but not five, plus one (1) of second set	Third Prize	1:937,644.9049
Any four (4) of first set, but not five, plus none of second set	Fourth Prize	1:30,246.6098
Any three (3) of first set, but	Fifth Prize	1:15,627.4151

not four or five, plus one (1) of second set		
Any three (3) of first set, but not four or five, plus none of second set	Sixth Prize	1:504.1102
Any two (2) of first set, but not three, four or five, plus one (1) of second set	Seventh Prize	1:794.6143
Any one (1) of first set, but not two, three, four or five, plus one (1) of second set	Eighth Prize	1:109.6020
None of first set plus one (1) of second set	Ninth Prize	1:48.0710
Overall odds of winning any prize		1:30.0599

- B. The prize pool contribution for all prize categories shall consist of fifty percent (50%) of each drawing period's sales unless, as described in Paragraph 14.A.7 c) of this Rule 14.A, the prize reserve accounts are not funded at the balances set by the "POWERBALL® " Product Group. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the Product Group in accordance with state law.

PRIZE POOL

Prize Category	Prize Amounts	Allocation of Prize Pool	Prize Pool Percentage of Sales
Grand Prize	Announced Jackpot	61.4514%	30.7257%
Second Prize	\$1,000,000	10.8398%	5.4199%
Third Prize	\$10,000	2.8713%	1.4357%
Fourth Prize	\$100	0.8901%	0.4451%
Fifth Prize	\$100	1.7228%	0.8614%
Sixth Prize	\$7	3.7384%	1.8692 %
Seventh Prize	\$7	2.3717%	1.1859%
Eighth Prize	\$2	4.9129%	2.4564%
Ninth Prize	\$2	11.2014%	5.6007%

TOTAL		100.00%	50.00%
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- C. Prize Categories are based on the base prize times the multiplier selected during the MUSL drawing.

PRIZE CATEGORIES

POWERBALL Prize	Base Prize	Multiplier "2" (minimal payout)	Multiplier "3"	Multiplier "4"	Multiplier "5"	Multiplier "10"
Grand Prize	Jackpot	Jackpot	Jackpot	Jackpot	Jackpot	Jackpot
Second Prize	\$1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$1,000,000
Third Prize	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000	\$100,000
Fourth Prize	\$100	\$200	\$300	\$400	\$500	\$1,000
Fifth Prize	\$100	\$200	\$300	\$400	\$500	\$1,000
Sixth Prize	\$7	\$14	\$21	\$28	\$35	\$70
Seventh Prize	\$7	\$14	\$21	\$28	\$35	\$70
Eighth Prize	\$2	\$4	\$6	\$8	\$10	\$20
Ninth Prize	\$2	\$4	\$6	\$8	\$10	\$20

- D. The Grand Prize shall be determined on a pari-mutuel basis. Except as provided in 2.c below, all other prizes awarded shall be paid as set prizes with the foregoing expected prize payout percentages:
1. The prize money allocated to the Grand Prize category shall be divided equally by the number of game boards matching all five (5) of the first set plus one (1) of the second set.
 2. The prize pool percentage allocated to the set prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw. If the total of all party lotteries' set prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the set prizes, then the amount needed to fund the set prizes awarded shall be drawn from the following sources, in the following order:
 - a. The amount available in the set prize payout variance account.
 - b. If the set prize payout variance account is not sufficient to pay the set prizes awarded, an amount from the set prize reserve account is used, if available, not to exceed an amount established by MUSL.

- c. If after these sources are depleted, sufficient funds do not exist to pay the set prizes awarded, then the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels.

14.A.7 Prize Reserve Accounts

- A. The MUSL Board manages three (3) prize reserve accounts (pools) associated with "POWERBALL®". The MUSL Board holds these reserves in trust on behalf of the Lottery, and interest is earned by the Lottery. All deposits will be reported on Lottery records as "Cash Held by MUSL".
 - 1. Set-Aside Pool (Grand Prize Base Reserve) is used to guarantee payment of the minimum or starting grand prize as established by the Product Group.
 - 2. Prize Reserve Trust (Grand Prize Reserve) is used to guarantee payment of valid, but unanticipated, grand prize claims that may result from a system error or for any other reason the normal contributions from sales are not adequate.
 - 3. Set-Prize Reserve Pool is used to guarantee the payment of the set cash prizes.
- B. When the Lottery becomes a member of the POWERBALL® product group, the MUSL Board determines an initial contribution to be made by the Lottery to the foregoing reserves. In accordance with the payment plan established between the Lottery and MUSL, the Lottery must deposit with the MUSL board the specified amounts.
- C. In the event any reserve balance(s), specified above, falls below the balance established by the MUSL Board, a portion of the prize pool contribution shall be used to replenish the reserve(s). Should any reserve(s) require replenishment, the contribution from sales to the Grand Prize shall be reduced from 31.9756% of sales to no less than 29.9756% of sales (up to two percent (2%) of sales). Replenishment of the Grand Prize Base Reserve (Set-Aside Pool) shall have priority over the Prize Reserve Trust and the Set-Prize Reserve Pool.
- D. In the event the Lottery decides to withdraw from the Product Group, the remaining balances of the Lottery's contribution will be refunded to the Lottery.

14.A.8 Prize Payment

- A. The Grand Prize is paid by the Lottery upon receipt of funds from MUSL no earlier than fifteen (15) calendar days of validation of the Grand Prize ticket; and when the player makes their final selection of cash or annuity no later than sixty (60) days after validation of the Grand Prize ticket.
 - 1. Grand Prizes shall be paid, at the election of the ticket bearer by a single cash payment or in a series of annuity payments. The ticket bearer becomes entitled to the prize at the time the prize is validated as a winner. The election to take the cash payment or annuity payments may be made at the time the prize is validated or within 60 days after the ticket bearer becomes entitled to the prize. An election made after the ticket bearer becomes entitled to the prize is final and cannot be revoked, withdrawn or otherwise changed. If the ticket bearer does not make the election at the time the prize is validated and requests the 60-day election period, the Lottery will cancel the prize warrant that was generated during validation. The validation record will be kept secured and on file at the Lottery office until the ticket bearer makes an election. If the ticket bearer does not make

the payment election within 60 days after validation, then the prize shall be paid as an annuity prize.

2. Shares of the Grand Prize shall be determined by dividing the cash available in the Grand Prize pool equally among all boards matching all five (5) of the first set plus one (1) of the second set of drawn numbers. Winner(s) who elect a cash payment shall be paid their share(s) in a single cash payment. The annuitized option prize shall be determined by multiplying a winner's share of the Grand Prize pool by the MUSL annuity factor. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL. In certain instances announced by the Product Group, the Grand Prize shall be a guaranteed amount and shall be determined pursuant to Paragraph 14.A (8)(e) of this Rule 14.A. If individual shares of the cash held to fund an annuity are less than \$250,000, the Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize pool.
 3. All annuitized prizes shall be paid annually in thirty (30) graduated payments with the initial payment being made in cash, to be followed by twenty-nine (29) payments funded by the annuity.
 4. Funds for the initial payment of an annuitized prize or the lump sum cash prize shall be made available by MUSL for payment by the Lottery no earlier than the fifteenth calendar day (or the next banking day if the fifteenth day is a holiday) following the drawing. If necessary, when the due date for the payment of a prize occurs before the receipt of funds in the prize pool trust sufficient to pay the prize, the transfer of funds for the payment of the full lump sum cash amount may be delayed pending receipt of funds from the party lotteries. The Lottery may elect to make the initial payment from its own funds after validation, with notice to MUSL.
 5. The Grand Prize amount held by MUSL for subsequent payment to an annuity winner shall be transferred to the Lottery and the Lottery shall have payment to the annuity winner on the anniversary date, or if such date falls on a non-business day the first day following the anniversary date, of the selection of the jackpot winning numbers.
 6. In the event of the death of a lottery winner during the annuity payment period, the "POWERBALL®" Product Group, in its sole discretion, upon the petition of the estate of the lottery winner (the "Estate") to the Lottery, and subject to federal, state, or district applicable laws, may accelerate the payment of all of the remaining lottery proceeds to the Estate. If the Product Group makes such a determination, then securities and/or cash held to fund the deceased lottery winner's annuitized prize may be distributed to the Estate. The identification of the securities to fund the annuitized prize shall be at the sole discretion of the Product Group.
- B. The Director's decision with respect to the validation and payment of set prizes, whether during a "POWERBALL®" game or any drawing related thereto, shall be final and binding upon all participants in the Lottery.
- All set prizes (all prizes except the Grand Prize) shall be paid by the Lottery. The Lottery may begin paying set prizes after receiving authorization to pay from the MUSL central office.
- C. Annuitized payments of the Grand Prize or a share of the Grand Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized Grand Prize win shall be added to the first cash payment to the winner or winners.

Set Prizes, which, under these rules, may become pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

- D. If the Grand Prize is not won in a drawing, the prize money allocated for the Grand Prize shall rollover and be added to the Grand Prize pool for the following drawing.
- E. The "POWERBALL®" Product Group may offer guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings or make other changes in the allocation of prize money where the "POWERBALL®" Product Group finds that it would be in the best interest of the game. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered by the "POWERBALL®" Product Group, then the Grand Prize shares shall be determined as follows:
 - 1. If there are multiple Grand Prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized Grand Prize shall be determined by dividing the guaranteed annuitized Grand Prize by the number of winners.
 - 2. If there are multiple Grand Prize winners during a single drawing and at least one of the Grand Prize winners has elected the annuitized option prize, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized Grand Prize.
 - 3. If no winner of the Grand Prize during a single drawing has elected the annuitized option prize, then the amount of cash in the Grand Prize pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes.
- F. In no case shall quotes be used which are more than two weeks old and if less than three quotes are submitted, then MUSL shall use the average of all quotes submitted. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in these rules.

14.A.9 Prize Accounts

- A. The Lottery shall transfer to the MUSL in trust an amount as determined to be its total proportionate share of the prize account less actual set prize liability. If this results in a negative amount, the MUSL central office shall transfer funds to the Lottery.
- B. Grand Prize amounts held by MUSL shall be transferred to the Lottery immediately after the Lottery validates the Grand Prize claim and after MUSL has collected the prize pool shares from all member lotteries.
- C. All funds to pay a grand prize that go unclaimed shall be returned to the Lottery by MUSL in proportion to sales by the Lottery for the grand prize in question after the claiming period set by the Lottery selling the winning ticket expires.

14.A.10 Funds Transfer

- A. Funds shall be collected by MUSL from each Party Lottery weekly by wire transfer or other means acceptable to the POWERBALL® Product Group. The POWERBALL® Product Group shall determine collection days. The amount to be transferred shall be calculated in accordance with game rules. The draw reports determine whether the member lotteries owe funds to MUSL or MUSL needs to transfer money to the member lotteries. Each Party Lottery shall transfer to

MUSL an amount as determined by MUSL and the Product Group to be its total proportionate share of the prize account less actual set prize liability. If this results in a negative amount, the MUSL central office shall transfer funds to the Party Lottery.

- B. The Grand Prize amount held by MUSL shall be transferred to the Lottery after the Lottery validates the Grand Prize claim and after MUSL has collected the prize pool shares from all member lotteries.
- C. The Grand Prize amount held by MUSL for subsequent payment to annuity winners shall be transferred to the Lottery within seven days preceding the anniversary date of the selection of the jackpot winning numbers. The Lottery will then make payment to the annuity winner.

14.A.11 Drawings

- A. The "POWERBALL®" drawings shall be held twice each week on Wednesday and Saturday evenings, except that the drawing schedule may be changed by the MUSL Board. In the event of an act of Force Majeure the drawing shall be rescheduled at the discretion of the MUSL Board.
- B. Each drawing shall determine, at random, six winning numbers in accordance with drawing guidelines. The Lottery Commission shall review and approve drawing guidelines. Any numbers drawn are not declared winning numbers until the drawing is certified by MUSL in accordance with the "POWERBALL®" drawing guidelines. The winning numbers shall be used in determining all "POWERBALL®" winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.
- C. Each drawing shall be witnessed by an auditor as required in C.R.S. 24-35-208 (2)(d). All drawing equipment used shall be examined by the auditor immediately prior to, but no sooner than thirty (30) minutes before, a drawing and immediately after, but no later than thirty (30) minutes following the drawing. All drawings, inspections and tests shall be recorded on videotape.
- D. The drawing shall not be invalidated due to the numbers drawn creating an excessive prize liability for the Lottery.
- E. The drawing procedures shall provide that a minimum of fifty-nine (59) minutes elapse between the close of the game ticket sales and the time of the drawing for those tickets sold. All drawings shall be open to the public.

14.A.12 Advance Play

Advance play provides the opportunity to purchase "POWERBALL®" tickets for more than one drawing. Advance play tickets shall be available for purchase in variable increments. The Advance Play feature shall be available at the discretion of the Lottery Director.

14.A.13 MUSL Accounting and Finance

- A. At the time a Lottery joins the "POWERBALL®" Product Group, MUSL revises the existing budget and assesses the Lottery for the additional costs. Each July, thereafter, MUSL sets the budget for the impending year and assesses each Lottery their proportionate share. The Lottery receives a copy of these costs and an election form.
- B. Each September and March, MUSL re-evaluates the amounts that each Lottery must contribute to any Prize Reserves. Any additional contributions to the Prize Reserves are funded by reducing the contribution from sales to the Grand Prize by up to 2% as referred to in 14.A.7.

- C. The draw reports determine whether the Lottery owes and needs to transfer funds to MUSL, or MUSL owes and needs to transfer funds to the Lottery. (The procedures and corresponding time lines documenting the timely and effective transfer of funds between the Lottery and MUSL can be found in the Lottery's financial procedures.) Three different transfers are made on a continual basis:

1. Draw receivables transferred from the Lottery to MUSL,
2. Set prize payments and initial Grand Prize payments transferred from MUSL to the Lottery, and
3. Subsequent Grand Prize annuity payments from MUSL to the Lottery.

14.A.14 Jackpot Game Licensee Commission, Cashing Bonus, Selling Bonus, and Marketing Performance Bonus

- A. In addition to the Six Percent (6%) Commission set forth in Rule 14.19, retailers can earn a Cashing Bonus, Selling Bonus and Marketing Performance Bonus.

1. Each retailer will receive a cashing bonus of one percent (1%) of each prize paid by the licensee up to and including \$599.
2. In order to receive a Selling Bonus, the following criteria must be met:
 - a. A licensee must have sold a grand-prize-winning or second prize winning multi-state Jackpot game ticket for a drawing for which the announced jackpot prize is at least forty million dollars (\$40,000,000) or more;
 - b. Payment of the jackpot-selling bonus will occur once Lottery security has confirmed the selling licensee.
 - c. A licensee must be selling multi-state Jackpot Game tickets up to and including the day that the ticket is validated by the Lottery and must be the same licensed licensee who sold the winning ticket.
 - d. The Director or designee shall determine the amount of the jackpot-selling bonus for each qualified-prize-winning ticket sold.
3. In order to receive a five-tenths of one percent (.5%) Marketing Performance Bonus the following criteria must be met:
 - a. A licensee must be licensed on the date the marketing performance bonus is declared;
 - b. A licensee must sell Lottery products up to and including on the final sales day in which the marketing performance bonus is declared;
 - c. A licensee must meet or exceed the requirements of the marketing performance bonus plan for the period for which the marketing performance bonus is declared.

- B. In the event there is a residual resulting from the accrual of the one percent (1%) cashing bonus (14.A.14.A.1) and/or the five-tenths of one percent (.5%) marketing bonus (14.A.14.A.3) have been expensed, the Lottery Director may provide additional compensation to licensees as described in 14.A.14.A.2 or may revert the excess amount thereby decreasing the bonus expense.

DEPARTMENT OF REVENUE

Lottery Commission

1 CCR 206-1 RULES AND REGULATIONS

AMENDED RULE 14.B COLORADO LOTTERY MULTI-STATE JACKPOT GAME, "POWERBALL®" - "POWER PLUS" OPTION

BASIS AND PURPOSE OF AMENDED RULE 14.B

The purpose of Amended Rule 14.B is to provide specific game details and requirements for the Colorado Lottery Multi-State Jackpot Game "POWERBALL®" "Power PLUS" option such as type of play, prizes, method of selecting winning numbers and drawings. The statutory basis for Amended Rule 14.B is found in C.R.S. 24-35-201, 24-35-208 (1) (a) and (2), and 24-35-212.

14.B.1 General Provisions

Amended Rule 14.B, Colorado Lottery Multi-State Jackpot Game, "Powerball" – "Power PLUS" option, will be effective with sales beginning July 12, 2015 with the first "Power PLUS" drawing July 15, 2015.

- A. A Colorado Lottery (Lottery) multi-state Jackpot game known as "POWERBALL®" shall have a game option known as "Power PLUS", which allows players the option to pay an additional one dollar (\$1) for a chance to win in the subsequent drawing held specifically for "Power PLUS". The original boards purchased for "Powerball®" will be used to determine winning boards in the "Power PLUS" option. This game option is authorized to be conducted by the Colorado Lottery Director (Director) under the following Rules and Regulations and under such further instructions and directives as the Director may issue in furtherance thereof. If a conflict arises between Rule 14 and this Rule 14.B, Rule 14.B shall apply.
- B. The Lottery and the Lottery Commission, prior to implementation, must approve all the Multi-State Lottery Association (MUSL) guidelines and the MUSL Board decisions associated with this "Power PLUS" option.
- C. The Director is a voting member of the MUSL Board during the timeframe in which the Lottery is a member of the MUSL. The Director is also a voting member of any MUSL Specific Product Group the Lottery joins.
- D. At any time the Director determines that any provisions of the MUSL or of the MUSL's Specific Game Playing Rules do not sufficiently provide for the security and integrity necessary to protect the Lottery, the Director shall recommend to the Lottery Commission that the Lottery end its membership with the MUSL or with the Specific Product Group. Upon concurrence by the Lottery Commission, membership can end at any time.

14.B.2 Definitions

Refer to the definitions provided in Paragraph 1.2 of Rule 1, Paragraph 14.2 of Rule 14, and Paragraph 14.A.2 of Rule 14.A.

14.B.3 Price of "Power PLUS" Option

The price of each "Power PLUS" option play selected shall be \$1.00. A player will have the licensee manually enter the "Power PLUS" option into the Jackpot Game terminal to purchase up to ten POWERBALL® plays with ten "Power PLUS" options for a single draw as follows:

Number of Powerball® plays	Number of Powerball® boards	Cost of Powerball® boards	Number of "Power PLUS " boards	Cost of "Power PLUS " boards	Total cost Powerball® boards with "Power PLUS " option
1	One Board	\$2.00	One Board	\$1.00	\$3.00
2	Two Boards	\$4.00	Two Boards	\$2.00	\$6.00
3	Three Boards	\$6.00	Three Boards	\$3.00	\$9.00
4	Four Boards	\$8.00	Four Boards	\$4.00	\$12.00
5	Five Boards	\$10.00	Five Boards	\$5.00	\$15.00
6	Six Boards	\$12.00	Six Boards	\$6.00	\$18.00
7	Seven Boards	\$14.00	Seven Boards	\$7.00	\$21.00
8	Eight Boards	\$16.00	Eight Boards	\$8.00	\$24.00
9	Nine Boards	\$18.00	Nine Boards	\$9.00	\$27.00
10	Ten Boards	\$20.00	Ten Boards	\$10.00	\$30.00

14.B.4 Ticket Purchases

POWERBALL® tickets with the "Power PLUS" option may be purchased only from a Lottery licensee authorized by the Director to sell multi-state Jackpot Game tickets.

- A. POWERBALL® tickets with the "Power PLUS" option shall show, at a minimum, the player's selection of numbers, the boards played, drawing date, multiplier key, "Power PLUS" option chosen and validation and reference numbers.
- B. A purchaser of a POWERBALL® ticket must choose, at the time of purchase, whether or not he/she wants the "Power PLUS" option. If the purchaser chooses the "Power PLUS" option for the ticket, the cost of the "Power PLUS" option will be \$1.00 per board. (See Paragraph 14.B.3 of this Rule 14.B for detailed "Power PLUS" costs.) The option applies to all boards on a single ticket and cannot be purchased on a board-by-board basis.

14.B.5 Method of play

- A. A "Power PLUS" player must have a "Powerball®" ticket where they have selected six numbers in each play, five (5) numbers out of sixty-six (66) plus one (1) out of thirty-two (32) and purchased the "Power PLUS" option. Winning "Power PLUS" is achieved only when the following combinations of numbers selected by the player match, in any order, the five plus one winning numbers drawn in the "Power PLUS" drawing conducted by MUSL. Those combinations are 5+1, 5+0, 4+1, 4+0, 3+1, 3+0, 2+1, 1+1 and 0+1.
- B. When a "Powerball®" ticket is generated player will have the option to select the "Power PLUS" option.

- C. A Multiplier Key is included on each "Powerball®" ticket generated. The multiplier key on the "Powerball®" ticket applies to the "Power PLUS" wager.
- D. The multipliers are weighted as follows:

	"10"	"5"	"4"	"3"	"2"	TOTAL
Percentage	2.5641%	2.5641%	7.6923%	25.6410%	61.5385%	100%

- E. Each "Power PLUS" drawing shall be witnessed by an auditor, as required in C.R.S 24-35-208 (2) (d). All drawing equipment used shall be examined by the auditor immediately prior to, but no sooner than thirty (30) minutes before, a drawing and immediately after, but no later than thirty (30) minutes following the drawing.
- F. The drawing shall not be invalidated due to the numbers drawn creating an excessive prize liability for the Lottery.
- G. All "Power PLUS" drawings shall be open to the public.
- H. All drawings, inspections and tests shall be recorded on videotape.

14.B.6 Prizes for POWERBALL® with "Power PLUS" Option Selected

- A. Odds of winning a "Power PLUS" Prize are displayed in the chart below.

MATCHING COMBINATIONS	PRIZE CATEGORY	ODDS OF WINNING (ONE PLAY)
All five (5) of first set plus one (1) of second set	Grand Prize	1:285,981,696.0000
All five (5) of first set plus none of second set	Second Prize	1:9,225,216.0000
Any four (4) of first set, but not five, plus one (1) of second set	Third Prize	1:937,644.9049
Any four (4) of first set, but not five, plus none of second set	Fourth Prize	1:30,246.6098
Any three (3) of first set, but not four or five, plus one (1) of second set	Fifth Prize	1:15,627.4151
Any three (3) of first set, but not four or five, plus none of second set	Sixth Prize	1:504.1102
Any two (2) of first set, but not	Seventh Prize	1:794.6143

three, four or five, plus one (1) of second set		
Any one (1) of first set, but not two, three, four or five, plus one (1) of second set	Eighth Prize	1:109.6020
None of first set plus one (1) of second set	Ninth Prize	1:48.0710
Overall odds of winning any prize		1:30.0599

- B.** The prize pool contribution for all prize categories shall consist of fifty percent (50%) of each drawing period's sales unless, as described in Paragraph 14.B.7.D) of this Rule 14.B, the prize reserve accounts are not funded at the balances set by the "POWERBALL®" Product Group. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the Product Group in accordance with state law.

PRIZE POOL

Prize Category	Prize Amounts	Allocation of Prize Pool	Prize Pool Percentage of Sales
Grand Prize	\$10,000,000	6.9873%	3.4939%
Second Prize	\$500,000	10.8364%	5.4199%
Third Prize	\$15,000	8.6065%	4.3028%
Fourth Prize	\$150	2.6680%	1.3339%
Fifth Prize	\$150	5.1639%	2.5817%
Sixth Prize	\$10	10.6721%	5.3355 %
Seventh Prize	\$10	6.7705%	3.3849%
Eighth Prize	\$3	14.7258%	7.3621%
Ninth Prize	\$3	33.5749%	16.7855%
TOTAL		100.00%	50.00%

- C.** Prize Categories are based on the base prize times the multiplier selected during the MUSL "Power PLUS" drawing.

PRIZE CATEGORIES

POWERBALL Prize	Base Prize	Multiplier "2" (minimal payout)	Multiplier "3"	Multiplier "4"	Multiplier "5"	Multiplier "10"
Grand Prize	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Second Prize	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Third Prize	\$15,000	\$30,000	\$45,000	\$60,000	\$75,000	\$150,000
Fourth Prize	\$150	\$300	\$450	\$600	\$750	\$1,500
Fifth Prize	\$150	\$300	\$450	\$600	\$750	\$1,500
Sixth Prize	\$10	\$20	\$30	\$40	\$50	\$100
Seventh Prize	\$10	\$20	\$30	\$40	\$50	\$100
Eighth Prize	\$3	\$6	\$9	\$12	\$15	\$30
Ninth Prize	\$3	\$6	\$9	\$12	\$15	\$30

14.B.7 Prize Payment

- A. All set prizes (except the Grand Prize) within the "Power PLUS" option shall be paid by the Lottery. The Lottery may begin paying set prizes after receiving authorization to pay from the MUSL central office.
- B. The "Power PLUS" Grand Prize will be pari-mutuel, divided evenly among all Grand Prize winning ticket holders and rounded down to whole dollars. The "Power PLUS" Grand Prize will be paid in a single cash payment less taxes and any deductions required by C.R.S. 24-35-212 and C.R.S. 24-35-212.5.
- C. The Grand Prize is a cash only prize; no annuity option will be available. Funds for the payment of the Grand Prize shall be made available by MUSL for payment by the Lottery no earlier than the fifteenth calendar day (or the next banking day if the fifteenth day is a holiday) following the drawing. If necessary, when the due date for the payment of a prize occurs before the receipt of funds in the prize pool trust sufficient to pay the prize, the transfer of funds for the payment of the full lump sum cash amount may be delayed pending receipt of funds from the party lotteries. The Lottery may elect to make the initial payment from its own funds after validation, with notice to MUSL.
- D. All set prizes(all prizes other than the Grand Prize) which, under these rules may become pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.
- E. Taxes will be reported and withheld on the total combined winning prize value of any winnings awarded to the holder of a "Power PLUS" ticket that also has winnings from the original, associated "POWERBALL®" ticket.

14.B.8 Drawings

- A. The "Power PLUS" drawings shall be held twice each week on Wednesday and Saturday evenings immediately following the "POWERBALL®" drawing, except that the drawing schedule may be changed by the MUSL Board. In the event of an act of Force Majeure the drawing shall be rescheduled at the discretion of the MUSL Board.
- B. Each drawing shall determine, at random, six winning numbers in accordance with drawing guidelines. Any numbers drawn are not declared winning numbers until the drawing is certified by MUSL in accordance with the "Power PLUS" drawing guidelines. The winning numbers shall be used in determining all "Power PLUS" winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.
- C. Each drawing shall be witnessed by an auditor as required in C.R.S. 24-35-208 (2)(d). All drawing equipment used shall be examined by the auditor immediately prior to, but no sooner than thirty (30) minutes before, a drawing and immediately after, but no later than thirty (30) minutes following the drawing. All drawings, inspections and tests shall be recorded on videotape.
- D. The drawing shall not be invalidated due to the numbers drawn creating an excessive prize liability for the Lottery.
- E. The drawing procedures shall provide that a minimum of fifty-nine (59) minutes elapse between the close of the game ticket sales and the time of the drawing for those tickets sold. All drawings shall be open to the public.

14.B.9 Advance Play

Advance play provides the facility to purchase POWERBALL® tickets for more than one drawing. A purchaser of POWERBALL® tickets may also purchase the "Power PLUS" option for all Advance Play plays. At the discretion of the Director advance play tickets shall be available for purchase in increments up to and including 26 drawings. The cost of each "Power PLUS" ticket shall be an additional \$1.00 per board per drawing. E.g.: one POWERBALL® play for two drawings with "Power PLUS" option, \$6.00, one POWERBALL® play for four drawings with "Power PLUS" option, \$12.00. The "Power PLUS" option applies to all drawings for which the ticket is purchased and the "Power PLUS" option is selected. Players cannot elect the option on a drawing-by-drawing basis when purchasing Advance Play tickets.

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-01079

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Lottery Commission**

on 01/14/2015

1 CCR 206-1

LOTTERY RULES AND REGULATIONS

The above-referenced rules were submitted to this office on 01/23/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 26, 2015 13:17:15

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Oil and Gas Conservation Commission

CCR number

2 CCR 404-1

Rule title

2 CCR 404-1 PRACTICE AND PROCEDURE 1 - eff 03/02/2015

Effective date

03/02/2015

522. PROCEDURES FOR ALLEGED VIOLATIONS

a. Identification of Alleged Violations

If, on the Director's own initiative or based on a complaint, the Director has reasonable cause to believe that a violation of the Act, or of any Commission rule, order, or permit has occurred, the Director will require the operator to remedy the violation and may commence an enforcement action seeking penalties by issuing a Notice of Alleged Violation (NOAV). Reasonable cause requires, at least, physical evidence of the alleged violation, as verified by the Director.

b. Complainant's Rights and Responsibilities

- (1) The following persons (Complainant) may make a complaint to the Director requesting that an NOAV be issued:
 - A. The mineral owner;
 - B. The surface owner or tenant of the lands upon which the alleged violation occurred;
 - C. Other state agencies;
 - D. The local government with jurisdiction over the lands upon which the alleged violation took place; or
 - E. Any person who may be directly and adversely affected or aggrieved as a result of the alleged violation.
- (2) The Director will investigate all complaints made pursuant to Rule 522.b.(1) to determine whether reasonable cause for an alleged violation exists. The Director will notify the Complainant of the determination pursuant to Rule 521.
 - A. If the Director determines no violation occurred, no further action will be taken by the Director.
 - B. If the Director determines a violation may have occurred, the Director may resolve the matter without seeking penalties pursuant to subpart 522.c.(1) or initiate an enforcement action seeking penalties pursuant to subpart 522.d.
- (3) If a complaint leads to issuance of an NOAV, a Complainant who has filed a written complaint on a Form 18, Complaint Report, will be given 14 days to comment on the terms of a draft proposed settlement of the NOAV, pursuant to subpart 522.e.(1).
- (4) A Complainant who has filed a written complaint on a Form 18, Complaint Report, may apply for an Order Finding Violation (OFV) hearing before the Commission pursuant to Rule 503 to hear the Complainant's objections to:
 - A. The Director's decision not to issue an NOAV for an alleged violation specifically identified in the written complaint; or
 - B. The settlement terms in a final proposed Administrative Order by Consent (AOC) settling an alleged violation arising directly from the written complaint.

- (5) Complainants must file an application for an OFV hearing with the Commission within 28 days of notification of the Director's decision not to issue an NOAV or of the settlement terms in a final proposed AOC. Applications filed later than 28 days following notification will not be heard.
- (6) The Complainant must serve its OFV hearing application on the alleged violator pursuant to Rule 521 within 7 days of the filing of the application.
- (7) The Complainant bears the burden of proof in an OFV hearing initiated by the Complainant.

c. Resolution of Alleged Violations without Penalties

- (1) When the Director has reasonable cause to believe a violation has occurred, the Director may resolve the alleged violation without seeking a penalty if all of the following apply:
 - A. The rule allegedly violated is not a Class 3 rule and the degree of actual or threatened impact is minor or moderate under the Commission's Penalty Schedule, Rule 523.c.(1);
 - B. The operator has not received a previous Warning Letter or Corrective Action Required Inspection Report regarding the same violation;
 - C. The Director determines the alleged violation can be corrected without undue delay; and
 - D. The operator timely performs all corrective actions required by the Director and takes any other actions necessary to promptly return to compliance.
- (2) The Director retains discretion to seek penalties for any violation of the Act, or a Commission rule, order, or permit, even if all of the factors in subpart 522.c.(1) apply.
- (3) When the Director determines it is appropriate to resolve an alleged violation pursuant to subpart 522.c.(1), the Director will issue the operator either a Warning Letter or Corrective Action Required Inspection Report that identifies the provisions of the Act, or Commission Rules, orders, or permits allegedly violated, the facts giving rise to the alleged violation, any corrective actions required to resolve the violation, and a schedule for conducting the corrective actions.
 - A. If the operator timely performs required corrective actions and otherwise returns to compliance, the alleged violation will be resolved and the matter closed without further action.
 - B. If the operator fails to fully perform all corrective actions required by a Warning Letter or a Corrective Action Required Inspection Report, or otherwise fails to return to compliance within the timeframe specified by the Director, the Director will initiate an enforcement action seeking penalties pursuant to subpart 522.d. for any unresolved alleged violation.

d. Enforcement Actions Seeking Penalties for Alleged Violations

When the Director determines subpart 522.c.(1) does not apply or otherwise elects to seek penalties for an alleged violation, the Director will commence an enforcement action by issuing a Notice of Alleged Violation (NOAV).

(1) Content of an NOAV

An NOAV will identify the provisions of the Act, or Commission rules, orders, or permits allegedly violated and will contain a short and plain statement of the facts alleged to constitute each alleged violation. The NOAV may propose appropriate corrective action and an abatement schedule required by the Director to correct the alleged violation. The NOAV may propose a specific penalty amount or refer generally to Rule 523.

(2) Answer

An answer to an NOAV must be filed within 28 days of the operator's receipt of an NOAV, unless exception or an extension is granted by the Director. If the operator fails to file an answer within 28 days, the Director may request the Commission to enter a default judgment.

(3) Procedural matters

- A. Service of an NOAV constitutes commencement of an enforcement action or other proceeding for purposes of § 34-60-115, C.R.S.
- B. Issuance of an NOAV does not constitute final agency action for purposes of judicial review.
- C. A monetary penalty for a violation may only be imposed by Commission order.
- D. The Secretary of the Commission will docket enforcement actions for hearing by issuing a Notice and Application for Hearing pursuant to Rule 507.

e. Resolution of Enforcement Actions

(1) Administrative Order by Consent

An enforcement action may be provisionally resolved by agreement between the operator and the Director except as provided in subpart 522.e.(2).

- A. A proposed agreement to resolve an enforcement action will be memorialized in an Administrative Order by Consent (AOC) executed by the Director and the operator. An AOC will be noticed for review and approval by the Commission unless no penalties are recommended.
- B. A Complainant who has filed a written complaint on a Form 18, Complaint Report, will be informed of the terms of a draft proposed AOC resolving alleged violations arising directly out of their written complaint and will be given 14 days to comment on the draft settlement terms before the AOC is finalized and presented to the Commission for approval. A Complainant who objects to the finalized settlement terms proposed for an alleged violation arising directly from their written complaint may file an application for a hearing pursuant to Rule 522.b.(4), within 28 days of the Complainant receiving the finalized settlement terms of a proposed AOC.
- C. Administrative Orders by Consent will be docketed on the Commission's consent agenda and may be approved by motion without formal hearing. An approved AOC becomes a final order of the Commission subject to judicial review.

- D. If the Commission does not approve an AOC, the Commission will remand the matter to the Director for further proceedings.

(2) Order Finding Violation

- A. An enforcement action may not be resolved by the Director and must be heard by the Commission when:

- i. The Director alleges the operator is responsible for gross negligence or knowing and willful misconduct that resulted in an egregious violation;
- ii. The Director alleges the operator has engaged in a pattern of violations; or
- iii. A Complainant files a timely application for an OFV hearing pursuant to Rule 522.b.(4).

- B. Commencing an OFV hearing

- i. The Director will commence an OFV hearing for enforcement actions governed by subpart 522.e.(2)A. by filing an Notice and Application for Mandatory OFV Hearing.
- ii. Order Finding Violation hearings for enforcement actions not governed by subpart 522.e.(2)A. are commenced by service of the NOAV and Notice and Application for Hearing. The Director is not required to file a separate application for an OFV hearing. An OFV hearing will commence on the date stated in the Notice and Application for Hearing, as amended by applicable pre-hearing orders, unless the parties have agreed to and executed an AOC not less than 7 days prior to the scheduled hearing date.
- iii. A Complainant may file an application for an OFV hearing pursuant to Rule 522.b.(4).
- iv. The Commission may conduct an OFV hearing on its own motion, with notice pursuant to Rule 507, if it believes the Director has failed to enforce a provision of the Act, or a Commission rule, order, or permit.

- C. OFV hearing procedures

- i. OFV prehearing procedures are governed by Rule 527. The Director may convene a prehearing conference pursuant to Rule 527 within a reasonable time after serving a Notice and Application for Hearing.
- ii. OFV hearings are *de novo* proceedings governed by Rule 528.
- iii. If the Director initiates the OFV hearing, a Complainant may participate as a non-party observer and may submit a Rule 510 statement, or may move to intervene pursuant to Rule 509.
- iv. If a Complainant initiates an OFV hearing pursuant to Rule 522.b.(4), the Director may intervene as a matter of right.

(3) Rescinding an NOAV

If, after issuance of an NOAV to an operator, the Director no longer has reasonable cause to believe a violation of the Act, or of any Commission rule, order, or permit occurred, the Director will rescind the NOAV in writing.

f. Failure to Comply with Commission Orders

An operator's failure to diligently implement corrective action pursuant to an AOC, OFV, or other Commission order constitutes an independent violation which may subject the operator to additional penalties or corrective action requirements.

g. Cease and Desist Orders

- (1) The Commission or the Director may issue a cease and desist order when an operator's alleged violation of the Act, or a Commission rule, order, or permit, or failure to take required corrective action creates an emergency situation. If the cease and desist order is entered by the Director, it will be reported to the Commission not later than the next regularly scheduled Commission hearing, unless the matter is heard pursuant to the expedited procedure under §34-60-121(5)(b), C.R.S.
- (2) The cease and desist order will be served pursuant to Rule 521 within seven days after it is issued.
- (3) The cease and desist order will state the provisions of the Act, or Commission rules, orders, or permits alleged to have been violated, and will contain a short and plain statement of the facts alleged to constitute the violation, the time by which the acts or practices cited are required to cease, and any corrective action the Commission or the Director elects to require of the operator.
- (4) Any protest by an operator of a cease and desist order will be heard by the Commission pursuant to §34-60-121(5)(b), C.R.S. An operator's protest of a cease and desist order shall not stay the order pending a Commission hearing on the matter, unless the operator obtains an injunction enjoining enforcement of the cease and desist order.
- (5) In the event an operator fails to comply with a cease and desist order, the Commission may request the attorney general to bring suit pursuant to §34-60-109, C.R.S.

523. PROCEDURES FOR ASSESSING PENALTIES

a. General

An operator who violates the Act, or a Commission rule, order, or permit may be subject to a penalty imposed by Commission order. Penalties will be calculated based on the Act and this Rule 523. The Commission's Enforcement Guidance and Penalty Policy also provides non-binding guidance to the Commission and interested persons evaluating a penalty for an alleged violation.

b. Days of Violation

The duration of a violation presumptively will be calculated in days as follows:

- (1) A reporting or other minor violation not involving actual or threatened significant adverse impacts begins on the day that the report should have been made or other required action should have been taken, and continues until the report is filed or the required action is commenced to the Director's satisfaction.

- (2) All other violations begin on the date the violation was discovered or should have been discovered through the exercise of reasonable care and continues until the appropriate corrective action is commenced to the Director's satisfaction.

With respect to violations that result in actual or threatened adverse impacts to public health, safety, and welfare, including the environment and wildlife resources, commencing appropriate corrective action includes, at a minimum:

- A. Performing immediate actions necessary to assess and evaluate the actual or threatened adverse impacts; and
 - B. Performing all other near-term actions necessary to stop, contain, or control actual or threatened adverse impacts in order to prevent, minimize, or mitigate damage to public health, safety, and welfare, including the environment and wildlife resources. Such actions may include, without limitation, stopping or containing a spill or release of E & P Waste; establishing well control after a loss of control event; removing E & P Waste resulting from surface spills or releases; installing fencing or other security measures to limit access (including wildlife access) to affected areas; providing alternative water supplies; notifying affected landowners, local governments, and other persons or businesses; and, in cases of actual adverse impacts, mobilizing all resources necessary to fully and completely remediate the affected environment.
- (3) The Commission will assess a penalty for each day the evidence shows a violation continued.
- (4) The number of days of violation does not include any period necessary to allow the operator to engage in good faith negotiation with the Commission regarding an alleged violation if the operator demonstrates a prompt, effective, and prudent response to the violation.

c. Penalty Calculation

The base penalty for each violation will be calculated based on the Commission's Penalty Schedule which considers the severity of the potential consequences of a violation of a specific rule combined with an assessment of the degree of actual or threatened adverse impact to public health, safety, and welfare, including the environment and wildlife resources. The maximum daily penalty cannot exceed \$15,000 per day per violation.

- (1) Penalty Schedule. The Commission's Penalty Schedule is the following matrix that establishes a daily penalty based on the classification of the rule violation (Class 1, 2, or 3) and the degree of actual or threatened adverse impact resulting from the violation (minor, moderate, or major).

Rule Classification				
Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife		Class 1: Paperwork or other ministerial rules, a violation of which presents no direct risk or threat of harm to public health, safety, and welfare, including the environment and wildlife resources.	Class 2: Rules related at least indirectly to protecting public health, safety, and welfare, including the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests.	Class 3: Rules directly related to protecting public health, safety, and welfare, including the environment and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
	Major: Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	Moderate: Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	Minor: No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

(2) Degree of actual or threatened adverse impact. The base penalty for a violation may be increased based on the degree of actual or threatened adverse impact to public health, safety, welfare, including the environment and wildlife resources resulting from the violation. The Commission will determine the degree of actual or threatened adverse impact to public health, safety, welfare, including the environment and wildlife resources, based on the totality of circumstances in each case. The Commission will consider the following, non-exclusive, list of factors in making its determination:

- A. Whether and to what degree the environment and wildlife resources were adversely affected or threatened by the violation. This factor considers the existence, size, and proximity of potentially impacted livestock, wildlife, fish, soil, water, air, and all other environmental resources.
- B. Whether and to what degree Waters of the State were adversely affected or threatened by the violation.

- C. Whether and to what degree drinking water was adversely affected or threatened by the violation.
- D. Whether and to what degree public or private property was adversely affected or threatened by the violation.
- E. The quantity and character of any E & P waste or non-E & P waste that was actually or threatened to be spilled or released.
- F. Any other facts relevant to an objective assessment of the degree of adverse impact to public health, safety, or welfare, including the environment and wildlife resources.

(3) Penalty Adjustments for Aggravating and Mitigating Factors.

The Commission may increase a penalty up to the statutory daily maximum amount if it finds any of the aggravating factors listed in subpart A, below, exist. The Commission may decrease a penalty if it finds that the violator cooperated with the Commission and other agencies with respect to the violation and that any of the mitigating factors listed in subpart B, below, exist.

A. Aggravating factors

- 1. The violator acted with gross negligence or knowing and willful misconduct.
- 2. The violation resulted in significant waste of oil and gas resources.
- 3. The violation had a significant negative impact on correlative rights of other parties.
- 4. The violator was recalcitrant or uncooperative with the Commission or other agencies in correcting or responding to the violation.
- 5. The violator falsified reports or records.
- 6. The violator benefited economically from the violation, in which case the amount of such benefit shall be taken into consideration.
- 7. The violator has engaged in a pattern of violations.

B. Mitigating factors

- 1. The violator self-reported the violation.
- 2. The violator demonstrated prompt, effective and prudent response to the violation, including assistance to any impacted parties.
- 3. The cause of the violation was outside of the violator's reasonable control and responsibility, or is customarily considered to be force majeure.
- 4. The violator made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation.

5. The cost of correcting the violation reduced or eliminated any economic benefit to the violator, excluding circumstances in which increased costs stemmed from non-compliance.

6. The violator has demonstrated a history of compliance with the Act, and Commission rules, orders, and permits.

(4) Penalty adjustments based on duration of violation. In its discretion, the Commission may decrease the daily penalty amounts for violations of long duration to ensure the total penalty is appropriate to the nature of the violation.

d. Pattern of Violations, Gross Negligence or Knowing and Willful Misconduct

(1) The Director will apply for an Order Finding Violation hearing before the Commission when the Director determines an operator has:

A. Engaged in a pattern of violations; or

B. Acted with gross negligence or knowing and willful misconduct that resulted in an egregious violation.

(2) If the Commission finds after hearing that an operator is responsible for the conduct described in subparagraph d.(1), the Commission may suspend an operator's Certification of Clearance, withhold new drilling or oil and gas location permits, or both. Such suspension will last until such time as the violator demonstrates to the satisfaction of the Commission that the operator has brought each violation into compliance and that any penalty assessed (not subject to judicial review) has been paid at which time the Commission may vacate the order.

(3) The Commission will consider an operator's history of violations of the Act, or Commission rules, orders, or permits and any other factors relevant to objectively determining whether an operator has engaged in a pattern of violations. For an operator's history of violations, the Commission may only consider violations confirmed by Commission order through an AOC or OFV.

e. Voluntary disclosure

(1) An operator who maintains a regulatory compliance program and voluntarily discloses to the Director a violation of the Act, or any Commission rule, order, or permit discovered as a direct result of such a program will have a rebuttable presumption of a penalty reduction, of at least 35% for a disclosed violation, if:

A. The disclosure is made promptly after the operator learns of the violation as a result of its regulatory compliance program;

B. The operator cooperates with the Director regarding investigation of the disclosed violation; and

C. The operator has achieved or commits to achieve compliance within a reasonable time and pursues compliance with due diligence.

(2) This presumption will not apply if:

A. The disclosure or the regulatory compliance program was engaged in for fraudulent purposes;

B. The disclosed violation was part of a pattern of violations; or

C. The disclosed violation was egregious and the result of the operator's gross negligence or knowing and willful misconduct.

(3) If the Director determines that any of the factors in subpart (1) are not met or that the factors in subpart (2) are met, the Director may consider the fact that the operator self-reported the violation as a mitigating factor under Rule 523.c.(3)B.(1).

f. Public Projects. In its discretion, the Commission may allow an operator to satisfy a penalty in whole or in part by a Public Project that the operator is not otherwise legally required to undertake. The costs of the Public Project may offset the penalty amount dollar for dollar, or by some other ratio determined by the Commission. A Public Project must provide tangible benefit to public health, safety and welfare, or the environment or wildlife resources. The Commission favors Public Projects that benefit the persons or communities most directly affected by a violation, or that provide education or training to local government entities, first responders, the public, or the regulated community related to the violation.

g. Payment of penalties. An operator will pay a penalty imposed by Commission order within 30 days of the effective date of the order, unless the Commission grants a longer period or unless the operator files for judicial appeal, in which event payment of the penalty will be stayed pending resolution of such appeal. An operator's obligations to comply with the provisions of a Commission order requiring compliance with the Act, or Commission rules, orders, or permits will not be stayed pending resolution of an appeal except by court order.

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2015-00013

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Oil and Gas Conservation Commission**

on 01/05/2015

2 CCR 404-1

PRACTICE AND PROCEDURE

The above-referenced rules were submitted to this office on 01/07/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 20, 2015 11:08:46

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-0

Rule title

2 CCR 406-0 CHAPTER W-0 - GENERAL PROVISIONS 1 - eff 03/02/2015

Effective date

03/02/2015

FINAL REGULATIONS - CHAPTER W-0 - GENERAL PROVISIONS

ARTICLE IV - MANNER OF TAKING WILDLIFE

#004 - AIDS IN TAKING WILDLIFE

- A. Aids Used in Taking Big Game, Small Game and Furbearers - Except as expressly authorized by these regulations, the use of baits and other aids in hunting or taking big game, small game and furbearers is prohibited.
 - 1. Baits
 - a. Furbearers may be taken with the aid of baiting. Where permitted, baits shall consist solely of material of animal or plant origin and shall not contain any materials of metal, glass, porcelain, plastic, cardboard or paper. Wildlife used as bait shall be the carcass, or parts thereof, of legally taken furbearers, carp, shad, white and longnose suckers, and nonedible portions of legally obtained game mammals, birds and game fish.
 - 2. Dogs
 - a. Use of dogs in the taking of wildlife is prohibited except as authorized in Commission Regulations. (See also: §33-4-101.3, C.R.S.)
 - 1. Dogs may be used to hunt or take mountain lion, small game, waterfowl, and furbearers, only as an aid to pursue, bring to bay, retrieve, flush or point, but not otherwise. Except as provided in (2) of this subsection, dogs shall not be used to hunt or take cottontail rabbits, snowshoe hares, and tree squirrels where a regular deer, elk, pronghorn or moose season is in progress.
 - 2. Organized dog pursuit events involving the hunting of rabbits or hares conducted by state or nationally-recognized sporting associations may be conducted on private lands or public lands not concurrently open to big game hunting during the extended dog pursuit season for such species.
 - 3. A valid small game license is required for all dog handlers participating in any dog pursuit event.

ARTICLE V – ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

#007 – IMPORTATION OF TERRESTRIAL WILDLIFE

- D. Except as authorized in writing by the Director for research purposes or immediate slaughter, all wildlife imported into Colorado must be examined by an accredited veterinarian prior to importation and must be accompanied by a valid, preapproved health certificate certifying disease-free status. Minimum specific disease testing results and/or health statements must be included on health certificates for:
 - 1. All captive wild ungulates shall:
 - a. Test negative for brucellosis. The health certificate completed by an accredited veterinarian must include the signed statement that "To the best of my knowledge, animals listed herein are not infected with Paratuberculosis (Johnes Disease) and have not been exposed to animals infected with Paratuberculosis."
 - b. Test negative for bovine tuberculosis using USDA-approved testing procedures appropriate for species in question not more than 60 days prior to importation and must originate from a herd which has had a negative complete herd test for tuberculosis within the past 12 months. A "complete herd test" is defined as tuberculosis testing of all ruminants and camelids on a premises (except domestic cattle, Bison, sheep and goats) using USDA-approved testing procedures appropriate for species in question where all testing is completed during a period not exceeding six (6) consecutive months; or

- c. Originate from a bovine tuberculosis-free herd accredited by another state or province which meets the standards for testing or their equivalent as set forth in (b) above.
- d. Appropriate USDA-approved testing procedures are limited to those referenced in section #006(B)(5) above and others prescribed by the federal Veterinary Service as set forth in Appendix B to this regulation.
- e. If in the family Cervidae, originate from a herd that has been under surveillance for Chronic Wasting Disease for a period of at least 60 months unless the Division and the Colorado Department of Agriculture agree that the associated risk is negligible.
- 2. Testing for bovine tuberculosis in other mammalian species may be required prior to importation if there is reason to suspect that such animals may be infected with the disease.
- 3. All wild species in the sub families Meleagridinae (wild turkey) and Tetraoninae (grouse): Tested negative for *Mycoplasma gallisepticum*, *M. synoviae*, *M. meleagridis* and *Salmonella pullorum*. For groups of grouse imported from the same source in a single shipment, testing is required for only 25% (one of every four) of those birds.
- 4. All elk must be tested prior to importation for evidence of red deer hybridization. Any animal testing positive for red deer hybridization shall not be allowed to be imported into Colorado.
- 5. The offspring of any female elk must be tested for red deer hybridization, at the owner's expense, by December 31 of the year of birth if the calf results from a pregnancy which existed prior to the female elk being imported into Colorado.
- 6. Any offspring, described in 4(e) above, testing positive for red deer hybridization, must be removed from the State of Colorado, at the owner's expense, by June 1 of the year following the year of birth. In all cases, the Division will not compensate owners for these animals.

ARTICLE VII - AQUATIC WILDLIFE

#012 – POSSESSION OF AQUATIC WILDLIFE

- C. Except as provided herein, possession of the following species, their hybrids or viable gametes is prohibited:
 - 1. Amphibians
 - a. Frog, African clawed.
 - b. Frog, Green.
 - c. Toad, Marine.
 - 2. Crustaceans
 - a. Crayfish, Rusty.
 - b. Ponto-Caspian echinogammarid amphipod.
 - c. Shrimp, Killer of the genus *Dikerogammarus*.
 - d. Water Fleas, Fish Hook and Spiny: *Cercopagis pengoi*, *Bythotrephes longimanus*, and *Daphnia lumholtzii*.
 - 3. Fish
 - a. Alewife.
 - b. Bass, Butterfly peacock of the genus *Cichla*, including, but not limited to, *Cichla ocellaris*.
 - c. Bitterling.
 - d. Bowfins: *Amiidae*.
 - e. Burbot (Ling, Freshwater cusk).
 - f. Carp of the following genera: *Catla* (including but not limited to catla); *Catlocarpio* (including but not limited to giant barb); *Carassius*; *Cirrhinus* (including but not limited to silver carp mrigal); *Cyprinus*; *Hypophthalmichthys* (including but not limited to silver carp, bighead carp and largescale silver carp); *Labeo* (including but not limited to rohu); *Mylopharyngodon* (including but not limited to black carp); and

Tor (including but not limited to mahseers). However, grass carp and common carp, including koi and goldfish may be possessed as otherwise provided for in these regulations.

- g. Catfish, Walking.
 - h. Eel, Asian Swamp.
 - i. Gars: *Lepisosteidae*.
 - j. Gobies: *Gobiidae*.
 - k. Ide.
 - l. Loaches of the genus *Misgurnus*, including, but not limited to, Oriental weatherfish, Chinese fine-scaled loach, and the Eurasian weatherfish.
 - m. Perch, African: of the genus *Lates*, including, but not limited to, Nile perch.
 - n. Perch, White.
 - o. Pickerel, Chain.
 - p. Piranha: Including members of the genera *Serrasalmus* and *Pygocentrus*.
 - q. Rudd.
 - r. Ruffe, Eurasian.
 - s. Snakeheads or murrels: Members of the genera *Channa* and *Parachanna*.
 - t. Sticklebacks: Members of the genera *Apeltes*, *Aulorhynchus*, *Gasterosteus* and *Pungitius*.
 - u. Tilapia: All species. However, Blue tilapia, Mozambique tilapia, Nile tilapia, and their hybrids may be imported and possessed for fish culture and educational purposes, provided the fish and their progeny are held in facilities screened or otherwise designed to prevent their escape and are not otherwise released into waters of the state. Screen mesh size shall be no larger than 1/4" diameter. For the purposes of this regulation, "fish culture" means the raising of fish for sale as food or for export, by a licensed aquaculturist, and "educational purposes" means the raising of fish by educational facilities or for public display in public aquaria, zoos, or other similar facilities.
 - v. Trahira: Family Erythrinidae
 - w. Zander.
4. Mollusks
- a. Apple snails: *Pomacea*.
 - b. European valve snail (European stream valvata).
 - c. Giant rams-horn snail.
 - d. Mussel, Quagga.
 - e. Mussel, Zebra.
 - f. Mysterysnails of the genera *Cipangopaludina* and *Viviparus*, including but not limited to Japanese mysterysnail, Chinese mysterysnails, Banded mysterysnail, and Olive mysterysnail.
 - g. New Zealand mudsnail.

Possession of the above species may be authorized as provided by Chapter 13 of these regulations ("Possession of Wildlife, Scientific Collecting and Special Licenses") or Title 35, Article 80, C.R.S. ("Pet Animal Care and Facilities Act"), or as pets in private aquaria. However, release of any of the above species into waters of the state is prohibited. Any person who takes any of the above fish species from the wild in Colorado may take and possess them in any number year round for personal use, provided that the fish are killed prior to transportation from the point of take.

#013 - RELEASE OF AQUATIC WILDLIFE

- D. Licensed aquaculturists may release any species listed in #013.B of these regulations into waters of the state (flowing or standing), upon receipt of an annual letter of authorization from the Division to be sent upon issuance or renewal of the aquaculture license, provided that such release is in accordance with the provisions of regulations #011, #012, #013 and #014, and provided that aquaculturists submit an annual report on a form provided by the Division, containing information regarding the facility of origin, date, species, size, number

and stocking location of all non-salmonid fish, other than grass carp and fathead minnow, released into waters west of the Continental Divide by the aquaculturist in the previous calendar year. Provided further, however, that the stocking of the following species is allowed only if the owner or lessee of the property first obtains a stocking permit, or private or commercial lake license, for that purpose from the Division:

1. Non-salmonid species, in the Upper Colorado River Basin, except for fathead minnow and grass carp into ponds, lakes or reservoirs outside of critical habitat.
2. Northern pike, or tiger muskies, or prohibited species, anywhere in the state.
3. Salmonid species in the mainstem of the Colorado River below Windy Gap Reservoir downstream to the confluence with the Williams Fork River.
4. Any fish in native cutthroat waters.

The waters identified in Appendix C, including the upstream tributaries and drainages, are designated as stocking restricted cutthroat trout waters. Maps and a copy of Appendix C will be provided to all salmonid fish production facilities and with each salmonid importation permit issued by the Division.

#014 – AQUATIC WILDLIFE HEALTH MANAGEMENT

A. Inspection and Certification for Prohibited and Regulated Fish Diseases

3. Testing procedures.

- a. Except for Viral Hemorrhagic Septicemia Virus (VHSV) and as otherwise provided in these regulations, all inspections and testing procedures must be conducted as set forth in the Blue Book: USFWS and AFS-FHS (U.S. Fish and Wildlife Service and American Fisheries Society-Fish Health Section) Current edition. Standard procedures for aquatic animal health inspections. *In* AFS-FHS. FHS Blue Book: Suggested procedures for the detection and identification of certain finfish and shellfish pathogens, 2014 edition. AFS-FHS, Bethesda, Maryland. This document can be viewed and copies obtained at the Division as set forth in the “Incorporated References” section of Chapter 0 of these regulations.
- b. Testing for Viral Hemorrhagic Septicemia Virus (VHSV) shall be conducted by the protocols and procedures of:
 1. The Blue Book: USFWS and AFS-FHS (U.S. Fish and Wildlife Service and American Fisheries Society-Fish Health Section) 2014 edition. Standard procedures for aquatic animal health inspections. *In* AFS-FHS. FHS Blue Book: Suggested procedures for the detection and identification of certain finfish and shellfish pathogens, 2014 edition. AFS-FHS, Bethesda, Maryland, or
 2. The Manual of diagnostics for aquatic animals 2014 edition. of the OIE - World Organisation for Animal Health, 12 rue de Prony 75017 Paris, France.These documents can be viewed and copies obtained at the Division as set forth in the “Incorporated References” section of Chapter 0 of these regulations.

C. Management of Prohibited and Regulated Fish Diseases.

2. Regulated Disease Agents

a. *Myxobolus cerebralis* (Whirling Disease – WD)

1. *Myxobolus cerebralis* testing

- aa. At the time of the annual inspection for whirling disease certification, all facilities in Colorado or facilities importing fish into Colorado shall be tested using either of the two methodologies listed below.

1. Spore Concentration Technique: The facility shall provide at least one lot of live salmonids (minimum lot size of 260 fish) for whirling disease

testing that has been in the facility's water supply for at least 10 months. As a screening procedure, fish shall be tested for the presence of *Myxobolus cerebralis* using a spore concentration technique ("SCT"). Minimum sample size of lots in aggregate shall be determined at the assumed prevalence level of 5% with 95% confidence.

aaa. Any negative finding will be conclusive for the absence of *Myxobolus cerebralis*.

bbb. Any positive finding will be presumptive for the presence of *Myxobolus cerebralis*. All presumptive SCT findings shall be confirmed by PCR. PCR results shall be conclusive as to the presence or absence of *Myxobolus cerebralis*.

2. Polymerase Chain Reaction (PCR) Technique: As an alternative to SCT, susceptible salmonids held at least 4 months in the water supply may be tested by PCR. A positive finding in such instance shall be considered presumptive for the presence of *Myxobolus cerebralis*. Confirmation shall be determined by a second PCR conducted by a different laboratory.

bb. Sample size – for the purpose of annual inspections for *Myxobolus cerebralis*, the minimum sample size for determination of prevalence shall be sixty susceptible fish per water supply in a salmonid fish production facility.

cc. Stocking from facilities which are presumptive for *Myxobolus cerebralis* shall comply with the provisions of release of *Myxobolus cerebralis* positive fish during confirmatory testing. PCR tests for presumptive positives will be the highest priority for testing and every effort will be made to complete the test within 21 days.

dd. For the purpose of conducting confirmatory testing, should it become necessary, at least 100 fish from each lot tested, with at least 200 total fish from tested lots, shall be held at the facility for up to 3 weeks after the initial inspection date.

ee. Diagnostic or incidental observations of *Myxobolus cerebralis* by histology (presence of morphologically correct organisms within salmonid skeletal tissues) shall be presumed positive for the organism. Presumptive findings by histology shall be confirmed by PCR.

2. WD Negative Recertification: In order for the *Myxobolus cerebralis* status of a salmonid fish production facility to change from positive to negative, the owner and/or operator of the facility must complete all of the requirements of either aa or bb below:

aa. Method 1 - Facility modifications and testing for *Myxobolus cerebralis*:

1. Render all originating water sources at the facility free of all fish and enclosed so as to prevent outside contamination by *Myxobolus cerebralis*.
2. Construct all rearing spaces and water conveyances of concrete, fiberglass, steel, or other manufactured impermeable materials that are not conducive to colonization by the alternate oligochaete host(s) of *Myxobolus cerebralis*.

3. Completely purge all sediments from rearing spaces and water conveyances at least once every two months.
4. After completion of steps 1 through 3, have the facility tested and found negative for *Myxobolus cerebralis* according to the following procedures and schedule:
 - aaa. A minimum of three hundred rainbow trout at least four months of age shall be designated as the sentinel lot and must be individually marked by a state fish pathologist. These fish will then be placed in approved rearing spaces selected for optimal exposure, at which time the exposure period shall begin.
 - bbb. Fish shall be collected and tested for *Myxobolus cerebralis* by a qualified fish pathologist during two inspections. A minimum of sixty fish from the sentinel lot, still bearing the previously placed tags, shall be included in each sample. The inspections shall occur at least ten months and at least fourteen months after the exposure period begins if a Spore Concentration Technique (SCT) is used. The testing shall occur at least 8 months and at least 12 months after the exposure period begins if Polymerase Chain Reaction (PCR) is used as the testing technique. The time frame for such testing by PCR may be shortened further if it is determined by the Director after consultation with the Fish Health Board that an additional reduction of the time frame for testing would present a negligible risk of not detecting the presence of *Myxobolus cerebralis*, after consideration of the following criteria:
 1. Water supply(s).
 2. Distance between water supply(s) and rearing spaces.
 3. Nature of connecting pipes and conveyances.
 4. Possibility of fish entering and exiting in water supply lines.
 5. Nature and construction of rearing spaces.
- bb. Method 2 - Testing for *Myxobolus cerebralis* with partial or no facility modification.
 1. A minimum of three hundred rainbow trout at least four months of age shall be designated as a sentinel lot, and must be individually marked by a qualified fish pathologist. These fish will then be placed in approved rearing spaces selected for optimal exposure to *Myxobolus cerebralis*, at which time the exposure period shall begin.
 2. Fish shall be collected and tested for *Myxobolus cerebralis* by a qualified fish pathologist during four inspections. A minimum of sixty fish from the sentinel lots, still bearing the previously placed tags, shall be included in each sample. The inspections shall occur at least ten, fourteen, twenty-four, and twenty-eight months if SCT is used, or at least eight, twelve, twenty, and twenty-four months if a PCR is used as the testing technique after the exposure period begins. A second sentinel lot will be placed in the same rearing spaces after collection of the fourteen month sample for SCT or twelve month sample for PCR. The time frame for testing by PCR may be shortened further if it is

determined by the Director that an additional reduction of the time frame for testing would present a negligible risk of not detecting the presence of *Myxobolus cerebralis* after consideration of the following criteria:

aaa. Water supply(s).

bbb. Distance between water supply(s) and rearing spaces.

ccc. Nature of connecting pipes and conveyances.

ddd. Possibility of fish entering and exiting in water supply lines.

eee. Nature and construction of rearing spaces.

fff. Nature and reliability of treatment technology.

ggg. System redundancy and back-up power supply.

3. Sampling in these inspections will be conducted at a minimum assumed prevalence level of five percent at the ninety-five percent level of confidence per lot at least eight months old; and at a minimum assumed prevalence level of two percent at the ninety five percent level of confidence for the facility as a whole.

cc. Upon satisfactory completion of the requirements under either Method I or Method II, the State Fish Pathologist shall provide certification of negative *Myxobolus cerebralis* status.

3. Operation of *Myxobolus cerebralis* Positive Salmonid Fish Production Facility.

aa. No person shall operate a salmonid fish production facility which has been diagnosed positive for *Myxobolus cerebralis* in salmonid habitat unless an exemption allowing such operation has been granted by the Director after consultation with the Fish Health Board.

1. Applications for such exemptions shall be evaluated based on the following factors:

aaa. The ability of the facility to remediate and regain *Myxobolus cerebralis* negative status, and any Whirling Disease Clean-up Plan (WDCP) submitted by the applicant;

bbb. The risk to native cutthroat trout management habitats;

ccc. The risk to any other salmonid habitats;

ddd. The risk to any recreationally valuable salmonid fishery;

eee. Social and economic impacts to private and public entities, and

fff. The Whirling Disease Management Plan (WDMP) submitted by the applicant.

bb. Applications for exemptions to operate a *Myxobolus cerebralis* positive facility within salmonid habitat shall be submitted to the Director within 60 days of notification that the facility has tested positive for *Myxobolus cerebralis*. Persons that submit timely applications for exemptions shall be

allowed to continue operation, subject to all other applicable regulations, pending the Director's decision. Persons that fail to submit a timely application or have their application for exemption denied shall cease all salmonid fish production operations and shall dispose of the fish located on the facility within 180 days or, if the 60 day notice period runs or the application is denied after April 1st, by October 1st of the following year.

- cc. All applications shall include a Whirling Disease Management Plan (WDMP) and, if the applicant intends to undertake facility remediation, a Whirling Disease Clean-up Plan.
- dd. The WDMP shall include the best management practices (BMP) to be used to minimize the discharge of spores and TAMS into waters of the state should the facility be allowed to continue operation while positive for *Myxobolus cerebralis*, including any temporary operation while the applicant undertakes clean-up of the facility.
 - 1. BMP's for fish production facilities shall, at a minimum, specifically describe or address the following factors:
 - aaa. The *Myxobolus cerebralis* status of fish brought onto the facility;
 - bbb. The size of fish brought onto the facility;
 - ccc. The size of fish introduced into earthen ponds;
 - ddd. Facility construction and operation;
 - eee. Disinfection procedures;
 - fff. Disposition of mortalities;
 - ggg. Species to be reared;
 - hhh. Treatment of effluent;
 - iii. Exposure of vulnerable-sized fish to temperatures optimum for TAM production;
 - jjj. Monitoring of effluent for spore/TAM levels, and;
 - kkk. Any other site specific or disease considerations.
- ee. Persons granted an exemption to operate a *Myxobolus cerebralis* positive facility within salmonid habitat shall:
 - 1. Comply at all times with the terms and conditions of any exemption granted by the Director, including, but not limited to, compliance with WDMP and the BMPs approved for the facility;
 - 2. Submit an annual report to the Division by the anniversary date of the exemption. The annual report shall address operation of the facility and compliance with terms and conditions of the exemption. An annual site inspection may be conducted to determine compliance with the terms and conditions of the exemption.
- ff. Exemptions granted by the Director shall be valid unless the applicant fails to comply with the terms of the exemption, fails to submit an annual report,

or new and significant information regarding the risks associated with continued operation of the *Myxobolus cerebralis* positive facility, or the availability of BMPs which would improve management of the infection, supports modification of the WDMP and the exemption or revocation of the exemption.

4. Release of *Myxobolus cerebralis* Positive Fish

- aa. No live salmonid originating from a facility which has been diagnosed positive or presumptive for *Myxobolus cerebralis* may be released into salmonid habitat unless an exemption allowing such stocking has been granted by the Director after consultation with the Fish Health Board.
- bb. Applications for exemptions shall be submitted to the Director at least 60 days prior to any proposed stocking.
- cc. Applications for stocking exemptions shall be evaluated based on the following factors:
 - 1. The risk to native cutthroat trout management habitats, any other salmonid habitats or any recreationally valuable salmonid fishery, including consideration of:
 - aaa. M.C. status of free-ranging fish in the water proposed for stocking;
 - bbb. Proximity to native cutthroat trout waters or planned cutthroat trout recovery areas;
 - ccc. Size and species of salmonids to be stocked;
 - ddd. The prevalence or intensity of *Myxobolus cerebralis* infection in and the total number of salmonids to be stocked;
 - eee. Connection of the water proposed for stocking to other public or private water at any time during the year;
 - fff. The presence of naturally reproducing salmonid species in connected waters;
 - ggg. The prevalence or intensity of *Myxobolus cerebralis* infection, if any, in naturally reproducing salmonid populations present in connected waters;
 - hhh. The presence and *Myxobolus cerebralis* status of fish production or distribution facilities in connected waters;
 - iii. The physical and operational, if an impoundment, characteristics of the water to be stocked;
 - jjj. Any other factor which determined by the Director to be important in determining the risk to fish or fish habitat.
- 2. Social and economic impacts to private and public entities, and;
- 3. The Whirling Disease Management Plan (WDMP) submitted by the applicant.

dd. All applications for stocking exemptions shall include a Whirling Disease Management Plan (WDMP). The WDMP shall include the best management practices (BMP's) to be used to minimize the discharge of spores and TAMS to waters of the state due to the stocking of the fish. BMP's for fish stocking shall, at a minimum, specifically describe or address the following factors:

1. Size of *Myxobolus cerebralis* positive fish to be stocked;
2. Species of *Myxobolus cerebralis* positive fish to be stocked;
3. Facility construction and operation;
4. Disinfection procedures;
5. Disposition of mortalities;
6. Treatment of effluent;
7. Exposure of vulnerable-sized fish to temperatures optimum for TAM production;
8. Monitoring effluent for spore/TAM levels, and;
9. Any other site specific or disease considerations.

ee. Persons granted a stocking exemption shall:

1. Comply at all times with the terms and conditions of any exemption granted by the Director, including, but not limited to, compliance with WDMP and the BMPs approved for the stocking.
2. Submit an annual report to the Division on the anniversary date of the exemption. The annual report shall address compliance with terms and conditions of the exemption. An annual site inspection may be conducted to determine compliance with the terms and conditions of the exemption.

ff. Exemptions granted by the Director shall be valid unless the applicant fails to comply with the terms of the exemption, fails to submit an annual report, or new and significant information regarding the risks associated with the stocking of *Myxobolus cerebralis* positive fish, or the availability of BMPs which would improve management of the infection, supports modification of the WDMP and the exemption, or revocation of the exemption.

b. *Renibacterium salmoninarum* (Bacterial Kidney Disease - BKD)

1. Bacterial Kidney Disease Management Plans: Within 30 days of finding and notification that an in-state fish production facility is positive for *Renibacterium salmoninarum*, the owner shall submit a written management plan to the Fish Health Board and to the Director. The plan shall address possible sources of infection, species of fish, types of rearing containers, disinfection, eradication and avoidance of recurrence of the pathogen, and the proposed disposition of positive fish. Within 30 days after submittal, the Fish Health Board shall review the plan and submit it with a recommendation for approval, rejection or modification to the Director. The Director shall then have 15 days to approve, reject, or modify the plan. Before making a final decision, the Director will consider the recommendation of the Fish Health Board and the effectiveness of

the plan in controlling and managing the pathogen in the fish production facility.

2. Re-establishment of Negative Status for BKD: In order for the *Renibacterium salmoninarum* status of a fish production facility or free-ranging fish population to change from positive to negative, the owner and/or operator of the facility must complete all of the requirements of either a or b below:

- aa. Method 1 - Testing for *Renibacterium salmoninarum* without depopulation:

After twelve months and the completion of three consecutive negative inspections at least three months apart, a qualified fish pathologist shall provide notification that the facility or population is considered negative for *Renibacterium salmoninarum*.

- bb. Method 2 - De-population of lots testing positive and testing for *Renibacterium salmoninarum*:

After de-population of lots testing positive and the completion of two consecutive negative inspections at least three months apart, the qualified fish pathologist shall provide notification that the facility or population is considered negative for *Renibacterium salmoninarum*.

3. No person shall release into any fish production facility or into any waters of this state live salmonid fish or gametes from a free-ranging fish population or fish production facility which is positive for *Renibacterium salmoninarum*, (the causative agent of Bacterial Kidney Disease) except as allowed herein.

- aa. Release is limited to waters and fish production facilities approved by the Director. Waters will not be approved if such stocking is determined to be a significant threat to:

1. any other federal, state, or permitted fish production facility; or
2. stocking restricted cutthroat trout waters identified in Appendix C; or
3. any other free-ranging salmonid fish populations determined to be of special importance to Colorado's fishery resources, considering the uniqueness of the resource, use and/or potential for use as a source of brood fish or gametes.

A list of approved waters and fish production facilities and the maps indicating the location of stocking restricted cutthroat trout waters are available from the manager of the Aquatic Resources Section of the Division, 6060 Broadway, Denver, CO 80216.

- bb. The owner and/or operator of a fish production facility receiving gametes from a free-ranging fish population or fish production facility which is positive for *Renibacterium salmoninarum* shall have the progeny tested for *Renibacterium salmoninarum* prior to movement of the progeny from the facility.

- c. *Aeromonas salmonicida* (Furunculosis): No live salmonid fish originating from a facility which has been diagnosed positive for *Aeromonas salmonicida* (Furunculosis) may be stocked within stocking restricted cutthroat trout waters identified in Appendix C.

1. A state, federal or licensed aquaculture facility shall be considered negative

upon the completion of a negative inspection at least 60 days after a positive diagnosis of *Aeromonas salmonicida* (Furunculosis).

2. Eggs originating from a facility which has been diagnosed positive for *Aeromonas salmonicida* (Furunculosis) shall be disinfected both at the point of origin and at their destination, using the method as set forth in #014 Aquatic Wildlife Health Management of these regulations.
- d. Infectious Pancreatic Necrosis Virus (IPNV): Any aquaculture facility found positive for Infectious Pancreatic Necrosis Virus (IPNV) shall be subject to virus eradication efforts approved by the Director at the owner's expense within one calendar year of the positive finding.
1. No person shall import into Colorado or release into any waters of this state live salmonid fish or gametes (eggs or sperm) from a water or facility in which Infectious Pancreatic Necrosis Virus (IPNV) has been identified without a plan for the eradication of the virus and disposition of affected fish approved by the Director. Upon a positive finding of Infectious Pancreatic Necrosis Virus (IPNV) in an aquaculture facility in Colorado, the owner shall have 60 days to submit a written plan to the Fish Health Board for the eradication of the pathogen and disposition of the fish. The Fish Health Board shall have 30 days to review the plan and submit it with a recommendation for approval, rejection or modification to the Director. Before making a final decision, the Director will consider the recommendation of the Fish Health Board and the effectiveness of the process outlined in the plan to eradicate the pathogen from the aquaculture facility. No salmonid fish or gametes (eggs or sperm) from a water or facility in which Infectious Pancreatic Necrosis Virus (IPNV) has been identified shall be released into any water of this state without an approved plan. In addition, no live salmonid fish or gametes (eggs or sperm) originating from an aquaculture facility or free-ranging fish population which has been diagnosed positive for Infectious Pancreatic Necrosis Virus (IPNV) may be stocked if determined by the Director to be a threat to: (A) any other federal, state or permitted aquaculture facilities or (B) stocking restricted cutthroat trout waters identified in Appendix C or (C) free-ranging salmonid populations used or intended for use as gamete (eggs or sperm) sources for state, federal or permitted aquaculture facilities or (D) any other free-ranging salmonid fish populations determined by the Director to be of special importance to Colorado's fishery resources. Criteria for D will include uniqueness of the resource and potential for use as a source of brood fish or gametes.
 2. Aquaculture facilities that have undergone adequate efforts to eradicate IPNV may again be considered negative 90 days after the reintroduction of sentinel fish and upon the completion of two negative inspections on all lots present at least eight weeks apart. For these purposes, sentinel fish shall consist of either rainbow trout or brook trout fry between one day and 42 days old.
 3. Free-ranging fish populations found positive for IPNV may again be considered negative upon the completion of at least three consecutive negative inspections at least four (4) months apart over a period of at least 24 months.

Appendix E - Species Scientific Name Index

A. The following is a list of species referred to in Wildlife Commission Regulations (see Chapter 11 for domestic animals and unregulated wildlife.)

1. Amphibians

African clawed frog	<i>Xenopus laevis</i>
Boreal (Western) toad	<i>Anaxyrus boreas boreas</i>
Boreal chorus frog	<i>Pseudacris maculata</i>
Bullfrog	<i>Lithobates catesbeiana</i>
Canyon treefrog	<i>Hyla arenicolor</i>
Couch's spadefoot	<i>Scaphiopus couchii</i>
Great Basin spadefoot	<i>Spea intermontana</i>
Great Plains toad	<i>Anaxyrus cognatus</i>
Green frog	<i>Lithobates clamitans</i>
Green toad	<i>Anaxyrus debilis</i>
Marine toad	<i>Rhinella marina</i>
Mexican spadefoot	<i>Spea multiplicata</i>
Northern cricket frog	<i>Acris crepitans</i>
Northern leopard frog	<i>Lithobates pipiens</i>
Plains leopard frog	<i>Lithobates blairi</i>
Plains spadefoot	<i>Spea bombifrons</i>
Red-spotted toad	<i>Anaxyrus punctatus</i>
Tiger salamander	<i>Ambystoma spp.</i>
Western narrow-mouthed toad	<i>Gastrophryne olivacea</i>
Wood frog	<i>Lithobates sylvatica</i>
Woodhouse's toad	<i>Anaxyrus woodhousii</i>

3. Crustaceans

Killer Shrimp	<i>Dikerogammarus villosus</i>
Ponto-Caspian echinogammarid amphipod	<i>Echinogammarus ischnus</i>
Rusty crayfish	<i>Orconectes rusticus</i>

4. Fish

Alewife	<i>Alosa pseudoharengus</i>
Arctic char	<i>Salvelinus alpinus</i>
Arkansas darter	<i>Etheostoma cragini</i>
Asian swamp eel	<i>Monopterus albus</i>
Bighead carp	<i>Hypophthalmichthys nobilis</i>
Bitterling	<i>Rhodeus sericeus</i>
Black carp	<i>Mylopharyngodon piceus</i>
Black crappie	<i>Pomoxis nigromaculatus</i>
Blue catfish	<i>Ictalurus furcatus</i>
Blue tilapia	<i>Oreochromis aureus</i>
Bluegill	<i>Lepomis macrochirus</i>
Bluehead sucker	<i>Catostomus discobolus</i>
Bonytail	<i>Gila elegans</i>
Brassy minnow	<i>Hybognathus hankinsoni</i>
Brook trout	<i>Salvelinus fontinalis</i>
Brown trout	<i>Salmo trutta</i>
Bullhead catfish	<i>Ameiurus melas</i>
Burbot	<i>Lota lota</i>
Butterfly peacock bass	<i>Cichla ocellaris</i>
Catla	<i>Catla catla</i>
Chain pickerel	<i>Esox niger</i>
Channel catfish	<i>Ictalurus punctatus</i>
Chinese fine-scaled loach	<i>Misgurnus mizolepis</i>

Colorado roundtail chub
 Colorado squawfish
 Common shiner
 Cutbow
 Cutthroat trout
 Drum
 Eurasian ruffe
 Eurasian weatherfish
 Fathead minnow
 Flannelmouth sucker
 Flathead catfish
 Flathead Chub
 Giant barb
 Gizzard shad
 Golden trout
 Goldfish
 Grass carp
 Grayling
 Green sunfish
 Greenback cutthroat trout
 Humpback chub
 Ide
 Iowa darter
 Koi
 Kokanee salmon
 Lake chub
 Lake trout (Mackinaw)
 Largemouth bass
 largescale silver carp
 Longnose sucker
 Mosquitofish
 Mountain whitefish
 Mozambique tilapia
 Mrigal
 Nile perch
 Nile tilapia
 Northern pike
 Northern redbelly dace
 Oriental weatherfish
 Plains minnow
 Plains orangethroat darter
 Plains topminnow
 Pumpkinseed sunfish
 Rainbow smelt
 Rainbow trout
 Razorback sucker
 Redear sunfish
 Rio Grande chub
 Rio Grande sucker
 River shiner
 Rohu
 Rudd
 Sacramento perch
 Sauger
 Saugeye
 Silver carp
 Smallmouth bass
 Southern redbelly dace

Gila robusta
Ptychocheilus lucius
Luxilus cornutus
Oncorhynchus clarkii X *Oncorhynchus mykiss*
Oncorhynchus clarkii
Aplodinotus grunniens
Gymnocephalus cernuus
Misgurnus fossilis
Pimephales promelas
catostomus platyrhynchus
Pylodictis olivaris
Platygobio gracilis
Catlocarpio siamensis
dorosoma cepedianum
Oncorhynchus aguabonita
Carassius auratus
Ctenopharyngodon idella
Thymallus arcticus
Lepomis cyanellus
Oncorhynchus clarki stomias
Gila cypha
Leuciscus idus
Etheostoma exile
Cyprinus carpio carpio
Oncorhynchus nerka
Couesius plumbeus
Salvelinus namaycush
Micropterus salmoides
Hypophthalmichthys harmandi
Catostomus catostomus
Gambusia affinis
Prosopium williamsoni
Oreochromis mossambicus
Cirrhinus cirrhosis
Lates niloticus
Oreochromis niloticus
Esox lucius
Phoxinus eos
Misgurnus anguillicaudatus
Hybognathus placitus
Etheostoma spectabile
Fundulus sciadicus
Lepomis gibbosus
Osmerus mordax
Oncorhynchus mykiss
Xyrauchen texanus
Lepomis microlophus
Gila pandora
Catostomus plebeius
Notropis blennioides
Labeo rohita
Scardinius erythrophthalmus
Archoplites interruptus
Sander canadensis
Sander vitreum X *Sander canadensis*
Hypophthalmichthys molitrix
Micropterus dolomieu
Phoxinus erythrogaster

Speckled dace
Splake
Spotted bass
Stonecat
Striped bass
Suckermouth minnow
Tench
Tiger muskie
Tiger trout
Trahira
Walking catfish
Walleye
White bass
White crappie
White perch
White sucker
Wiper
Yellow perch
Zander

Rhinichthys osculus
Salvelinus namaycush X *Salvelinus fontinalis*
Micropterus punctulatus
Noturus flavus
Morone saxatilis
Phenocobius mirabilis
Tinca tinca
Esox lucius X *Esox masquinongy*
Salmo trutta X *Salvelinus fontinalis*
Hoplias malabaricus
Clarias batrachus
Sander vitreus
Morone chrysops
Pomoxis annularis
Morone americana
Catostomus commersonii
Morone chrysops X *Morone saxatilis*
Perca flavescens
Sander lucioperca

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**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-01209

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado Parks and Wildlife (406 Series, Wildlife)**

on 01/14/2015

2 CCR 406-0

CHAPTER W-0 - GENERAL PROVISIONS

The above-referenced rules were submitted to this office on 01/20/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 23, 2015 17:12:04

A handwritten signature in black ink, appearing to read "DD", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-2

Rule title

2 CCR 406-2 CHAPTER W-2 - BIG GAME 1 - eff 03/02/2015

Effective date

03/02/2015

FINAL REGULATIONS - CHAPTER W-2 - BIG GAME

ARTICLE I - GENERAL PROVISIONS

#200 - DEFINITIONS

See also §33-1-102 C.R.S. and Chapter 0 of these regulations for other applicable definitions.

- A. "Antlered" means any deer, elk, or moose with an antler or antlers of at least five (5) inches in length as measured on the outside curve of the antler from the skull to the tip.
- B. "Antlerless" means any deer, elk, or moose; including fawn deer and calf elk or moose; without antlers or with antlers of less than five (5) inches in length.
- C. "Antler Point" means a projection of the antler at least one (1) inch long and which is longer than the width of its base.
- D. Bighorn Sheep:
 - 1. "One-half (1/2) curl ram" means: A male sheep with a horn or horns that have one (1) or both tips grown at least through one-half (1/2) or 180 degrees of a circle to be measured by first establishing a reference line which bisects the eye and the base of the ear; and which has horn tips which have grown at least as far as the projection of this reference line.
 - 2. "Three-quarter (3/4) curl ram" means: A male sheep with a horn or horns that have one or both tips grown at least through three-quarters (3/4) or 270 degrees of a circle to be measured by first establishing a reference line which bisects the eye and the base of the ear; then by establishing a line which intersects the reference line at the base of the ear, and is perpendicular thereto; and which has horn tips which have grown at least as far as the downward projection of the perpendicular line.
 - 3. "Ewe" means: any female sheep having a horn or horns of at least five (5) inches in length as measured on the outside curve of the horn from the skull to the tip.
- E. "Brow tine" means a projection of the antler at least five (5) inches long located on the lower half of the antler.
- F. "Buck" means any pronghorn with a black cheek patch and a horn or horns of at least five (5) inches in length as measured on the outside curve of the horn from the skull to the tip, excluding any prong or point occurring between base (skull) and tip.
- G. "Doe" means any pronghorn; including fawn pronghorn; without horns, or with a horn or horns of less than five (5) inches in length.
- H. "Game Management Objectives" means specific data analysis unit (DAU) objectives relative to long- term population and/or sex ratio objectives.
- I. "Intermingled Lands" means lands where: 1) private land deeded to one landowner completely surrounds public land, or 2) public land is intermingled with private lands owned by a landowner where a quantified access component exists, the landowner possesses some ability to affect

game management on the adjacent public land, and the issuance of licenses valid on both private and public lands would help to achieve game management objectives.

J. “Habitat Evaluation Committee (HEC)” means local advisory committees established in units where the Wildlife Landowner Conservation pilot program is implemented.

K. Definitions related to Landowner Preference Program.

1. **“Agricultural Land”** means lands classified for the purposes of taxation as agricultural.
2. **“Broker”** means for a third party to transfer a voucher for compensation or any other consideration, or otherwise arrange for such transfer, on behalf of the landowner, or land manager or on behalf of any individual.
3. **“Land manager”** means an individual designated in writing by the landowner who is 1) a ranch manager, property manager, business partner, employee, or relative of the landowner who has control of the property or 2) a licensed outfitter or other individual who has entered into a written agreement with the landowner for control of the hunting operations on the property, and who has a working knowledge of the property, including but not limited to, boundaries and access points.
4. **“Landowner”**- means a person that owns private agricultural land in Colorado, as shown by a recorded deed.
5. **“Transfer”**- means to buy, sell, assign, trade, exchange, acquire or otherwise arrange to buy, sell, assign, trade, exchange, acquire or dispose of a voucher.
6. **“Immediate family”**- means the landowner’s spouse, parents, grandparent, children, grandchildren, and sibling including in-law and step relations.
7. **“Voucher”**- means a document issued by the division, authorizing the landowner or any individual to whom the document is lawfully transferred to purchase a hunting license for the unit, species, sex and season printed on the document.
8. **“Landowner Preference Program”** – means the license preference program for owners of private agricultural land established by § 33-4-103, C.R.S., and any implementing regulations adopted pursuant thereto.

#201 - LICENSE FEES

A. Big Game License Fees

1. Nonresident Big Game Licenses

I In accordance with the provisions of §33-4-102, C.R.S., nonresident big game fees for the year 2015 shall be as follows:

Nonresident License Type	2014 License Fee	2015 Statutory Maximum License Fee*	2015 License Fee**
Pronghorn	\$360	\$371.35	\$370
Deer	\$360	\$371.35	\$370
Elk	\$600	\$618.91	\$615

Bear	\$600	\$618.91	\$615
Mountain lion	\$600	\$618.91	\$615
Moose	\$2,005	\$2,063.03	\$2,060
Mountain goat	\$2,005	\$2,063.03	\$2,060
Rocky Mountain bighorn sheep	\$2,005	\$2,063.03	\$2,060
Desert bighorn sheep	\$1,335	\$1,375.36	\$1,375
*Based on cumulative Consumer Price Index increase since 2000. **Adjusted after application of Consumer Price Index by rounding down to the nearest \$5.00 increment, in whole numbers.			

a. All licenses sold through March 2016 shall be sold at 2015 license fees.

2. Nonresident License Fee Reduction:

In accordance with the provisions of §33-4-102, C.R.S., the following nonresident big game license fees shall be reduced to the fee specified herein, from the level set forth in §33-4-102, C.R.S.:

Nonresident License Type	2014 License Fee	2015 License Fee
Nonresident Bear	\$350.00	\$350.00
Nonresident Mountain Lion	\$350.00	\$350.00
Nonresident Antlerless Elk	\$450.00	\$460.00*
Nonresident Antlerless Elk license fee is set at 75% of Elk Nonresident License Fee rounded down to the nearest \$5.00 increment, in whole numbers.		

B. Combination Big Game/Annual Fishing Licenses for Nonresidents

- Big game licenses issued to non-residents shall be issued as combination Big Game/Annual Fishing licenses, and for each such combination license purchased each year by a nonresident \$10 of the above license fee shall be allocated to the fishing portion of such combination license.

#202 - HUNTING HOURS

- Big game may be taken from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

#203 - MANNER OF TAKE

See also #000 in Chapter 0 of these regulations for other applicable manner of take definitions.

- A. The following are legal methods of take for all species and seasons listed in this chapter, except as otherwise noted. Any method of take not listed herein shall be prohibited, except as otherwise provided by statute or these regulations:
1. Rifles using center-fire cartridges of .24 caliber or larger, having expanding bullets of at least seventy (70) grains in weight, except for elk and moose where the minimum bullet weight is eighty-five (85) grains, and with a rated impact energy one hundred (100) yards from the muzzle of at least one thousand (1000) foot pounds as determined by the manufacturer's rating, and except for mountain lion where any center-fire rifle using bullets of at least 45 grains and producing at least 400 foot pounds of energy at the muzzle may be used. Provided further that any semiautomatic rifle used shall not hold more than six (6) rounds in the magazine and chamber combined. A fully automatic rifle is prohibited.
 2. Muzzle-loading rifles and smoothbore muskets, provided the minimum caliber shall be forty (.40) for all big game except elk and moose. The minimum caliber for elk and moose shall be fifty (.50). All muzzle-loading rifles and smoothbore muskets from forty (.40) caliber through fifty (.50) caliber must use a bullet of at least 170 grains in weight. All muzzle-loading rifles and smoothbore muskets greater than fifty (.50) caliber must use bullets of at least 210 grains in weight.
 - a. During the muzzle-loading firearms seasons for deer, elk, pronghorn, bear, and moose only lawful muzzle-loaders and smoothbore muskets may be used by muzzle-loading license holders.
 - b. During the muzzle-loading firearm seasons for deer, elk, pronghorn, bear, and moose the following additional restrictions apply:
 1. Propellant/Powders: The use of pelletized powder systems and smokeless powder are prohibited.
 2. Projectiles: Sabots are prohibited. For the purposes of this regulation cloth patches are not sabots.
 3. Loading: Firearms must load from the muzzle. Firearms which can be loaded from the breech are prohibited.
 4. Sights: Any muzzle-loading rifle or smoothbore musket with any sighting device other than open or "iron" sights is prohibited.
 5. Electronic or battery-powered devices cannot be incorporated into or attached to the muzzle-loading firearm.
 3. Handheld bows, including compound bows, using arrows equipped with a broadhead with an outside diameter or width of at least 7/8ths of an inch with no less than two steel cutting edges. Each cutting edge must be in the same plane throughout the length of the cutting surface.
 - a. During the archery seasons for deer, elk, pronghorn, bear, sheep, goat, and moose, only lawful hand-held bows may be used by archery license holders.
 - b. Bows must have a minimum draw weight of 35 pounds. The let-off percentage shall not exceed 80%.

- c. No portion of the bow's riser (handle) or any track, trough, channel, arrow rest or other device, excluding the cable(s) and bowstring, that attaches to the bow's riser can contact, support and/or guide the arrow from a point rearward of the bow's brace height.
 - d. Bows can propel only a single arrow at a time and no mechanism for automatically loading arrows is allowed.
 - e. Equipment using scopes, electronic or battery-powered devices cannot be incorporated into or attached to the bow or arrow, with the exception of lighted nocks on arrows and recording devices on bows that cast no light towards the target and do not aid in range finding, sighting, or shooting the bow.
 - f. Hydraulic or pneumatic technology cannot be used to derive or store energy to propel the arrow. Explosive arrows are prohibited.
4. Shotguns, no smaller than twenty (20) gauge and firing a single slug.
5. Crossbows, provided the minimum draw weight is at least one hundred twenty-five (125) pounds and has a minimum draw length of fourteen (14) inches as measured from the front of the bow to the nocking point of the draw string and contain a positive mechanical safety device. In addition, the bolt must be at least sixteen (16) inches in length equipped with a broadhead with an outside diameter or width of at least 7/8th of an inch with no less than two steel cutting edges and each cutting edge must be in the same plane throughout the length of the cutting surface.
- a. Crossbows are not legal during the archery seasons for deer, elk, pronghorn, bear, sheep, goat, and moose.
6. Handguns, provided they have a minimum barrel length of four (4) inches and comply with the following criteria:
- a. Except for mountain lion, use a .24 caliber or larger diameter expanding bullet with a rated impact energy of at least 550 ft. pounds at 50 yards as determined by the manufacturer.
 - b. For mountain lion only, use a centerfire handgun using bullets of at least 45 grains and producing at least 400 foot pounds of energy at the muzzle, as determined by the manufacturer.

#204 - VACANT

#205 - ANNUAL BAG LIMITS AND MAXIMUM NUMBERS OF LICENSES PER PERSON

- A. Deer, elk, pronghorn, black bear, mountain lion, moose, rocky mountain bighorn sheep, and mountain goat

The annual bag and possession limit for deer, elk, pronghorn, black bear, mountain lion, rocky mountain bighorn sheep, and mountain goat shall be the total number of animals taken on all licenses which can be legally obtained by the hunter for each species during that license year, as established in the following lists. Big game taken during a hunting season established as a portion of the preceding license year's hunting seasons shall be counted as part of the preceding year's bag limit. When a license allows hunting in more than one Game Management Unit, the unit listed in the hunt code on the license shall determine the maximum number of annual licenses a license holder may obtain for that species.

Notwithstanding the ("List A," "List B," "List C") license categories set forth in this regulation, any license that is administratively converted to a private-land-only license as part of the Landowner Preference Program will retain the ("List A," "List B," "List C") status of its original hunt code.

1. Deer

- a. One License - Any hunter may obtain one deer license.
- b. Two Licenses - A hunter may obtain two deer licenses if at least one of them is:
 - 1. a private land only antlered license for GMUs 29, 38, 51, 391 and 461.
 - 2. a private land only antlerless license,
 - 3. an over-the-counter either-sex whitetail only license,
 - 4. an either-sex whitetail only license, except Ranching for Wildlife license, for GMUs 59, 69, 84, 581,
 - 5. an antlerless whitetail only license, except Ranching for Wildlife license, or
 - 6. an antlerless license, except for Ranching for Wildlife license, for GMUs 15, 18, 20, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 47, 181, 361, 371, 421, 444, 471.
 - 7. a license issued for hunt code DE089S2R or DE093S2R.
- c. Any Number of Licenses - A hunter may also obtain any number of the following deer licenses:
 - 1. an auction license,
 - 2. a raffle license,
 - 3. a game damage license,
 - 4. a special population management license (except that a hunter may not purchase more than one extra antlerless Ranching for Wildlife license as provided in #271(A)(2)) , a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments,
 - 5. a disease management license,
 - 6. a replacement license for an animal found CWD positive,
 - 7. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
 - 8. a Youth Outreach license, as provided in #206(B)(4)(d).
 - 9. a license issued for hunt code DF029P5R, DF056L1R, DF085P5R, DF089S2R, DF091S3R, DF092S3R, DF093S2R, DF096S3R, DF096S5R, DF101S2R, DF104L3R, or DF481L1R.

2. Elk
 - a. One License - Any hunter may obtain one elk license.
 - b. Two Licenses - A hunter may obtain two elk licenses if at least one of them is
 1. a private land only antlerless license,
 2. an over the counter antlerless archery license,
 3. an antlerless license, except for Ranching for Wildlife license, issued for GMUs 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 47, 50, 52, 54, 59, 82, 83, 85, 86, 131, 133, 134, 140, 141, 142, 161, 171, 181, 201, 211, 214, 231, 301, 361, 371, 411, 421, 441, 444, 471, 500, 501, 511, 512, 521, 581, 591, 682, 691, 791, 851, or 861,
 4. a license issued for hunt code EE082P5R, EM682P5R, or EM682P6R.
 - c. Any Number of Licenses - A hunter may also obtain any number of the following elk licenses:
 1. antlerless private land only license for GMUs 55, 391, 461 or 551,
 2. any over the counter either-sex license, except archery license, issued for GMUs 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 132, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, or 951,
 3. a license issued for hunt code EF003E1R, EF020L3R, or EF128L1R,
 4. an auction license,
 5. a raffle license,
 6. a game damage license,
 7. a special population management license (except that a hunter may not purchase more than one extra antlerless Ranching for Wildlife license as provided in #271(A)(2)) , a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments,
 8. a disease management license,
 9. a replacement license for an animal found CWD positive,
 10. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
 11. a Youth Outreach license, as provided in #206(B)(4)(d).
3. Pronghorn

- a. One license - Any hunter may obtain one pronghorn license.
- b. Two licenses - A hunter may obtain two pronghorn licenses if at least one of them is:
 - 1. a private land only license,
 - 2. a doe license, except for Ranching for Wildlife license, issued for GMUs 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146 or 147,
- c. Any Number of Licenses - A hunter may also obtain any number of the following pronghorn licenses:
 - 1. an auction license,
 - 2. a raffle license,
 - 3. a game damage license, if available,
 - 4. a special population management license, a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments,
 - 5. a disease management license, if available,
 - 6. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
 - 7. a Youth Outreach license, as provided in #206(B)(4)(d).

4. Bear

- a. One license - Any hunter may obtain one bear license.
- b. Two licenses - A hunter may obtain two bear licenses if at least one of them is a private land only license or a bear license in GMUs 35, 36, 43, 44, 45, 47, 361, 444, or 471.
- c. Any Number of Licenses - A hunter may also obtain any number of the following bear licenses:
 - 1. a game damage license, if available,
 - 2. a disease management license, if available,
 - 3. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)),
 - 4. a special population management license, a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments.

- 5. a license issued for hunt code BE087U5R,
- 5. Moose
 - a. One License - Any hunter may obtain one moose license. The lifetime bag limit for antlered moose is one, except when taken on an auction or raffle license. Any person who harvests an antlered moose shall be ineligible to draw either an antlered or either-sex license.
 - b. Any Number of Licenses - A hunter may also obtain any number of the following moose licenses:
 - 1. an auction license,
 - 2. a raffle license,
 - 3. a game damage license, if available,
 - 4. a special population management license, a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments,
 - 5. a disease management license, if available,
 - 6. a replacement license for an animal found CWD positive,
 - 7. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
- 6. Mountain Lion
 - a. One License - Any hunter may obtain one mountain lion license.
 - b. Any Number of Licenses - A hunter may also obtain any number of the following mountain lion licenses:
 - 1. a game damage license, if available,
 - 2. a disease management license, if available,
 - 3. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
- 7. Bighorn Sheep
 - a. One License - Any hunter may obtain one rocky mountain bighorn sheep license or one desert bighorn sheep license. The lifetime bag limit for desert bighorn sheep is one. Provided further that application restrictions in regulation #206 apply.
 - b. Any Number of Licenses - A hunter may obtain any number of the following bighorn sheep licenses:

1. an auction or raffle license for rocky mountain bighorn sheep,
 2. a special bighorn sheep management license, a special allocation Ranching for Wildlife license for donation to youths or hunters with mobility impairments,
 3. a disease management license, if available,
 4. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
8. Mountain Goat
- a. One License - Any hunter may obtain one mountain goat license. Provided further that application restrictions in regulation #206 apply.
 - b. Any Number of Licenses - A hunter may obtain any number of the following mountain goat licenses:
 1. an auction or raffle license for mountain goat,
 2. a special mountain goat management license, if available,
 3. a disease management license, if available,
 4. a rewards program license (except that a hunter may not be issued more than one Turn In Poachers (TIPS) license per year, as provided in #002(H)(11)(b)).
- B. Exceptions to Bag Limit Calculation The following big game animals shall not be counted against an annual bag and possession limit for that species:
1. Accidental Hunter Take: Any big game animal accidentally taken by a hunter, provided that prior to any further hunting the individual self-reports the incident to the Division as soon as practicable and the Division verifies the claim of accidental kill. For the purposes of this regulation an "accidental kill" means any unintentional taking of wildlife not resulting from carelessness or negligence on the part of the hunter.
 - a. Determination of whether the taking involves carelessness or negligence shall be based on a consideration of the totality of circumstance surrounding the taking including but not necessarily limited to, number of shots fired, number of animals present, number of animals killed or wounded, type of firearm or ammunition used, angle and distance of shot, species of animal, topography, ground cover, and light or weather conditions.
 2. Accidental Vehicle Kills: Any big game animal accidentally killed by a motor vehicle or train shall not be counted against an annual bag limit for that species.
 3. Damage Kills: Any big game animal causing damage and taken under the authority of §33-3-106 C.R.S.
 4. Southern Ute Tribal Lands: Any big game animal taken on a Southern Ute Tribal Lands permit.

#206 - APPLICATIONS AND DRAWINGS FOR LIMITED LICENSES

- A. Exceeding of Quota: The Division shall only exceed the number of licenses authorized by the Commission:
1. If there is proof of Division error in the application for or issuance of a limited license, provided that the director or his designee determines there will be no detrimental impact to the subject wildlife population.
 2. To issue licenses to hunters with mobility impairments or United States Armed Services Wounded Warrior hunters, who qualify for such licenses in accordance with regulation #206(B)(4)(e) or #206(B)(4)(f), provided there is no detrimental impact to the established herd population and sex ratio objectives. For each of these two programs:
 - no more than 100 limited antlerless deer, 100 limited doe pronghorn, and 200 limited antlerless elk licenses may be issued each year.
 - no more than 100 total antlered or either-sex licenses for deer or elk and buck pronghorn licenses in the aggregate may be issued each year.Provided further, that limited license numbers for wildlife ranching properties cannot exceed the levels established by the Division and the landowner on the Ranching for Wildlife Seasons Form.
- B. Application and Drawing Provisions and Restrictions.
1. General Provisions and Restrictions
 - a. Number of Applications: No person may submit more than one application per year for the regular drawing process for a limited license for any big game species, nor more than one application per year for a leftover limited license for any species.
 - b. Additional Choice Applications: Any additional choice on any application must be for the same species as the first choice.
 - c. Valid Applications: Only complete and correct application forms will be accepted. Any forms involved in a violation of (a) or (b) above will be considered to be incorrect. Any incorrect application by one member of a group will invalidate the entire application.
 - d. Group Applications: Group applications are accepted for the regular drawing for all species except moose and desert bighorn sheep, with no limit on the number of applicants per group except as follows:

Bighorn Sheep	2 applicant maximum
Mountain Goat	2 applicant maximum

Provided further that residents and nonresidents may not apply for the sheep or mountain goat on same group application.
 - e. Ranching for Wildlife: Non-residents are not eligible to apply for public Ranching for Wildlife licenses for any big game species.
 2. Restrictions by Species

- a. Bighorn Sheep: Any person who harvests a Rocky Mountain bighorn sheep ram, one-half (½) curl or larger, except one taken on an auction or raffle license, a special sheep management license, a private ram license that was not obtained through the public draw and for which the landowner has a contract or agreement with the Division, or a license issued in accordance with regulation #271 or #272, shall not be eligible to apply for, or participate in the drawing for a Rocky Mountain bighorn sheep ram license for the five years following the year in which the harvest occurred. During this five year period a person may apply for a ewe license, but if unsuccessful will not receive preference points or chances. Any person who harvests a desert bighorn sheep, shall never again be eligible to apply for or participate in a desert bighorn sheep license drawing.
- b. Mountain Goat: Any person who harvests a mountain goat, except one taken on an auction or raffle license, a special goat management license, or a license issued in accordance with regulation #271 or #272, shall not be eligible to apply for or participate in the drawing for a mountain goat license for the five years following the year in which the harvest occurred.
- c. Moose: Any person who harvests an antlered moose, except one taken on an auction or raffle license, or a license issued in accordance with regulation #271 or #272 shall never again be eligible to apply for or participate in an antlered or either-sex moose license drawing.

3. Application Submittal

- a. Applications for limited licenses will be accepted only on application forms provided by the Division.
- b. Each application form, along with a single accompanying payment in the form of a check or money order, must be submitted in a separate envelope addressed according to the species for which application is enclosed. Payment shall include the license fee, a \$3.00 non-refundable application fee, a \$.75 public education fund fee and a \$.25 fee designated for search and rescue operations.
- c. Applications for the regular drawing must be mailed to the following addresses by species, and postmarked no later than midnight on the first Tuesday in April, annually:

Deer	PO Box 173313, Denver, CO 80217
Elk	PO Box 173314, Denver, CO 80217
Pronghorn	PO Box 173315, Denver, CO 80217
Bighorn Sheep	PO Box 173757, Denver, CO 80217
Mountain Goat	PO Box 173758, Denver, CO 80217
Black Bear	PO Box 173761, Denver, CO 80217
Moose	PO Box 173782, Denver, CO 80217

4. Preference Systems

Note: see also §33-4-103, C.R.S.

a. Landowner Preference: General Provisions

1. Preference for hunting licenses under the Landowner Preference Program shall only be given to eligible landowners who apply using the Landowner registration form(s) provided by the division. Only complete and correct registration forms will be accepted. Except for the carryover registration provided in § 33-4-103(2)(c), C.R.S., registration in the Landowner Preference Program is valid for 5 years. All landowners shall re-register their properties every 5 years (or on or before July 1, 2016 for carryover registrations) to continue participation, if desired, in the Landowner Preference Program.
2. As a condition of registration and participation in the Landowner Preference Program, landowners shall provide and maintain accurate ownership information with the division for all lands registered in the Program. During the statutory period of carryover registration provided in §33-4-103(2)(c), C.R.S., and any five-year registration period, landowners shall notify the division of any changes to required registration information in writing within 30 days.
3. Landowner preference is species specific and available only in units that are totally limited for all rifle licenses for deer, elk or pronghorn and vouchers will be allocated to eligible landowners by unit, species, sex and season. In units where vouchers remain after the initial allocation, eligible landowners may apply for the unused vouchers and shall pay \$25 for each reallocated female (antlerless/doe) and \$40 for each either-sex or male (antlered/buck) voucher. Unsuccessful applicants will receive a refund check.
4. Vouchers not otherwise allocated to landowners as part of the Landowner Preference Program shall be made available as licenses to the general public in the remaining limited licenses draws or sales.
5. All landowners and hunters participating in the Landowner Preference Program shall file reports using the forms provided by the division. Reports must be complete and correct, and submitted to the Division by within 30 days after the close of the season.
6. Landowners and their registered properties may be audited for compliance with eligibility requirements of the Landowner Preference Program during any carryover or 5-year registration period. Notice of any noncompliance will be provided in writing to the landowner and the landowner shall have 30 days to resolve the noncompliance or withdraw the property from the Landowner Preference Program.

b. Landowner Preference: Voucher Requirements and Restrictions

1. Vouchers shall only be transferred by the landowner or the landowner's land manager, if any, directly to an individual to be used by that individual for the purchase of a license. Landowners may only designate one land manager for all lands registered in the Landowner Preference Program in any one unit.
2. The transfer of any voucher must include permission to access and hunt all lands in the unit registered in the Landowner Preference Program for the entire season for which the voucher was awarded. Such access

shall be allowed without discrimination between hunters accessing the property, and without restriction other than manner of access restrictions (foot, horseback, vehicular) that are reasonably necessary to prevent damage to property.

3. The transfer of a voucher by any person other than the landowner or the landowner's land manager to any person other than an individual for purchase of a license is prohibited. Violation of this prohibition shall void the voucher and any license purchased with it.
4. No person shall broker a voucher on behalf of any landowner or person, or use or possess any brokered voucher. Violation of this prohibition shall void the voucher and any license purchased with it.

c. Landowner Preference: Disqualification

1. Landowners, or the landowner's land manager, who fail to comply with any requirements of the Landowner Preference Program, may be disqualified from participation in the Program from one to five years. Disqualification of a joint or co-owner of property registered with the Landowner Preference Program shall disqualify all other joint or co-owners of the registered properties from participation in the Program.
2. Disqualification of a landowner from the Landowner Preference Program shall invalidate all preference points associated with property registered by the landowner in the Program.
3. Any landowner, or the landowner's land manager, that has been disqualified from the Landowner Preference Program shall not register properties, apply for vouchers or acquire or use any vouchers during the term of disqualification. Landowners that have been disqualified from participation in the Landowner Preference Program shall be required to re-register at the end of their period of disqualification and prior to further participation, if desired, in the Program.
4. Any other person that fails to comply with any requirements of the Landowner Preference Program may also be disqualified from participation in the Landowner Preference Program from one to five years. Any person disqualified shall not participate in the Landowner Preference Program in any manner, including, but not limited to, as a landowner, as a landowner's land manager, enrolling properties in any name, submitting applications for vouchers, receiving vouchers, transferring vouchers, redeeming vouchers or using licenses obtained with vouchers.
5. Any person convicted of a violation of the Landowner Preference Program will be given notice in writing of their possible disqualification from the Landowner Preference Program and the opportunity to appear and show cause why they should not be disqualified from participation in the Program. Any such disqualification hearing shall be held in the Denver office of the division, or at another location acceptable to the division. Notice of any resulting disqualification shall be sent to the person by certified mail, return receipt requested.

- d. Youth Preference - a minimum of 15 percent of the number of the limited doe pronghorn licenses, limited either-sex and antlerless deer licenses and limited antlerless elk licenses established for each GMU shall be made available for purchase by qualified youth applicants. Licenses shall be available through application and computer selection from the Division headquarters, 6060 Broadway, Denver, CO 80216. Licenses not allocated to youth shall be made available to the general public in the remaining drawings.
 - 1. Any eligible hunter, ages 12-17 is entitled to youth hunt preference for all seasons and methods of take for the license types listed in the preceding paragraph, except that public Ranching for Wildlife and Air Force Academy licenses shall not be included in this preference. The applicant must submit an individual application for the desired, eligible license on forms provided by the Division. Group applications will not be accepted for youth preference. Where more than one (1) hunt code choice is shown on the application, all hunt codes must be youth preference-eligible hunt codes.
 - 2. Youth preference will be set at 50% for all antlerless deer licenses in GMUs 55, 66, 67, and 551.
- e. Youth Outreach Hunting Licenses – The Director may make additional youth outreach program deer, elk and pronghorn licenses available to qualified organizations sponsoring youth hunting activities.
 - 1. Youth Outreach licenses will be available for private land only. There will be no more than 300 elk licenses (50 antlered or either-sex, 150 antlerless), no more than 200 deer licenses (50 antlered or either-sex, 150 antlerless) and no more than 200 pronghorn licenses (30 buck or either-sex, 170 doe) issued annually under this subsection.
 - 2. Licenses in game management units with at least one hunt code requiring 6 or more resident preference points to draw, excluding Ranching for Wildlife properties, will not be authorized for use under this subsection.
 - 3. Licenses are issued on a first come, first served basis to qualified organizations. No more than 10 licenses may be issued per event to any single requesting organization.
 - 4. Requested dates for hunting events must occur between August 15 and January 31 each year.
 - 5. Organizations who wish to request a Youth Outreach license must submit the request in writing to Colorado Parks and Wildlife, State Hunter Outreach Coordinator, 6060 Broadway, Denver, Colorado 80216 no later than 60 days prior to the planned hunting event.
 - 6. Licenses are limited to youth hunters 12 to 17 years of age.
- f. Hunting Licenses for Hunters with Mobility Impairments - The Director may make certain deer, elk, and pronghorn licenses available to qualified hunters with mobility impairments.

1. Applicants for hunting licenses for hunters with mobility impairments must have a mobility impairment resulting from permanent medical conditions, which makes it physically impossible for them to hunt without the assistance of an attendant. Evidence of an impossibility to participate in the hunt without the assistance of an attendant may include, but is not limited to, prescribed use of a wheel chair; shoulder or arm crutches; walker; two canes; or other prescribed medical devices or equipment.
2. Applications for antlerless deer and elk and doe pronghorn licenses for hunters with mobility impairments shall be made on the form available from, and submitted with the applicable license fee to, the Division, Limited License Office, 6060 Broadway, Denver, Colorado. Applications for antlered deer and elk and pronghorn buck licenses for hunters with mobility impairments shall be made on the form available from, and submitted with the applicable license fee to, the applicable Division regional service center. Hunters may apply from the Monday after the May Commission meeting through the last day of the rifle seasons.
3. Applications for hunting licenses for hunters with mobility impairments shall contain a statement from a licensed medical doctor or a certified physical, occupational, or recreational therapist describing the applicant's mobility impairment and the permanent medical condition which makes it impossible for the applicant to hunt without the assistance of an attendant. Additional documentation may be required if necessary to establish the applicant's eligibility for a hunting license for hunters with mobility impairments. For the 2001 seasons and thereafter, once certified by the Division as mobility-impaired according to these regulations, applicants will not be required to submit the medical statement.
4. Antlerless deer and elk and doe pronghorn licenses will be available in all game management units with a total allocation of more than 100 antlerless deer or 100 antlerless elk or 50 doe pronghorn during the rifle seasons described in 250, 257, and 262 of these regulations. For any one game management unit no more than 10 licenses or 2 percent of the total number of limited antlerless deer or elk or doe pronghorn licenses for the game management unit, whichever number is greater, shall be issued as hunting licenses for hunters with mobility impairments for the species in question.
5. Antlered or either-sex licenses for deer or elk and buck pronghorn licenses will be private land only licenses and will be available for hunt codes requiring four or fewer resident preference points to draw in the previous year in all game management units with a total allocation of more than 100 antlered or either-sex deer, 100 antlered or either-sex elk, or 50 buck pronghorn during the rifle seasons described in #250, #257 and #262 of these regulations. For any one game management unit no more than 5 licenses or 2 percent of the total number of limited antlered, either-sex or buck licenses for the game management unit, whichever is greater, shall be issued as hunting licenses for hunters with mobility impairments for the species in question.
6. Antlered or either-sex licenses for deer or elk and buck pronghorn licenses will be approved by the applicable Regional Manager on a case-by-case basis for hunters who qualify as mobility-impaired in instances

where an organization assisting hunters with mobility impairments has coordinated a hunting opportunity specifically for this program and where all other avenues of obtaining a license have been exhausted.

7. Hunting licenses for hunters with mobility impairments will be valid only for the season dates and any units included in the authorized hunt code. Licenses for hunters with mobility impairments may not be issued for Ranching for Wildlife properties unless otherwise provided in the ranch contract.
- g. Wounded Warrior Hunting Licenses - The Director may make certain deer, elk, and pronghorn licenses available to qualified participants in any United States Armed Services Wounded Warrior programs.
1. Applicants must be members of the United States Armed Forces, who are residents of, or stationed in, Colorado returning from post-September 11, 2001 overseas contingency operations who have been so severely injured during combat, including combat-related support activities, that they will require years of intense, ongoing care or assistance. Additionally, applicants must be members of a United States Armed Services Wounded Warrior program, as defined in 33-4-102(1.9) C.R.S., and must be assigned to a military medical treatment facility at the time of application for this program.
 2. Applications shall contain a statement from a licensed medical doctor certifying the applicant's eligibility under the criteria in 1 above. Additional documentation may be required if necessary to establish the applicant's eligibility under this program.
 3. Applications for antlerless deer and elk and doe pronghorn licenses shall be made on the form available from the Division, Limited License Office, 6060 Broadway, Denver, Colorado. Applications for antlered deer and elk and pronghorn buck licenses shall be made on the form available from the applicable Division regional service center. Hunters may apply from the Monday after the May Commission meeting through the last day of the rifle seasons. Licenses issued under this program shall be issued as free licenses.
 4. Antlerless deer and elk and doe pronghorn licenses will be available in all game management units with a total allocation of more than 100 antlerless deer or 100 antlerless elk or 50 doe pronghorn during the rifle seasons described in 250, 257, and 262 of these regulations. Licenses issued for military installations will be exempted from these minimum license requirements. Wounded Warrior licenses issued for military installation property will be approved by the applicable Regional Manager. For any one game management unit no more than 10 licenses or 2 percent of the total number of limited antlerless deer or elk or doe pronghorn licenses for the game management unit, whichever number is greater, shall be issued as Wounded Warrior hunting licenses for the species in question.
 5. Antlered or either-sex licenses for deer or elk and buck pronghorn licenses will be private land only licenses and will be available for hunt codes requiring four or fewer resident preference points to draw in the previous year in all game management units with a total allocation of more than 100 antlered or either-sex deer, 100 antlered or either-sex elk,

or 50 buck pronghorn during the rifle seasons described in #250, #257 and #262 of these regulations. Licenses issued for military installations will be exempted from these preference point and minimum license requirements. Wounded Warrior licenses issued for military installation property will be approved by the applicable Regional Manager. For any one game management unit no more than 5 licenses or 2 percent of the total number of limited antlered, either-sex or buck licenses for the game management unit, whichever is greater, shall be issued as Wounded Warrior hunting licenses for the species in question.

6. Antlered or either-sex licenses for deer or elk and buck pronghorn licenses will be approved by the applicable Regional Manager on a case-by-case basis for hunters who qualify under this program in instances where an organization assisting Wounded Warrior hunters has coordinated a hunting opportunity specifically for this program and where all other avenues of obtaining a license have been exhausted.
 7. Wounded Warrior hunting licenses will be valid only for the season dates and any units included in the authorized hunt code. Wounded Warrior hunting licenses may not be issued for Ranching for Wildlife properties unless otherwise provided in the ranch contract.
- h. Dream Hunt Hunting Licenses – The Director may make available additional deer, elk, pronghorn, mountain lion and black bear licenses to individuals qualified under this subsection.
1. Applicants for Dream Hunt licenses must be between the ages of 12 and 21, and must have a terminal illness or a life-threatening disease or injury.
 2. A request for a Dream Hunt license must be made, in writing, by a sponsoring organization, documenting the individual's life-threatening or terminal condition, desired, hunt experience, desired location, time frame and logistical considerations. Requests should be sent to the Division of Parks and Wildlife, Hunter Outreach Coordinator, 6060 Broadway, Denver, Colorado 80216.
 3. Requested dates for hunting events must occur between August 15 and January 31 each year, with preferred dates occurring during an existing season for the requested species. However, alternate dates may be approved by the Director on a case-by-case basis as an applicant's condition requires.
 4. Written landowner permission must be obtained prior to issuance of a license under this subsection if the individual will be hunting on private land.
 5. Except on private land, licenses in game management units with at least one hunt code requiring 10 or more resident preference points to draw, excluding Ranching for Wildlife properties, will not be authorized for use under this subsection.
- i. Preference Points and Chances
1. Preference will be given for qualifying applications for first choice hunt codes only and shall be subject to the following provisions:

- aa. Deer, Elk, Pronghorn, and Bear: one preference point will be awarded to each person who qualifies for and fails to draw a limited license for deer, elk, pronghorn, or bear as a first choice in the regular drawing or who applies using a first choice hunt code established for the purpose of accumulating a preference point only. Preference points will be used in future drawings for the same species and will accumulate until the applicant obtains a first choice license. When an applicant obtains a first choice license, all accumulated preference points for that species become void. If an applicant both fails to apply for a species and has not purchased a license for that same species during any given 10-year period, all accumulated preference points for that species become void. If an applicant accepts a first choice license that has been returned and reissued, all accumulated preference points for that species become void. In those hunt codes requiring 10 or more resident preference points to draw, up to 20 percent of available licenses for deer, elk, pronghorn and bear shall be issued through a random drawing. The number of preference points required to draw shall be determined by a three-year average for the 2007, 2008, and 2009 limited license draws. A minimum of five individual preference points is required for an applicant to participate in the random drawing. Group applications shall not be eligible to participate in the random drawing.
- bb. In addition to the \$3 application fee, an unsuccessful applicant (except youth as defined by 33-4-117 C.R.S., lifetime license holders, and Colorado resident military personnel on active duty outside Colorado), or one who applies using a first choice hunt code established for the purpose of accumulating a preference point only, for deer, elk, pronghorn or bear will be assessed a \$40 fee (\$30 for resident deer and pronghorn) to receive a preference point unless they have purchased one of the following: an annual license (fishing (including free senior annual), small game or resident combination small game/fishing license, furbearer) for the year previous to which they are seeking a preference point; any big game license for the previous year or a current draw license for the species for which they are seeking a preference point. The fee, per species, shall entitle the hunter to preference points for any unsuccessful deer, elk, pronghorn or bear application in that year.
- cc. Rocky Mountain Bighorn Sheep, Mountain Goat, and Moose: One preference point will be awarded to each person who qualifies for and fails to draw a first choice license, until three preference points have been accumulated. Each time an applicant with three (3) points qualifies for and fails to draw a first choice license for bighorn sheep, mountain goat or moose the applicant will be awarded one (1) additional chance in future drawings for that species. Applicants who have "X" number of chances will have "X" times the probability of drawing a license compared to those with one (1) chance (i.e. those who are using their three (3) points for the first time). For example, applicants with two (2) chances will have double the probability of drawing compared to applicants for the same hunt code having only one (1) chance. When an applicant obtains a first choice license, all accumulated preference points for that species become void. If an applicant both fails to apply for a species and has not purchased a license for that same species during any given 10-year period, all accumulated preference points for that species become void. If an

applicant accepts a first choice license that has been returned and reissued, all accumulated preference points for that species become void.

dd. Applications receiving preference points will be given priority over all applications with fewer points. Group applications will receive preference at the level of the group member with the fewest accumulated preference points, and, where applicable, the fewest accumulated chances, except that group applications will not be successful, regardless of preference point level or number of chances, when there are fewer licenses remaining in the hunt code quota than the number of applicants in the group.

ee. In lieu of applying through the regular limited license draw, any active duty member of the United States Armed Forces who is stationed at any military facility in Colorado and actively deployed outside the United States, or any active duty member of the United States Armed Forces who is a Colorado resident and is deployed outside the United States, shall, upon their return to the United States, be eligible to apply for preference points for any limited license draw that occurred during their absence. Applications for preference points shall be made on forms provided by the Division and filed within six months upon the member's return to the United States.

5. Drawing Processes

- a. Applications using landowner preference and youth preference shall be drawn, in that order, prior to drawing general public applications for the same species.
- b. Except as otherwise provided, applicants who applied properly for deer, elk, or pronghorn in the regular drawing and are unsuccessful will be given an option to: Apply for a leftover drawing. Request a refund. Donate that refund to the Division's nongame or Operation Game Thief fund. No such donation may be split between the two funds. Request an unlimited antlered elk license.
- c. Unsuccessful applicants for bear, bighorn sheep, mountain goat, or moose will receive a refund check.
- d. Unsuccessful applicants will be notified of their accumulated preference points and chances on their refund check stub, on their leftover drawing letter, or on their carcass tag, whichever is applicable.
- e. Nonresident hunter drawing limitations (first choice applications only)
 1. Nonresidents hunters shall receive no more than 10% of available moose, bighorn sheep and mountain goat licenses for all hunt codes. In the event there are an insufficient number of nonresident applications for the allocated number of moose, bighorn sheep or mountain goat licenses in any hunt code, the excess nonresident licenses will be issued to residents through the regular drawing process.
 2. Unless there is an insufficient number of resident applications, nonresident hunters shall receive no more than 35% of available deer and elk licenses for hunt codes requiring fewer than six preference points for resident hunters to draw in the regular drawing, and no more than

20% of available deer and elk licenses for hunt codes requiring six or more preference points for resident hunters to draw in the regular drawing as calculated using a three-year average for the 2007, 2008, and 2009 limited license draws. These drawing limitations do not apply to the issuance of Private Land Only and Ranching for Wildlife licenses.

6. Leftover Licenses, Drawing Provisions and Restrictions

- a. Elk, deer, pronghorn and bear licenses which are not issued through the regular drawing will be issued as "leftover" licenses, (through one "leftover" drawing process if the number of "leftover" licenses is sufficient to justify the administrative cost).
- b. Only persons who apply for a limited license and who are unsuccessful are eligible for the leftover license drawing. Applicants for the leftover drawing may only apply for the same species that they applied for in the initial drawing.
- c. Any eligible hunter, ages 12 – 17 shall receive preference for leftover deer and elk licenses.
- d. Any active duty member of the United States Armed Forces stationed at any military facility in Colorado and actively deployed outside the United States, or any active duty member of the United States Armed Forces who is a Colorado resident and is deployed outside the United States, shall be allowed a preference for the purchase of leftover licenses prior to their sale to the general public.
- e. Group applications are not accepted for leftover licenses.
- f. Applicants must respond on the forms provided to the individuals by the Division following the regular drawing.
- g. Applications must be postmarked no later than the first Tuesday in July, annually.
- h. Applications not postmarked by the first Tuesday in July, annually, will receive a refund.
- i. Leftover Ranching for Wildlife licenses will not be available through the standard over-the-counter leftover process. For information regarding the availability of these licenses on a first-come, first-served basis, please refer to the big game drawing brochure or call the Division at (303) 297-1192.

#207 - SEASON PARTICIPATION

- A. A person may hunt in only one hunting season per license year for each big game species regardless of the method of hunting used, except in accordance with regulations #207B, #207C, and #242A.6 or in #205, when the purchase of more than one license per species is authorized or when the animal taken is not counted against an annual bag limit.
- B. Except on Ranching for Wildlife properties, youths ages 12-17 may participate in any open regularly scheduled antlerless rifle elk or antlerless rifle deer hunt starting after the last day of the season listed on their original license, in the same DAU and for the same species listed on their original license, provided they possess an unfilled limited antlerless or either-sex elk or deer license originally valid in that same DAU from a season which has already been completed, comply with applicable regulations for the specific open regularly scheduled antlerless rifle hunt in which they participate, and are accompanied by a mentor. A mentor must be at least 18 years of

age and comply with hunter education requirements. The mentor may not hunt except in units and in seasons for which they possess a valid license. Youths with unfilled either-sex elk or deer licenses who wish to hunt in any subsequent antlerless rifle season within the same DAU may do so provided that they must bring their license to the Division and have it converted to an antlerless license for the appropriate species prior to hunting.

- C. Youths ages 12-17 may participate in any December pronghorn season in the following GMUs: 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146 or 147, provided they possess an unfilled pronghorn doe license from a season which has already been completed for any other unit and comply with applicable regulations for the specific hunt in which they participate. Youths with unfilled either-sex pronghorn licenses who wish to hunt in the late youth pronghorn doe hunt may do so provided that they bring their license to the Division and have it converted to a doe pronghorn license prior to hunting.
- D. Any license marked or stamped for a season and unit, or portions thereof, is valid only as marked on the license.
- E. A person may only purchase an over the counter with caps bear license for the concurrent rifle bear season if they also possess a deer or elk license for an overlapping game management unit listed on that bear license. A person may hunt bear with an over the counter with caps rifle bear license during any regular rifle deer or elk season west of I-25 or in unit 140, only if they also possess a deer or elk license (filled or unfilled) valid any day of the regular rifle deer or elk seasons. The person may hunt bear in any unit(s) for which their bear license is valid. If the deer or elk license is a Private Land Only license, use of the bear license is restricted to private land as well. The restrictions of this subsection shall not apply to hunt codes BE083P1R, BE084P5R, BE048P5R, BE058P5R, and BE059P5R.
- F. Any person may take coyotes with an unfilled big game license in the same unit and season and by the same manner of take.

#208 - LICENSE RESTRICTIONS

- A. Cutoff of License Sales
 - 1. Archery Season - The sale of bear licenses at license agents for the archery deer and elk season shall be terminated at midnight preceding the opening day of the archery bear season.
 - 2. Muzzle-loading Season - The sale of bear, elk, and deer licenses at license agents for the muzzle-loading season shall be terminated at midnight preceding the opening day of the season.
 - 3. First Regular Rifle Elk and Over the Counter with Caps Either-Sex Concurrent Rifle Bear Seasons - The sale of concurrent rifle bear licenses and first season elk licenses at license agents shall be terminated at midnight preceding the opening day of the first regular rifle elk season.
 - 4. Second Regular Rifle Deer and Elk Season - The sale of rifle deer and elk licenses at license agents for the second regular rifle season shall be terminated at midnight preceding the opening day of the season.
 - 5. Third Regular Rifle Deer and Elk Season - The sale of rifle deer and elk licenses at license agents for the third regular rifle season shall be terminated at midnight preceding the opening day of the season.

6. Fourth Regular Rifle Deer and Elk Season - The sale of rifle deer and elk licenses at license agents for the fourth regular rifle season shall be terminated at midnight preceding the opening day of the season.
7. Plains Bear Season – The sale of rifle bear licenses at license agents for the plains deer and elk season shall be terminated at midnight preceding the opening day of the season.
8. Other Licenses – The sale of leftover licenses (except as provide in subsection 9, below), and late season licenses at license agents shall be terminated at midnight preceding the opening day of the applicable seasons.
9. After the start of each season, licenses will be sold to the licensee, in person, only at Division service centers, except that license agents are authorized to sell 14-day or longer Private Land Only, archery, disease management, special hunts, season choice, plains either-sex elk, and over-the-counter whitetail only deer licenses after the start of the season. In addition, license agents may also accept landowner vouchers for licenses after the start of the season.
10. If prior to the opening day of a season the Total Licensing System (TLS) becomes inoperable for an extended period of time, the Director shall have the authority to authorize agents to sell licenses after the start of the respective season, notwithstanding any other provision in these regulations.

#209 - SPECIAL RESTRICTIONS

A. Private Land Only Seasons

1. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
2. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

B. Special restrictions for the James John State Wildlife Area.

1. Hunting access during the regular rifle deer and elk seasons is restricted to big game hunters only and to no more than ten (10) permitted hunters per day. Access permits will be issued from the Division's Pueblo Office through a hand drawing. Permit applications may be obtained from the Division of Parks and Wildlife, 600 Reservoir Road, Pueblo, Colorado 81005 (telephone (719) 561-5300). Group applications will be accepted. No more than two (2) applicants per group. Application deadline is July 1 annually. Successful applicants will be notified by mail. The date, time and location of the drawing will be included on the application.
 - a. Permits will be issued for the following time periods:
 - 1st Season - Separate Limited Elk - Entire Season
 - 2nd Season - Combined Deer and Elk - Entire Season
 - 3rd Season - Combined Deer and Elk - Entire Season
 - 4th Season - Combined Limited Deer and Elk - Entire Season

C. Off - Highway Vehicle (OHV) Weapon Restrictions during Big Game Seasons

1. All firearms, except pistols and revolvers, carried on an OHV during deer, elk, pronghorn or bear season must be fully unloaded (both the chamber and the magazine) and fully enclosed in a hard or soft case (no scabbards or cases with open ends or sides). All bows carried on an OHV during any deer, elk, pronghorn or bear season must be fully enclosed in a hard or soft case (no scabbards or cases with open ends or sides). This regulation shall not apply to any person; any member of such person's family, or an employee or agent of the person, carrying a firearm on an OHV for the purpose of taking depredating wildlife on property owned or leased by the person, pursuant to §§33-3-106 or 35-40-100.2, C.R.S.

D. Closures

The following lands are closed, as described:

1. All lands in the Gore Creek Drainage south of I-70 from Lions Head Ski Lift at Vail to the intersection of I-70 and US 24, and all lands on the north side and within one-half (1/2) mile of I-70 between the intersection of I-70 and US 24 shall be closed to all hunting during the regular rifle deer and elk seasons each year.
2. All publicly-owned lands in GMUs 25, 26, 35, 36, 43, 44, 47, 54, 55, 66, 67, 444, 471, and 551 shall be closed to the collection of shed antlers from January 1 through March 14 annually, and shall further be closed to the collection of shed antlers between legal sunset and 10:00 AM from March 15 through May 15 annually, provided further that the Director or his designee may establish additional closures as necessary under the criteria set forth in WCR #020.E.6.

E. Fluorescent Orange Garments

1. Except for archers hunting during a limited bear season, archers with an auction or raffle deer, elk, pronghorn or moose license hunting outside of a regular rifle season, and archers hunting with an archery bear, deer, elk, pronghorn, or moose license, all persons hunting bear, deer, elk, pronghorn or moose shall be required to wear daylight fluorescent orange garments which comply with the requirements of §33-6-121, C.R.S.

F. Chronic Wasting Disease (CWD) Testing Requirements

1. Mandatory CWD Sample Submissions

The Director of the Division may establish and enforce mandatory CWD submission areas for species known to contract CWD. Such submission areas may be established and enforced where necessary to meet sampling requirements, and mandatory submittal shall end when the Division achieves sampling goals, as stipulated by Division staff prior to enacting any such mandatory submission requirement. At such time that mandatory submission areas are established public notice shall be given, including posting of mandatory submission requirements in applicable Division offices and license agents, and when possible inclusion of such requirements in Division publications. Upon establishment of mandatory CWD submission requirements, it shall be unlawful to fail to submit CWD samples for the designated species harvested in designated mandatory submission areas.

G. Big Game Access Program

Any person 18 years of age or older hunting pronghorn or deer on any lands enrolled in the Division Big Game Access Program (BGAP) must purchase an access permit through the Total Licensing System from the Division or a license agent prior to hunting. The Big Game Access Program permit fee is \$40.00. In addition to the BGAP permit, hunters must possess a valid pronghorn or deer license obtained through the regular draw, via landowner voucher, or over the counter purchase, and valid within the specific GMU in which the enrolled property lies. Hunters must carry such permits and license on their person when hunting on these properties. Properly licensed hunters under 18 years of age will be issued access permits to hunt on lands enrolled in the Big Game Access Program free of charge. Properties may be enrolled in DAU's A-5 (GMU's 120, 121, 125,126), A-12 (GMU's 116, 117, 122,127), and A-13 (GMU's 130, 136, 137, 138, 143, 144, 146).

1. Public access is prohibited from 2 hours after sunset to 2 hours before sunrise.
2. Public access is permitted from August 15 through December 31 within season dates for which the hunter has a valid license, unless otherwise posted.
3. Entry by motorized vehicles is prohibited other than parking areas or designated roads.
4. Only portable blinds or tree stands may be erected on Big Game Access Program properties. All blinds and tree stands must be removed by the last day of the hunting season. Pit blinds are not allowed
5. Access is permitted for the hunting of pronghorn and/or deer only; all other activities are prohibited. The hunting of small game, waterfowl and other wildlife are under the control of the landowner. Individuals may accompany hunters without obtaining or possessing a Big Game Access Program permit provided they do not hunt.
6. Big Game Access Program permits are not transferable to any other person, nor do they confer hunting privileges to any person other than the purchaser of the stamp.
7. Participants must abide by rules listed in the Big Game Access Program brochure, maps and as posted on participating properties.
8. Commercial use on Big Game Access Program properties for pronghorn and deer is prohibited.
9. All Division Chapter 9 regulations listed as Prohibited Activities (#900 A.) shall apply to Big Game Access Program properties.

#210 - RANCHING FOR WILDLIFE – DEER, ELK, PRONGHORN, BLACK BEAR, MOOSE, AND BIGHORN SHEEP

A. Implementation Authority

1. The Director is authorized to implement the Ranching for Wildlife program, including the authority to determine ranch enrollment status, enter into cooperative agreements with ranches, establish and modify public and private season dates on each ranch, and establish and modify license allocations to each ranch including the subsequent distribution of licenses to the public and private share annually, and may establish additional Ranching for Wildlife operating guidelines subject to the following provisions.

B. Ranch Entry and Maintenance

1. Ranches must have a minimum of 10,000 acres of privately owned land in one contiguous unit. Ranches that meet this 10,000-acre minimum requirement may include privately owned non-contiguous parcels in the program if the Director determines that their inclusion will contribute to meeting the performance standards for the ranch.
 2. Ranches must develop a Ranching for Wildlife Management Plan that includes goals, objectives, and strategies for achieving such goals and objectives for wildlife habitat management, species management, and public hunting management. The Management Plan shall identify the Tier category in which the ranch seeks to be placed and what specific actions the ranch will take to achieve the appropriate Tier placement criteria. The Management Plan must be approved by the Division prior to execution of a Cooperative Agreement for Ranching For Wildlife.
 3. Ranches may not charge public hunters an access fee for hunting.
 4. Except as agreed to in writing by the Division when necessary to meet the ranch performance standards or as mutually agreed and contained in the Management Plan, ranches must provide for equality of access in terms of geographical area and mode of transportation for both public and private hunters. No closure or restriction of land or roads shall apply to public hunters that do not also apply to private hunters.
 5. Public hunts must be established at a time when the species to be hunted are present and available for harvest. No public seasons shall be established during times when normal winter conditions would prevent access to most of the ranch, nor when normal migration patterns of the species to be hunted result in the species having migrated off the ranch.
 6. Ranches that establish coinciding or overlapping public and private hunts may not exclude public hunters from any portion of the ranch due to the presence of private hunters.
 7. The Ranch and the Division will mutually agree to ranch rules regarding access to and hunting on the ranch by public hunters. The ranch rules will be provided to hunters prior to seasons on the ranch in accordance with other provisions contained in this regulation.
 8. Enrolled ranches shall not be eligible for game damage payments or materials for those species hunted in the program when damage occurs within the boundaries of the enrolled portions of the ranch.
 9. The Division may, at its sole discretion, require ranches with public bighorn sheep hunting seasons to provide scouting access to those hunters and their companions prior to such seasons. Provisions for this scouting access shall be contained in the Management Plan.
- C. Cooperative Agreements, Enrollment, Denial of Enrollment, Termination of Enrollment
1. The Division is authorized to enter into Cooperative Agreements with ranches.
 2. Ranches may appeal enrollment decisions to the Wildlife Commission.
 3. Cooperative Agreements shall incorporate approved Ranching For Wildlife Management Plans as part of the Cooperative Agreement.
 4. The Division shall periodically evaluate ranches for enrollment, contract performance, and Tier placement, and shall establish minimum performance standards for ranches

enrolled in the program, including wildlife habitat management and improvement, public recreation opportunity and experience, and any factors intended to contribute to meeting Data Analysis Unit (DAU) management objectives. Such performance standards shall be incorporated into the Cooperative Agreement with the ranch.

D. Season Structures, Manner of Take, License Restrictions

1. Public and private seasons opening and closing date parameters
 - a. Deer, elk, pronghorn, moose, and bighorn sheep seasons may not begin before the first day of the statewide archery season for that species, nor extend beyond January 31.
 - b. Black bear season may not begin before September 2, nor extend beyond October 31.
2. Private season length
 - a. Deer, elk, or pronghorn private seasons are restricted to a maximum of ninety (90) days.
 - b. Moose or bighorn sheep private seasons are restricted to a maximum of 30 days.
3. Public season length
 - a. Deer and elk public season length
 1. Antlered or either sex public hunting seasons shall be a minimum of ten (10) days in length for every licensed public hunter, either as a minimum of ten (10) consecutive days in length or divided into two (2) or more five (5) day periods.
 2. Ranches must offer a total of at least ten (10) days of antlerless public hunting. The season may run a minimum of ten (10) consecutive days; or may be split into two (2) or more five (5) day periods in which a hunter's license is valid in each period; or may be split into two (2) or more five (5) day seasons in which a hunter's license is valid in one but not any other five (5) day season. Ranches electing to split seasons and limit hunter participation to a single five (5) day season must assure that total public hunter harvest and licenses available are as much or more than would be achieved in the other two antlerless season alternatives.
 3. All public seasons or periods will include one full weekend, but seasons need not open on weekend days.
 - b. Pronghorn public season length
 1. Buck or doe hunting seasons shall be a minimum of five (5) days in length. All public seasons shall include one full weekend, but seasons need not open on weekend days.
 - c. Black Bear public season length
 1. Shall be a minimum of fifteen (15) days in length.

- d. Moose public season length
 - 1. Antlered or antlerless public hunting seasons shall be a minimum of ten (10) days in length. Antlered seasons shall include a minimum of five (5) consecutive days without overlapping any antlerless moose hunting season on the ranch.
- e. Bighorn sheep public season length
 - 1. Public hunting seasons for rams shall be a minimum of thirty (30) days in length and shall include a minimum of fifteen (15) consecutive days of hunting without overlapping any ewe hunting season on the ranch.
 - 2. Public hunting seasons for ewes shall be a minimum of fifteen (15) days in length.
- f. Additional primitive weapon seasons may be established provided that the season is structured so there is a minimum of 5 days of opportunity in which the method of take is restricted to archery or muzzleloading rifles.
 - 1. These seasons shall be in addition to the previously mentioned minimum season lengths. Hunters drawing licenses for these seasons shall be allowed to hunt in the season with the restricted method of take and also in at least 10 additional days of opportunity with rifle method of take for moose, or antlered or either sex deer, elk, or black bear licenses; at least 5 additional days of opportunity with rifle method of take for pronghorn, or antlerless deer or elk licenses; at least 30 additional days of opportunity with rifle method of take for ram bighorn sheep licenses; and at least 15 additional days of opportunity with rifle method of take for ewe bighorn sheep. Additional primitive weapon seasons will include one full weekend.

4. Manner of Take

- a. Rifle hunting shall be the designated manner of take. Provided further that additional public hunting seasons beyond the previously mentioned minimum levels may be established with more restricted manner of take. Any such seasons and licenses allocated to those seasons are additional public hunting opportunity and shall not reduce licenses that would otherwise be allocated for the rifle seasons.

5. License Restrictions

- a. Ranching for Wildlife licenses are the only licenses valid for hunting of species under contract on the ranch, except that auction and raffle licenses may be used when there is not a public season for the same species in progress on the ranch and antlerless deer or elk licenses may be used on a ranch when authorized in writing by the Division, subject to the following provisions:
 - 1. There is an established season in which such licenses would be valid in the Game Management Unit (GMU) in which the ranch is located.
 - 2. Such licenses shall not be used concurrently with any Ranching For Wildlife season, or at any other time when the Division determines that it

would result in elk, deer, pronghorn, bighorn sheep, moose, or black bear not being available to Ranching For Wildlife public hunters.

3. The Division determines that any resulting harvest achieved will contribute to achieving DAU management objectives.

E. License Allocation

1. A maximum of 1,000 licenses of each species and sex for deer, elk, and pronghorn, a maximum of 30 black bear licenses, a maximum of 20 licenses of each sex for bighorn sheep, and a maximum of 50 licenses of each sex for moose may be allocated to each ranch annually, and subsequently distributed to the public and private share according to the distribution table established in this regulation.
2. Division staff recommendations regarding license allocations for each ranch shall be forwarded to and approved by the Director based upon Data Analysis Unit harvest objectives, relative ranch land base and occupied habitat for each species on the ranch to that of the Data Analysis Unit, hunter crowding, enhancement of hunter harvest, and relative densities of the species on the ranch.
3. Substitution of licenses of one species or sex for licenses of another species or sex shall not be permitted.
4. For purposes of determining distribution of licenses allocated to each ranch, either sex licenses will be treated as antlered licenses for deer and elk and buck licenses for pronghorn.
5. Landowner preference shall not be used for any public or private Ranching For Wildlife license. In addition, Ranching for Wildlife property may not be used to qualify for or receive landowner preference pursuant to §33-4-103, C.R.S.
6. The public share of the licenses in the following distribution tables represents the minimum for each species. Fractions of licenses shall be rounded up for public distribution licenses.

DEER, ELK, AND PRONGHORN				
Private Share of Licenses			Public Share of Licenses	
% of total allocation to each ranch			% of total allocation to each ranch	
Tier	Buck, Antlered, or Either Sex	Doe or Antlerless	Buck, Antlered, or Either Sex	Doe or Antlerless
A	90	0	10	100
B	85	0	15	100
C	80	0	20	100

BLACK BEAR			
Private Share of Licenses		Public Share of Licenses	
% of total allocation to each ranch		% of total allocation to each ranch	
Either Sex		Either Sex	
60		40	
BIGHORN SHEEP			
Private Share of Licenses		Public Share of Licenses	
% of total allocation to each ranch		% of total allocation to each ranch	
Ram	Ewe	Ram	Ewe
50	0	50	100

MOOSE			
Private Share of Licenses		Public Share of Licenses	
% of total allocation to each ranch		% of total allocation to each ranch	
Antlered, or Either Sex	Antlerless	Antlered, or Either Sex	Antlerless
50	0	50	100

F. Youth Licenses

1. The Division and the ranch may formulate and implement youth hunting opportunities on any ranch through Division approved youth hunting programs. The Division must

approve the youth hunting program on the ranch prior to any season or license allocation for such youth hunts.

2. A maximum of 15% of the total number for deer, elk, pronghorn, or black bear licenses allocated for a ranch may be allocated as youth hunting licenses on each ranch, over and above the total number of licenses allocated for a ranch.
3. Youth hunting seasons may occur at any time within the broad parameters for seasons within the Ranching For Wildlife program.
4. Youth licenses shall be distributed to individual youth hunters by mechanisms of the approved youth hunting program on the ranch. Youth licenses shall not count as either private or public licenses for purposes of calculating the relative share of other licenses allocated for the ranch.

G. License Distribution

1. Applications

- a. Applications for private hunter licenses stamped with the ranch name and season dates shall be available to the landowner for distribution.
 - b. Public hunter licenses shall be available through application and selection from the Division during the annual limited license drawing process, except as provided in this regulation.
 - c. Leftover Ranching For Wildlife Licenses: Ranching For Wildlife licenses which are not issued through the regular drawing will be issued as "leftover" licenses, only through the "leftover" drawing process, rather than through the over-the-counter leftover license process.
2. Trinchera Ranch - One hundred percent (100%) of the limited antlered public licenses and eighty percent (80%) of the limited antlerless public licenses shall be available through the Division's annual limited license drawing process. Twenty percent (20%) of the limited public antlerless licenses will be allocated by public drawing at 1:00 p.m. on the second Wednesday in August, annually, at the San Luis Community Center, San Luis, CO. Applications will be accepted between 9:00 am and noon, on the second Wednesday in August, annually.

H. Special Restrictions

1. Unless otherwise provided in these Ranching for Wildlife regulations all hunters must comply with other applicable regulations, including, but not limited to, manner of take (except that private hunters may use any legal weapon during private seasons), hunting hours, application requirements and deadlines, bag limits, season participation, mandatory checks, OHV restrictions, and other generally applicable regulations for big game hunting.
2. A copy of the mutually agreed upon ranch rules will be provided to all public hunters prior to their hunting season. All public hunters will be required to sign a statement acknowledging that they have read, understand, and agree to comply with all ranch rules, before the hunter is allowed access to the ranch.
 - a. Compliance with ranch rules is a specific condition of the Ranching For Wildlife public licenses and subsequent access to the ranch. In addition to criminal

penalties, non-compliance with ranch rules constitutes grounds for suspension and revocation of the license and/or being prohibited from further participation in hunting on the ranch, and/or in the Ranching For Wildlife program as a public hunter.

- b. Final determination on any legal action taken towards hunters found in non-compliance with ranch rules shall be made solely by officers of the Division. This includes any citation that may be issued for non-compliance with the provisions of a license, or directing a hunter to leave a ranch. Ranch personnel may not direct a hunter to leave a ranch without specific authorization of a Division officer.

#211 - 216 VACANT

#217 - SEASON TABLES AND HUNT CODE DESCRIPTIONS

- A. Big Game season tables are established by species (sheep, goat, bear, lion, deer, elk, pronghorn, and moose) and hunt (archery, muzzle-loading, early, regular, plains, private land only, late, and Ranching for Wildlife). Tables contain general information describing the hunt type, season dates, unit(s) or portions thereof, hunt code, license types, and numbers.

ARTICLE III - BIGHORN SHEEP

#218 - SEASON DATES, HUNT TYPE, UNITS (AS DESCRIBED IN CHAPTER 0 OF THESE REGULATIONS), AND LICENSE NUMBERS.

- A. All rams taken shall be one half (1/2) curl or larger unless otherwise specified in these regulations.

1. Archery Season Dates, Units, License Types and Numbers							
Unit #/Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
				Ram	Ewe	Ram	Ewe
S06 Pike's Peak and S46 Dome Rock	SMS06O1A	11/10/2015	11/30/2015	2		0	
S09 Sangre De Cristo	SMS09O1A	08/01/2015	08/25/2015	9		1	
S12 Buffalo Peaks	SMS12O1A	08/01/2015	08/25/2015	9		1	
S20 Marshall Pass	SMS20O1A	08/01/2015	08/25/2015	1		0	
S32 Georgetown -Except within ¼ mile north of I-70 or within ¼ mile of US 6 or US 40	SMS32O1A	08/08/2015	08/23/2015	4		1	
S32 Georgetown -Except within ¼ mile north of I-70 or within ¼ mile of US 6 or US 40	SMS32O2A	08/29/2015	09/13/2015	5		0	
S32 Georgetown -Except within ¼ mile north of I-70 or within ¼ mile of US 6 or US 40	SFS32O2A	08/29/2015	09/13/2015		3		0
S34 Rampart Range	SMS34O1A	10/15/2015	10/31/2015	1		0	
S34 Rampart Range	SFS34O1A	10/15/2015	10/31/2015		1		0
S34 Rampart Range	SMS34O2A	12/01/2015	12/15/2015	2		0	
S35 Greenhorns	SMS35O1A	08/01/2015	08/25/2015	4		1	
S37 St. Vrain	SMS37O1A	11/01/2015	11/30/2015	1		0	
S38 Apishapa	SMS38O1A	12/01/2015	12/31/2015	1		0	
S39 Mt Silverheels	SMS39O1A	08/01/2015	08/25/2015	1		0	

1. Archery Season Dates, Units, License Types and Numbers							
Unit #/ Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
S42 Waterton Canyon Except within 200 yards of the Waterton Canyon Road.	SMS42O1A	11/30/2015 Weekdays Only	12/31/2015 Weekdays Only	1		0	
S42 Waterton Canyon Except within 200 yards of the Waterton Canyon Road.	SFS42O1A	11/30/2015 Weekdays Only	12/11/2015 Weekdays Only		1		0
S44 Basalt	SMS44O1A	08/29/2015	09/27/2015	4		1	
S49 Grape Creek - Copper Ridge	SMS49O1A	08/01/2015	08/25/2015	4		1	
S51 Spanish Peaks	SMS51O1A	08/01/2015	08/25/2015	2		0	
S54 West Elk - Dillon Mesa, bound on the N by N boundary of T50N; on the east by Hwy 135; on the south by Gunnison River, Blue Mesa Res. and Morrow Point Res.; and on the west by Curecanti Ck	SMS54O1A	08/01/2015	08/25/2015	1		0	
S57 Big Thompson	SMS57O1A	09/08/2015	10/08/2015	2		0	
S57 Big Thompson	SFS57O1A	09/08/2015	10/08/2015		2		0
S69 Lower Cochetopa Canyon	SMS69O1A	08/01/2015	08/25/2015	1		0	
S71 West Needles	SMS71O1A	08/29/2015	10/08/2015	1		0	
TOTALS				56	7	6	0

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers								
Unit #/ Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		NonResident Licenses (2015)		Private Licenses (2015)
				Ram	Ewe	Ram	Ewe	Rams
S01 Poudre River and S18 Rawah	SMS01O1R	09/08/2015	10/08/2015	2		0		
S01 Poudre River and S18 Rawah	SFS01O1R	09/08/2015	10/08/2015		2		0	
S03 Mount Evans	SMS03O1R	08/17/2015	09/02/2015	1		1		
S03 Mount Evans	SMS03O2R	09/08/2015	10/08/2015	2		0		
S03 Mount Evans	SFS03O2R	09/08/2015	10/08/2015		1		0	
S04 Grant	SMS04O1R	08/17/2015	09/02/2015	2		0		
S04 Grant	SMS04O2R	09/08/2015	10/08/2015	1		0		
S04 Grant	SFS04O2R	09/08/2015	10/08/2015		1		0	
S06 Pikes Peak	SMS06O1R	09/08/2015	09/22/2015	2		0		
S06 Pikes Peak	SMS06O2R	09/25/2015	10/09/2015	2		0		
S06 Pikes Peak	SFS06O2R	09/25/2015	10/09/2015		1		0	
S07 Arkansas River	SMS07O1R	09/08/2015	10/08/2015	1		0		
S08 Huerfano	SMS08O1R	09/08/2015	10/08/2015	2		1		
S09 Sangre de Cristo	SMS09O1R	09/08/2015	10/08/2015	9		2		
S09 Sangre de Cristo	SFS09O1R	09/14/2015	10/08/2015		4		1	
S10 Trickle Mountain and S55 Natural Arch	SMS10O1R	09/08/2015	10/08/2015	1		0		
S11 Collegiate North	SMS11O1R	09/08/2015	10/08/2015	5		1		
S11 Collegiate North	SFS11O1R	09/19/2015	10/08/2015		2		0	

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers

Unit #/ Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		NonResident Licenses (2015)		Private Licenses (2015)
				Ram	Ewe	Ram	Ewe	Rams
S12 Buffalo Peaks	SMS12O1R	09/08/2015	10/08/2015	5		1		
S12 Buffalo Peaks	SFS12O1R	09/19/2015	10/08/2015		2		0	
S13 Snowmass East and the section of S26 Taylor River bounded on the S by the Taylor River, East Brush Creek, and East River; on the W by the Crystal River-Gunnison River divide, Roaring Fork River-Crystal River divide and Capitol Creek.	SMS13O1R	09/08/2015	10/08/2015	1		0		
S15 Sheep Mountain	SMS15O1R	09/08/2015	10/08/2015	4		1		
S15 Sheep Mountain	SFS15O1R	09/19/2015	10/08/2015		2		0	
S16 Cimarron Peak	SMS16O1R	09/08/2015	10/08/2015	3		0		
S16 Cimarron Peak	SFS16O1R	09/19/2015	10/08/2015		2		0	
S17 Collegiate South	SMS17O1R	09/08/2015	10/08/2015	6		1		
S17 Collegiate South	SFS17O1R	09/19/2015	10/08/2015		2		0	
S19 Never Summer Range	SMS19O1R	09/01/2015	10/04/2015	1		0		
S20 Marshall Pass	SMS20O1R	09/08/2015	10/08/2015	1		0		
S21 Cow Creek - Wetterhorn Peak	SMS21O1R	09/08/2015	10/08/2015	5		1		
S21 Cow Creek - Wetterhorn Peak - East of Hwy 550 only	SFS21O1R	09/19/2015	10/08/2015		5		2	
S21 Cow Creek- Wetterhorn Peak – West of Hwy 550 only	SFS21S1R	09/19/2015	10/08/2015		3		0	
S22 San Luis Peak	SMS22O1R	09/08/2015	10/08/2015	2		0		
S23 Kenosha and S27 Tarryall	SMS23O1R	09/08/2015	10/08/2015	2		0		
S24 Battlement	SMS24O1R	11/01/2015	11/30/2015	1		0		
S25 Snowmass West	SMS25O1R	09/08/2015	10/08/2015	1		0		
S28 Vallecito	SMS28O1R	09/08/2015	10/08/2015	1		0		
S29 Alamosa Canyon	SMS29O1R	09/08/2015	10/08/2015	1		0		
S30 Conejos River	SMS30O1R	09/08/2015	10/08/2015	1		0		
S31 Blanca River	SMS31O1R	09/08/2015	10/08/2015	3		0		
S32 Georgetown -Except within ¼ mile north of I-70 or within ¼ mile of US 6 or US 40	SMS32O1R	09/19/2015	10/08/2015	9		1		
S32 Georgetown -Except within ¼ mile north of I-70 or within ¼ mile of US 6 or US 40	SFS32O1R	09/19/2015	10/08/2015		2		1	
S33 Lake Fork/Pole Mtn	SMS33O1R	09/08/2015	09/23/2015	2		1		

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers

Unit #/ Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		NonResident Licenses (2015)		Private Licenses (2015)
				Ram	Ewe	Ram	Ewe	Rams
S33 Lake Fork/Pole Mtn - North of Lake Fork River, Cottonwood Creek, Cuba Gulch, Minnie Gulch; west and north of CO 110	SFS33O1R	09/13/2015	09/22/2015		2		0	
S33 Lake Fork/Pole Mtn - South of Lake Fork River, Cottonwood Creek, Cuba Gulch and Minnie Gulch; east and south of CO 110	SFS33S1R	09/13/2015	09/22/2015		1		0	
S33 Lake Fork/Pole Mtn	SMS33O2R	09/24/2015	10/08/2015	2		0		
S33 Lake Fork/Pole Mtn - North of Lake Fork River, Cottonwood Creek, Cuba Gulch, Minnie Gulch; west and north of CO 110	SFS33O2R	09/29/2015	10/08/2015		2		0	
S33 Lake Fork/Pole Mtn - South of Lake Fork River, Cottonwood Creek, Cuba Gulch and Minnie Gulch; east and south of CO 110	SFS33S2R	09/29/2015	10/08/2015		1		0	
S35 Greenhorns	SMS35O1R	09/08/2015	10/08/2015	1		0		
S35 Greenhorns	SFS35O1R	10/12/2015	10/27/2015		2		0	
S36 Bellows Creek	SMS36O1R	09/08/2015	10/08/2015	1		0		
S37 St. Vain	SMS37O1R	09/08/2015	10/08/2015	1		0		
S39 Mount Silverheels	SMS39O1R	09/08/2015	09/23/2015	1		0		
S39 Mount Silverheels	SMS39O2R	09/26/2015	10/08/2015	1		0		
S40 Lone Pine and S58 Lower Poudre	SMS40O1R	09/08/2015	10/08/2015	2		0		
S40 Lone Pine and S58 Lower Poudre	SFS40O1R	09/08/2015	10/08/2015		2		0	
S41 Peru Creek	SMS41O1R	09/08/2015	10/08/2015	1		0		
S44 Basalt	SMS44O1R	10/01/2015	10/14/2015	1		1		
S47 Browns Canyon	SMS47O1R	09/08/2015	10/08/2015	2		0		
S48 Carrizo Canyon	SMS48O1R	12/01/2015	12/31/2015	1		0		
S49 Grape Creek - Copper Ridge	SMS49O1R	09/08/2015	10/08/2015	2		0		
S50 Mount Mestas	SMS50O1R	09/08/2015	10/08/2015	2		0		
S51 Spanish Peaks	SMS51O1R	09/21/2015	10/11/2015	2		0		
S51 Spanish Peaks - West of Hwy 12 only	SFS51O1R	08/26/2015	09/07/2015		2		1	
S51 Spanish Peaks	SMS51O2R	10/12/2015	10/31/2015	2		0		
S53 Bristol Head	SMS53O1R	09/08/2015	10/08/2015	2		0		
S53 Bristol Head	SFS53O1R	09/19/2015	10/08/2015		2		0	

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers

Unit #/ Unit Name	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		NonResident Licenses (2015)		Private Licenses (2015)
				Ram	Ewe	Ram	Ewe	Rams
S54 West Elk-Dillon Mesa bound on the north by Gunnison CR 12 (Kebler Pass Rd.); on the east by Hwy 135; on the south by N boundary T50N; on the west by Curecanti Ck & Coal Ck.	SMS54O1R	09/08/2015	10/08/2015	2		0		
S59 Derby Creek	SMS59O1R	09/08/2015	10/08/2015	2		0		
S60 Shelf Rd	SMS60O1R	10/01/2015	10/31/2015	2		0		
S61 Purgatory Canyon	SMS61O1R	12/01/2015	12/31/2015	3		0		
S65 Trinchera Ranch Only	SMS65O1R	11/28/2015	12/13/2015	1		0		
S66 Mount Elbert	SMS66O1R	09/14/2015	10/18/2015	5		1		
S66 Mount Elbert	SFS66O1R	09/19/2015	10/18/2015		2		0	
S67 Flattops	SMS67O1R	09/01/2015	10/04/2015	1		0		
S68 Cotopaxi	SMS68O1R	09/08/2015	10/08/2015	1		0		
S69 Lower Cochetopa Canyon	SMS69O1R	09/08/2015	10/08/2015	1		0		
S69 Lower Cochetopa Canyon	SFS69O1R	09/12/2015	09/18/2015		1		0	
S69 Lower Cochetopa Canyon	SFS69O2R	09/19/2015	09/25/2015		1		0	
S71 West Needles	SMS71O1R	09/08/2015	10/08/2015	1		0		
S73 Mt. Zirkel	SMS73O1R	09/01/2015	10/04/2015	2		0		
S73 Mt. Zirkel	SFS73O1R	10/18/2015	10/31/2015		1		0	
S74 Glenwood	SMS74O1R	09/08/2015	10/08/2015	1		0		
S75 Main Canyon	SMS75O1R	11/01/2015	11/30/2015	1		0		
TOTALS				126	48	13	5	

#219 DESERT BIGHORN SHEEP SEASON DATES, HUNT TYPE, UNITS, LICENSES

A. All rams taken shall be one half (1/2) curl or larger unless otherwise specified in these regulations.

1. Archery – None

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers

Unit	Hunt Code	Date Open	Date Closed	Resident Ram Licenses (2015)	Nonresident Ram Licenses (2015)
S56 Black Ridge	CMS56O1R	11/01/2015	11/30/2015	4	1
S62 Dominguez Ck.	CMS62O1R	11/01/2015	11/30/2015	4	0
S63 Middle Dolores River and S64 Upper Dolores River	CMS63O1R	11/01/2015	11/30/2015	3	0
TOTALS				11	1

#220 - SPECIAL RESTRICTIONS

- A. All bighorn sheep harvested through hunting after July 1, 1981, shall be inspected by an employee of the Division on or before the 5th working day after the taking thereof. Any licensee who takes a bighorn sheep shall personally present the sheep with the horns and skull intact to any Division office. A mandatory check report shall be completed at the time of inspection and each legally taken bighorn sheep ram shall have a Division permanent marker attached to the horn.
- B. Any bighorn sheep licensee who does not complete and return the mandatory questionnaire to the Division within thirty (30) days after the close of the season shall not be considered for any future bighorn sheep license.
- C. No person may barter, trade, transfer, or sell any bighorn sheep ram head or horns unless the horns have been inspected and permanently marked by the Division.
- D. Only bighorn sheep rams legally taken with a valid license will be permanently marked by the Division.
- E. Sheep hunters in S42, including auction and raffle hunters, are restricted to hunt weekdays only and are required to attend an S42 Waterton Canyon hunter orientation.

#221 - 226 VACANT

ARTICLE IV MOUNTAIN GOAT

#227 - SEASON DATES, HUNT TYPE, UNITS (as described in Chapter 0 of these regulations), LICENSES

- A. Mountain goats of either sex may be taken unless otherwise specified in these regulations.

1. Archery Season Dates, Units, License Types and Numbers					
Unit #/Unit Name	Hunt Code	Date Open	Date Closed	Resident Either-Sex Licenses (2015)	Nonresident Either- Sex Licenses (2015)
G01 Mt. Shavano and G14 Antero	GEG01O1A	09/08/2015	10/08/2015	6	0
G05 West Needles	GEG05O1A	09/08/2015	10/31/2015	18	2
G08 Fossil Ridge	GEG08O1A	09/08/2015	10/08/2015	2	0
			TOTALS	26	2

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers							
Unit	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
				Either-Sex	Female	Either-Sex	Female
G02 Mount Princeton	GEG02O1R	09/08/2015	10/08/2015	7		1	
G03 Mount Harvard	GEG03O1R	09/08/2015	10/08/2015	6		0	
G04 Mount Evans	GEG04O1R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only	5		1	
G04 Mount Evans	GEG04O2R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only	6		0	

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers							
Unit	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
				Either-Sex	Female	Either-Sex	Female
G04 Mount Evans	GEG04O3R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only	5		1	
G05 Needles – from 09/08/2015-9/25/2015 rifle hunters must hunt west of the Animas River and north of Ten Mile and Trinity Creeks. From 9/26/2015- 10/31/2015 rifle hunters can hunt all of G05.	GEG05O1R	09/08/2015	10/31/2015	2		0	
G06 Gore Range	GEG06O1R	09/01/2015	10/04/2015	5		0	
G07 Grays Peak	GEG07O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only	5		0	
G07 Grays Peak	GEG07O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only	4		1	
G07 Grays Peak	GEG07O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only	3		1	
G07 Grays Peak	GEG07O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only	4		0	
G10 Tenmile	GEG10O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only	1		0	
G10 Tenmile	GEG10O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only	2		0	
G10 Tenmile	GEG10O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only	1		0	
G10 Tenmile	GEG10O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only	1		0	
G11 The Raggeds- portion bounded on the N by USFS 314; on the E by Gunnison CR 3C and USFS Trail 832; on the S by USFS Trail 830 and Gunnison CR 12; and on the W by Colo 133	GEG11O1R	09/08/2015	10/08/2015	4		0	

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers							
Unit	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
				Either-Sex	Female	Either-Sex	Female
G11 The Raggeds-, portion bounded on the N by USFS 314 and USFS 317; on the E by USFS 31; on the S by Gunnison CR 12; on the W by USFS Trail 830 and 832, and Gunnison CR 3C	GEG11S1R	09/08/2015	10/08/2015	2		0	
G12 Maroon Bells	GEG12O1R	09/08/2015	10/08/2015	17		3	
G12 Maroon Bells	GFG12O1R	09/08/2015	10/08/2015		5		0
G13 Quail Mountain	GEG13O1R	09/08/2015	09/22/2015	9		1	
G13 Quail Mountain	GEG13O2R	09/23/2015	10/08/2015	9		1	
G15 Jones Pass	GEG15O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only	3		0	
G15 Jones Pass	GFG15O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only		3		0
G15 Jones Pass	GEG15O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only	2		1	
G15 Jones Pass	GFG15O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only		2		1
G15 Jones Pass	GEG15O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only	3		0	
G15 Jones Pass	GFG15O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only		1		0
G15 Jones Pass	GEG15O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only	3		0	
G15 Jones Pass	GFG15O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only		1		0
G16 Mt Guyot	GEG16O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only	2		1	
G16 Mt Guyot	GFG16O1R	09/08/2015 Weekdays Only	09/18/2015 Weekdays Only		2		0
G16 Mt Guyot	GEG16O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only	2		0	

2. Rifle and Associated Methods Season Dates, Units, License Types and Numbers							
Unit	Hunt Code	Date Open	Date Closed	Resident Licenses (2015)		Nonresident Licenses (2015)	
				Either-Sex	Female	Either-Sex	Female
G16 Mt Guyot	GFG16O2R	09/21/2015 Weekdays Only	10/02/2015 Weekdays Only		2		1
G16 Mt Guyot	GEG16O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only	2		0	
G16 Mt Guyot	GFG16O3R	10/05/2015 Weekdays Only	10/16/2015 Weekdays Only		3		0
G16 Mt Guyot	GEG16O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only	3		0	
G16 Mt Guyot	GFG16O4R	10/19/2015 Weekdays Only	10/30/2015 Weekdays Only		2		0
G17 Independence Pass	GEG17O1R	09/08/2015	10/08/2015	5		1	
G18 Holy Cross	GEG18O1R	09/08/2015	10/08/2015	1		0	
			TOTALS	124	21	13	2

#228 - SPECIAL RESTRICTIONS

- A. All mountain goat hunters who take a goat shall personally present the goat with horns and skull intact to any Division office on or before the 5th working day after the taking thereof. A mandatory check report shall be completed at the time of inspection.
- B. Any mountain goat licensee who does not complete and return the mandatory questionnaire to the Division within thirty (30) days after the close of the season shall not be considered for any future mountain goat license.
- C. Where specified in regulation #227 of this chapter, auction and raffle hunters are also restricted to hunting weekdays only.

#229 - SPECIAL PROVISIONS REGARDING BIGHORN SHEEP, MOUNTAIN GOAT, MOOSE, DEER, ELK, AND PRONGHORN LICENSES AUTHORIZED BY AUCTION OR COMPETITIVE RAFFLE

See also §§33-4-116 through 116.5, C.R.S., concerning statutes for these auctions and raffles

- A. Conduct of the Auction or Raffle.** Any organization selected to conduct a license auction or raffle for the Wildlife Commission shall abide by the following rules:

1. General

- a. All auctions and raffles shall be carried out in accordance with applicable Colorado and Federal laws and the laws of the state where such auction or raffle is held. In the event the auction is held outside of Colorado and there is a conflict between Colorado and local laws, such conflict will be resolved in accordance with applicable principles of conflict of laws; provided the requirements of this regulation must be complied with.

- b. Unless their hunting license privilege is revoked or under suspension pursuant to the law of any state or country, any person, without regard to resident status or citizenship, is eligible to bid at competitive auction or to participate in any raffle for any license authorized by the Commission.
- c. Except as provided herein, auction and raffle licenses are non-transferable and shall be issued only to the winner of a raffle and the highest bidder at an auction. The highest bidder in any auction may give the license as a gift to another person provided written designation of such person is received by the Director at least 30 days prior to the opening of the season. Further, the Director may authorize a transfer of an auction or raffle license prior to the opening of the season due to death or medical incapacity of the holder of any auction or raffle license.
- d. Funds received by a conservation organization which conducts any auction for the Wildlife Commission and due the Division shall be paid to the Division within 60 days after the auction and at least 30 days prior to the opening of the season. Funds received by a conservation organization which conducts any raffle for the Wildlife Commission and due the Division shall be paid to the Division within 90 days after the raffle. No license shall be issued until such funds are received by the Division.
- e. The conservation organization shall ensure no discrimination against any person on the basis of race, creed, color, national origin, religion, sex, age (except as required by Colorado raffle statutes), marital status or physical handicap.

2. Competitive Auction:

- a. Conduct the competitive auction at a location reasonably accessible to prospective bidders.
- b. Utilize the services of a professional and experienced auctioneer
- c. Accept verbal and customary bids as well as absentee written and telephone bids.
- d. No minimum bid shall be established.
- e. No buyers premium in any form may be charged.
- f. Advertise the location, date and starting time of the auction in at least one Colorado paper with statewide circulation. Also, announce the auction through at least two conservation or wildlife oriented magazines with nationwide circulation. Such advertisement shall be accomplished at least 30 days in advance of the auction.
- g. Accept payment by legal tender, cashier's check, certified check or major credit card.
- h. Provide appropriate Colorado hunting regulations and other information to potential bidders and other interested parties at least 10 days prior to the auction upon a request basis and to any in attendance immediately prior to and during the auction.
- i. Make award to the highest bidder, but maintain a record of the second highest bidder in case of payment default or other contingency.
- j. Conduct the auction in accordance with auction procedures established and announced at the start of the auction, including, but not limited to, re-bidding procedures. In the case of any dispute, the auctioneer shall make the final determination as to the highest competitive bid. In the event of a tie, the auctioneer may reopen the bidding of those two bidders to determining the highest bidder. The auctioneer has the sole discretion to advance the bidding and may reject a nominal or fractional advance over the preceding bid. The auctioneer may refuse any bid for reasonable cause.

3. Raffle

- a. Procedures for issuing and collecting raffle tickets and related funds, the location, date and approximate time of a random drawing and all other procedures pertaining to the raffle shall be published and made available upon request at least three (3) months prior to any drawing or award.
- b. Any raffle drawing shall be conducted at a meeting of a conservation organization open to general public attendance. The location, date and time of such meeting must be advertised at least 30 days in advance.
- c. Raffle tickets shall be available for a value of not more than \$25.00 each, and the same name shall not appear on more than 25 tickets.

- d. All tickets shall include a place for a name, address and phone number of the holder and all tickets and stubs shall be numbered. Winner need not be present.
- e. The location and time of the drawing as well as the purpose of the raffle and other information pertaining to the raffle shall be printed on each ticket.
- f. The raffle license shall be issued to the person whose name appears on the winning raffle ticket.

B. Auction and Raffle Licenses

- 1. Licenses issued by auction or raffle shall permit the taking of one animal of either sex, as defined or specified by unit or season in this chapter; except as otherwise provided in these regulations. Rocky Mountain bighorn sheep licenses are not valid for desert bighorn sheep.
- 2. All licenses issued as a product of a competitive auction or raffle shall be written at the Division headquarters.
- 3. There shall be no refund of any monies collected through auction or raffle.
- 4. Licenses for each species shall be valid on a unit-by-unit basis from the first open season in a unit for that species after August 1 through December 31, except as provided in regulation #210(D)(5)(a), #220(E), #228(C) or #4(a) below. Licenses are not valid in units that do not have an open season for the species between August 1 and December 31. An open season is any season in which licenses are issued by the Division for the species in question by drawing, over the counter, or in a Special Management License unit for bighorn sheep or mountain goat, upon request from an Auction and Raffle hunter as approved by the Division.
 - a. Licenses for deer shall be valid on a unit-by-unit basis from the first open deer season in a unit after August 1 through November 30 or the last day of the last open antlered or either-sex deer season in a unit, whichever comes later.
- 5. For sheep, goat and moose, manner of take must be consistent with manner of take restrictions for any ongoing open season, or if no open season is ongoing, restricted to the manners of take allowed in the unit or part of a unit.
- 6. For deer, elk, and pronghorn, any manner of take legal for that species can be used during the period the license is valid, except pronghorn licenses are valid by archery before the last Saturday in August.
- 7. Licenses will be valid for one year only and only in accordance with applicable provisions of this chapter and other appropriate regulations of the Wildlife Commission, unless otherwise provided herein.
- 8. Prior to hunting, all holders of auction and raffle licenses shall provide the Division with the following information:
 - a. Anticipated hunting areas, including GMUs and nearest towns.
 - b. Vehicle descriptions.
 - c. Intended methods of take.
- 9. All auction and raffle hunters shall complete and return a harvest questionnaire provided by the Division within 30 days after the close of their final hunting season. All wildlife harvested through the use of an auction or raffle license shall be presented to and inspected by an employee of the Division on or before the 5th working day after the taking thereof. Failure to present harvested wildlife for inspection as required by this regulation shall make the licensee ineligible for future licenses for that species in Colorado.

C. Expenditure of Auction and Raffle Proceeds

- 1. A Project Advisory Committee (PAC) shall be established for each species qualifying for auction and raffle licenses. Each PAC shall be made up of a spokesperson representative from each nonprofit, conservation organization selling an auction or raffle license for that species and a spokesperson representative of the Division. A conservation organization can abstain from participating on a PAC if they so choose or if they do not provide representation. In addition, the USFS, BLM, and other potentially

affected land management agencies shall each have the opportunity to provide a spokesperson representative for each PAC at their discretion.

2. The Division shall be responsible for annual solicitation of project proposals requesting auction and raffle funding with a deadline no later than April 30th of each year. Funding can potentially be provided to government agencies, including the Division, nonprofit organizations, and private entities for appropriate projects as provided by Colorado laws. Each PAC shall review the project proposals for their respective species and recommend how auction and raffle proceeds for that species shall be expended. Each PAC shall make funding recommendations to the Division Director no later than May 31st of each year. Project funding shall require approval by the Division Director or a designee of the Director.
3. As provided by Colorado laws, auction and raffle funds for deer, elk, and pronghorn can be used interchangeably among said species and auction and raffle funds for bighorn sheep, mountain goats, and moose can be used interchangeably among said species. PACs that desire to recommend funding of projects using auction and raffle funds for a different species within an interchangeable group shall include in their recommendations for funding the respective recommendations of any PAC responsible for an affected species.

D. Accounting of auction and raffle proceeds.

1. Each conservation organization receiving an auction or raffle license for sale shall enter into an agreement with the Division that includes requirements for auction and raffle income and disposition records. Each organization shall maintain records of activities relating to auction and raffle proceeds retained by the organization. Such records shall be available for inspection by the Division at all reasonable times and subject to audit by the state.
2. The Division shall provide each conservation organization with a list of all projects that have been approved for auction and raffle funding each year.
3. The Division shall provide the PAC committees with current auction and raffle fund balances by May 1st of each year.
4. Recipients of auction and raffle funds must provide an annual status report to the Division by July 1st for each fiscal year funding is provided. In some cases the Division may also request a comprehensive final report. At a minimum, such reports must provide a summary of accomplishments and results in relation to proposal objectives and a basic accounting of auction and raffle fund expenditures. The Division may request additional follow-up information such as more detailed records of results and expenditures. Failure to provide a satisfactory report or follow-up information can result in termination of auction and raffle funding at the discretion of the Division. The Division shall provide copies of available annual status reports and final reports to each PAC upon request.

#230 - SPECIAL MANAGEMENT LICENSES FOR SHEEP AND GOAT

- A. The Director is authorized to issue special management licenses for bighorn sheep or mountain goat when necessary to:
 1. prevent exposure of a sheep or goat population to disease which could result from sheep or goats having had contact with domestic livestock which present a disease transmission risk; either within or outside of an established game management unit; or to prevent the potential spread of disease by sheep or goats pioneering from units with such disease.

2. allow for targeted surveillance of sheep and goat populations for management purposes.
 3. prevent unplanned expansion of sheep or goats outside of established game management units for the species.
- B. Licenses will be offered to unsuccessful applicants for an adjacent or nearby unit for the same species, in the order in which they would have been drawn if successful.
- C. Manner of Take will be rifle and associated methods.
- D. Mandatory check requirements are the same as for established seasons for sheep or goat, except that mandatory tissue submission requirements may be stipulated for individual targeted surveillance hunts.
- E. Such licenses will not use or generate preference points.

ARTICLE V – BLACK BEAR

#236 - BAITING

- A. It shall be unlawful to hunt black bear over bait as prohibited in §33-4-101.3, C.R.S.

#237 - ARCHERY BLACK BEAR SEASONS – ONLY LAWFUL HAND-HELD BOWS MAY BE USED TO HUNT OR TAKE BLACK BEAR DURING THIS SEASON.

A. Archery Seasons

1. Hunt type, Dates, Units (as described in Chapter 0 of these regulations), Licenses, Over the Counter with a cap

Unit(s)	Season Dates: 09/02/2015 - 09/30/2015 Unless Otherwise Shown	
	Hunt Code	Either-Sex Licenses (2014)
		Over the Counter with Cap
1	BE001U1A	50
2	BE002U1A	
3, 11, 211, 301	BE003U1A	
4, 5, 6, 14, 16, 17, 161, 171, 214, 441	BE004U1A	250
7, 8, 9, 19, 191	BE007U1A	50
10	BE010U1A	
12, 13, 23, 24, 25, 26, 33, 131, 231	BE012U1A	400
15, 18, 27, 28, 37, 181, 371	BE015U1A	95
20, 29, 38	BE020U1A	80
21, 22, 30, 31, 32	BE021U1A	200
34	BE034U1A	30
35, 36, 44, 45, 361, 444	BE035U1A	250
39, 46, 51, 391, 461	BE039U1A	90
40	BE040U1A	25
41, 42, 52, 411, 421, 521	BE041U1A	400

Unit(s)	Season Dates: 09/02/2015 - 09/30/2015 Unless Otherwise Shown	
	Hunt Code	Either-Sex Licenses (2014)
		Over the Counter with Cap
43 - north and west of Capitol Creek and Capitol Peak, west and south of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and west of Pitkin-Gunnison County lines	BE043U1A	160
43 - south and east of Capitol Creek and Capitol Peak, east and north of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and east of Pitkin-Gunnison County lines, 47, 471	BE047U1A	160
48, 49, 56, 57, 481, 561	BE048U1A	110
50, 500, 501	BE050U1A	60
53, 63	BE053U1A	150
54, 55, 551	BE054U1A	75
58, 581	BE058U1A	75
59, 511, 591	BE059U1A	100
60, 70	BE060U1A	100
61	BE061U1A	15
62, 64, 65	BE062U1A	150
66, 67	BE066U1A	30
68, 76, 79, 80, 81, 681, 682, 791	BE068U1A	50
69, 84, 691	BE069U1A	75
71, 72, 73, 74, 711, 741	BE071U1A	100
75, 77, 78, 751, 771	BE075U1A	120
82, 86, 861	BE082U1A	90
83, 85, 140, 851 except Bosque del Oso SWA	BE083U1A	60
201	BE201U1A	
851 Bosque del Oso SWA only	BE851U1A	5
	TOTAL	3605

#238 - MUZZLE-LOADING FIREARMS BLACK BEAR SEASON - ONLY LAWFUL MUZZLE-LOADING FIREARMS (RIFLES AND SMOOTHBORE MUSKETS) MAY BE USED TO HUNT OR TAKE BLACK BEAR

A. Muzzle-loading Firearms Seasons

1. Hunt type, Dates, Units (as described in Chapter 0 of these regulations), Licenses, Over the Counter with a cap

Unit(s)	Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
	Hunt Code	Either-Sex Licenses (2014) (Over the Counter with Cap)
1	BE001U1M	5
2	BE002U1M	
3, 11, 211, 301	BE003U1M	
4, 5, 6, 14, 16, 17, 161, 171, 214, 441	BE004U1M	100
7, 8, 9, 19, 191	BE007U1M	20
10	BE010U1M	
12, 13, 23, 24, 25, 26, 33, 131, 231	BE012U1M	50
15, 18, 27, 28, 37, 181, 371	BE015U1M	25
20, 29, 38	BE020U1M	35
21, 22, 30, 31, 32	BE021U1M	60
34	BE034U1M	25
35, 36, 44, 45, 361, 444	BE035U1M	200
39, 46, 51, 391, 461	BE039U1M	40
40	BE040U1M	10
41, 42, 52, 411, 421, 521	BE041U1M	150
43 - north and west of Capitol Creek and Capitol Peak, west and south of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and west of Pitkin-Gunnison County lines	BE043U1M	50
43 - south and east of Capitol Creek and Capitol Peak, east and north of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and east of Pitkin-Gunnison County lines, 47, 471	BE047U1M	50
48, 49, 56, 57, 481, 561	BE048U1M	45
50, 500, 501	BE050U1M	50
53, 63	BE053U1M	100
54, 55, 551	BE054U1M	60
58, 581	BE058U1M	30
59, 511, 591	BE059U1M	40
60, 70	BE060U1M	60
61	BE061U1M	10
62, 64, 65	BE062U1M	75
66, 67	BE066U1M	15
68, 76, 79, 80, 81, 681, 682, 791	BE068U1M	35
69, 84, 691	BE069U1M	35
71, 72, 73, 74, 711, 741	BE071U1M	60
75, 77, 78, 751, 771	BE075U1M	65

Unit(s)	Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
	Hunt Code	Either-Sex Licenses (2014) (Over the Counter with Cap)
82, 86, 861	BE082U1M	45
83, 85, 140, 851 except Bosque del Oso SWA	BE083U1M	25
201	BE201U1M	
851 Bosque del Oso SWA only	BE851U1M	5
	TOTAL	1575

#239 - RIFLE AND ASSOCIATED METHODS – BLACK BEAR

A. Limited Rifle Seasons

1. Season Dates and Units (as described in Chapter 0 of these regulations)

Unit	Season Dates: 09/02-09/30 Annually Unless Otherwise Shown	
	Hunt Code	Either-Sex Licenses (2014)
1	BE001O1R	75
2	BE002O1R	
3, 11, 211, 301	BE003O1R	
4, 5, 6, 14, 16, 17, 161, 171, 214, 441	BE004O1R	600
7, 8, 9, 19, 191	BE007O1R	75
10	BE010O1R	
12, 13, 23, 24, 25, 26, 33, 131, 231	BE012O1R	600
15, 18, 27, 28, 37, 181, 371	BE015O1R	100
20, 29, 38	BE020O1R	75
21, 22, 30, 31, 32	BE021O1R	600
34	BE034O1R	120
35, 36, 44, 45, 361, 444	BE035O1R	500
39, 46, 51, 391, 461	BE039O1R	175
40	BE040O1R	35
41, 42, 52, 411, 421, 521	BE041O1R	1100
43 - north and west of Capitol Creek and Capitol Peak, west and south of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and west of Pitkin-Gunnison County lines	BE043O1R	200
43 - south and east of Capitol Creek and Capitol Peak, east and north of the Elk Mountains ridgeline between Capitol Peak and Snowmass Mountain, and east of Pitkin-Gunnison County lines, 47, 471	BE047O1R	250
48, 49, 56, 57, 481, 561	BE048O1R	180
50, 500, 501	BE050O1R	75
53, 63	BE053O1R	400

	Season Dates: 09/02-09/30 Annually Unless Otherwise Shown	
Unit	Hunt Code	Either-Sex Licenses (2014)
54, 55, 551	BE054O1R	125
58, 581	BE058O1R	100
59, 511, 591	BE059O1R	100
60, 70	BE060O1R	200
61	BE061O1R	150
62, 64, 65	BE062O1R	150
66, 67	BE066O1R	65
68, 76, 79, 80, 81, 681, 682, 791	BE068O1R	200
69, 84, 691	BE069O1R	185
71, 72, 73, 74, 711, 741	BE071O1R	260
75, 77, 78, 751, 771	BE075O1R	265
82, 86, 861	BE082O1R	150
83, 85, 140, 851 except Bosque del Oso SWA	BE083O1R	140
201	BE201O1R	
851 Bosque del Oso SWA only	BE851O1R 09/02/2015- 09/18/2015	5
851 Bosque del Oso SWA only	BE851O2R 09/19/2015- 10/04/2015	5
	TOTAL	7260

- B. Over the Counter with Caps Either-Sex Concurrent Rifle Season, Dates, Units (as described in Chapter 0 of these regulations), Licenses as shown by hunt code, concurrent with Regular Rifle Deer and Elk Seasons subject to season participation restrictions in #207.**

	Season Dates: 10/10/2015-10/14/2015 and 10/17/2015-10/25/2015 and 10/31/2015-11/08/2015 and 11/11/2015-11/15/2015 Unless Otherwise Shown	
Unit	Hunt Code	Either-Sex Licenses (2014)
1	BE001U5R	
2	BE002U5R	
3, 11, 211, 301	BE003U5R	
4, 5, 6, 14, 16, 17, 161, 171, 214, 441	BE004U5R	
7, 8, 9, 19, 191	BE007U5R	
10	BE010U5R	
12, 13, 23, 24, 25, 26, 33, 34, 131, 231	BE012U5R	
15, 18, 27, 28, 37, 181, 371	BE015U5R	
20, 29, 38	BE020U5R	
21, 22, 30, 31, 32	BE021U5R	
35, 36, 43, 44, 45, 47, 361, 444, 471	BE035U5R	
39, 46, 51, 391, 461	BE039U5R	
40	BE040U5R	
41, 42, 52, 411, 421, 521	BE041U5R	
48, 49, 56, 57, 481, 561	BE048U5R	
50, 500, 501	BE050U5R	
53, 63	BE053U5R	
54, 55, 551	BE054U5R	
58, 59, 511, 581, 591	BE058U5R	
60, 62, 64, 65, 70	BE060U5R	
61	BE061U5R	
66, 67	BE066U5R	
68, 79, 80, 81, 681, 682, 791	BE068U5R	
69, 84, 691	BE069U5R	
71, 72, 73, 74, 711, 741	BE071U5R	
75, 77, 78, 751, 771	BE075U5R	
76	BE076U5R	
82, 86, 861	BE082U5R	
83, 85, 140, 851 except Bosque del Oso SWA	BE083U5R	
201	BE201U5R	
851 Bosque del Oso SWA only	BE851U5R	
	TOTAL	

C. Over the Counter Plains Regular Rifle Season, Dates, Units (as described in Chapter 0 of these regulations), Over the Counter as shown by hunt code

Unit	Season Dates:	Licenses (2014)
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 951	BE087U6R 09/02/2015 - 11/15/2015	Unlimited
	TOTAL	Unlimited

D. Over the Counter with Cap Private Land Only Rifle Season, Dates, Units (as described in Chapter 0 of these regulations), Over the Counter as shown by hunt code

Unit	Season Dates:	Licenses (2014)
48, 49, 56, 57, 481, 561	BE048P5R 09/02/2015-11/15/2015	75
58, 581	BE058P5R 09/02/2015-11/15/2015	150
59, 511	BE059P5R 09/02/2015-11/15/2015	300
83, 85, 140, 851	BE083P1R 09/02/2015-09/30/2015	210
84 - That portion bounded on the north by Colo 96, Siloam Rd, Colo 78, Water Barrel Rd, and Burnt Mill Rd; on the east by I-25; on the south by Huerfano Co Rd 650 (Lascar Rd); and on the west by the San Isabel Forest boundary and Colo 165	BE084P5R 09/02/2015-11/15/2015	100
	TOTAL	835

E. Private Land Only Seasons

1. Private Land Only Dates, Unit (as described in Chapter 0 of these regulations), and Licenses, Limited Licenses as shown by hunt code.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)
14	BE014P1R	09/02/2015	09/30/2015	20
18, 28	BE018P1R	09/02/2015	09/30/2015	10
18, 28	BE018P5R	10/01/2015	11/15/2015	15
25, 26	BE025P1R	09/02/2015	09/30/2015	35
25, 26	BE025P5R	10/01/2015	11/15/2015	20
30	BE030P1R	09/02/2015	09/30/2015	25
30	BE030P5R	10/01/2015	11/15/2015	25
31, 32	BE031P1R	09/02/2015	09/30/2015	80
31, 32	BE031P5R	10/01/2015	11/15/2015	80
34	BE034P1R	09/02/2015	09/30/2015	10
34	BE034P5R	10/01/2015	11/15/2015	20
35, 36, 43, 44, 45, 47, 361, 444, 471	BE035P1R	09/02/2015	09/30/2015	100
35, 36, 43, 44, 45, 47, 361, 444, 471	BE035P5R	10/01/2015	11/15/2015	100

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)
37	BE037P1R	09/02/2015	09/30/2015	10
37	BE037P5R	10/01/2015	11/15/2015	5
40	BE040P1R	09/02/2015	09/30/2015	100
41, 42, 421	BE041P1R	09/02/2015	09/30/2015	125
41, 42, 421	BE041P5R	10/01/2015	11/15/2015	125
60, 70	BE060P1R	09/02/2015	09/30/2015	80
60, 70	BE060P5R	10/01/2015	11/15/2015	50
61	BE061P1R	09/02/2015	09/30/2015	40
62, 64, 65	BE062P1R	09/02/2015	09/30/2015	95
62, 64, 65	BE062P5R	10/01/2015	11/15/2015	75
69, 84, 691	BE069P1R	09/02/2015	09/30/2015	145
71, 72, 73, 74, 711, 741	BE071P1R	09/02/2015	09/30/2015	55
75, 77, 78, 751, 771	BE075P1R	09/02/2015	09/30/2015	60
86, 861	BE086P1R	09/02/2015	09/30/2015	95
131	BE131P1R	09/02/2015	09/30/2015	10
			TOTAL	1610

#241 - SPECIAL RESTRICTIONS

- A. No person shall hunt, take or harass a bear in its den.
- B. No cubs shall be killed nor shall any black bear accompanied by one (1) or more cubs be killed. As used herein a "cub" shall mean any black bear less than one (1) year of age.
- C. Inspection and Seal Required.
 1. Black bear taken by licensed hunters shall be personally presented to the Division or other official designated by the Division for inspection and sealing within 5 working days after the taking thereof. Bear heads and hides must be unfrozen when presented for inspection. If not unfrozen, the Division may retain heads and hides as necessary for thawing sufficient to extract a premolar tooth. No fee shall be required for the inspection and issuance of a legal possession seal, which shall remain attached to the hide until such hide is tanned.
 2. Black bears shall not be transported, shipped or otherwise taken out of Colorado until the hide and skull are inspected and sealed by authorized personnel of the Division. Possession of any bear hide not having a seal attached within the 5 working days shall be unlawful and such hide shall become the property of the State.
 3. Inspection and sealing shall be arranged by contacting the Division Officer or the Division office
 4. A mandatory check report shall be accurately completed by the hunter at the time of inspection.
 5. At the time of the mandatory check, the Division shall be authorized to extract and retain a premolar tooth.

- D. Individuals taking black bear under authority of §33-3-106(3) shall report the bear within five (5) days after the taking thereof as required by said statute and the carcass, hide and other parts of the bear shall remain the property of the state.

ARTICLE VI - MOUNTAIN LION

#242 - RIFLE AND ASSOCIATED METHODS MOUNTAIN LION SEASONS

A. General and Extended Seasons

1. Dogs may be used to hunt mountain lion. However, the pack size shall be limited to no more than eight (8) dogs.
2. The hunter that takes a mountain lion shall be present at the time and place that any dogs are released on the track of a mountain lion and must continuously participate in the hunt until it ends. After a mountain lion has been pursued, treed, cornered or held at bay, a properly licensed person shall take or release the mountain lion immediately. No person shall in any manner restrict or hinder the mountain lion's ability to escape for the purpose of allowing a person who was not present at the time and place that any dogs were released, to arrive and take the mountain lion.
3. Without regard to harvest limit quotas, unit boundaries or season dates, the director or his designee may authorize the taking of any problem lion by any lawful means designated, including but not limited to methods permitted under Article XVIII, Section 12b, of the Colorado Constitution, when such lion are causing damage to livestock or property or are frequenting areas of incompatibility with other users as may be necessary to protect public health, safety and welfare. The taking of lion under this section shall be by licensed hunters, houndsmen, or trappers who shall be bound by all other statutes and regulations regarding the taking and possession of mountain lion.
4. The director shall establish a statewide list of hunters, houndsmen, and trappers to take problem lions taking into consideration the ability to respond, skill, experience, location, and the ability of the hunters, houndsmen, or trappers who have applied to participate in removal operations; and, in selecting participants from that list for any particular removal operation shall further take into consideration the urgency dictated by the situation and the environment in which the removal will occur.
5. Research Area:
 - a. The Research Area is defined as the area bounded on the east by Colo 348 at Delta, on the north by 25 Mesa Road and USFS 503 to Nucla, on the south and west by Colo 97 to Colo 141 and Colo 145 to Placerville and on the south by Colo 62 to Ridgway and on the east by US 550 to Montrose and by US 50 to Delta.
 - b. A free permit is required to hunt lions in the Research Area. Permits are valid for 14 consecutive days, and are unlimited. Permits are available at the Montrose Service Center at 2300 S. Townsend Ave., Montrose, CO 81401. Permits may be obtained beginning 14 days prior to the opening of the season through January 31 or filling of the Research Area harvest limit quota, whichever comes first.
6. Hunt Type, Dates, Units (as described in Chapter 0 of these regulations), and Harvest limit Quotas.

- a. Mountain Lion, Either-sex Season and Harvest Limit Quota – In Game Management Units, as follows, the day after the close of the final combined rifle season through March 31 annually:(through January 31 for GMU 61, 62 and 70 within the Research Area):

Units	Lion Harvest Limit Quota
1, 2	5
3, 301	5
4 (north of Co Rd 27 and USFS 110), 5	8
4 (south of Co Rd 27 and USFS 110), 214, 441	5
6, 16, 17, 161, 171	4
7	1
8	4
9	3
10	10
11	12
12	16
13 (west of Hayden Divide Road)	12
13 (east of Hayden Divide Road), 131	5
15	5
18, 27, 28, 37, 181, 371	11
19	5
20	9
21	15
22	15
23	17
24	4
25, 26, 34	7
29	2
30	10
31	12
32	5
33	13
35, 36, 361	9
38	7
39, 391	7
40	7
41	5
42	10
43	7
44	6
45	1
46	6
47	1
48, 49, 50, 481, 500	8
51	7
52, 411	10
53, 63	8
54, 55, 551	7
56, 561	8
57, 58, 581	20
59, 591	7
60	5

Units	Lion Harvest Limit Quota
61 north of Delta-Nucla Rd	7
61, 62, 70 Research Area (subject to the limitations set forth in #242(A)(5))	5
62 north of Delta-Nucla Rd	7
64	5
65	5
66, 67	8
68, 681, 682	6
69, 84, 86, 691, 861	26
70 east of Colo 141 , except the area between Colo 145 and the San Miguel River north of the Norwood Bridge	10
70 west of Colo 141	6
71, 711	9
72	4
73	10
74, 741	6
75	4
76, 79, 791	5
77	6
78	5
80	5
81	4
82	6
83	10
85, 140, 851	24
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 951	5
104, 105, 110	5
123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147	20
191	8
201	5
211	17
421	10
444	7
461	7
501	8
511	4
521	6
751, 771	5
TOTAL	656

- b. Mountain Lion, Either-sex Season and Harvest Limit Quota – In Game Management Units, as follows, April 1 - April 30 annually:

Units	Lion Harvest Limit Quota
1, 2	2
3, 301	4
4 (north of Co Rd 27 and USFS 110), 5	3
4 (south of Co Rd 27 and USFS 110), 214, 441	2
7	1
8	3
9	2
10	6
11	3
12	1
13 (west of Hayden Divide Road)	4
13 (east of Hayden Divide Road), 131	2
19	2
20	6
22	1
24	2
29	2
31	5
32	1
33	5
38	5
39, 391	5
41	3
42	3
46	3
48, 49, 50, 481, 500	1
51	4
52, 411	6
56, 561	2
57, 58, 581	2
59, 591	3
68, 681, 682	2
70 east of Colo 141 , except the area between Colo 145 and the San Miguel River north of the Norwood Bridge	6
70 west of Colo 141	2
71, 711	1
72	3
73	2
81	2
82	3
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 951	5
104, 105, 110	4
123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147	8

Units	Lion Harvest Limit Quota
191	6
201	2
211	12
421	2
461	6
501	4
511	1
521	1
TOTAL	166

B. Licenses and GMU Harvest Limit Quota Status

1. A valid mountain lion license is required to hunt any mountain lion.
2. Except as provided in 33-3-106 C.R.S., it is unlawful for any person to purchase or obtain a mountain lion hunting license or hunt mountain lions unless the person obtains a mountain lion education certificate issued by the Division attesting to the person's successful completion of the Division's certified mountain lion education and identification course. Any person required to obtain such a certificate shall have the certificate on his or her person while hunting or taking mountain lion.
3. Prior to each hunting trip in any game management unit, but not earlier than 5:00 p.m. of the day before hunting, lion hunters must contact 1-888-940-LION (1-888-940-5466), or any Division office and determine which game management units have not reached the unit harvest quota and are open to hunting. It shall be unlawful to hunt in a unit after it is closed.

C. Special Restrictions

1. Reporting and Sealing
 - a. The taking of mountain lions by licensed hunters shall be reported to the Division within 48 hours after the taking thereof, and except as provided in these regulations, the lion shall be personally presented by the hunter for inspection and sealing within five (5) days after the taking thereof. Mountain lion heads and hides must be unfrozen when presented for inspection. If not unfrozen, the Division may retain heads and hides as necessary for thawing sufficient to extract a premolar tooth. A mandatory check report shall be accurately completed by the hunter at the time of inspection, which shall include certification that all information provided is accurate
 - b. At the time of the mandatory check, the Division shall be authorized to extract and retain a premolar tooth.
2. The legal possession seal when attached to the mountain lion skull or hide shall authorize possession, transportation, tanning or mounting thereof. No fee shall be required for the inspection and issuance of a legal possession seal which shall remain attached to the skull or hide until processed. Mountain lions shall not be transported, shipped or otherwise taken out of Colorado until the hide and skull are inspected and sealed.
3. All mountain lion taken or destroyed under Commission regulation #1702 or §33-3-106(3) C.R.S., as amended, shall remain the property of the state and shall be delivered to an

officer of the Division within five (5) days. A report shall be given to an officer of the Division at the time of delivery which contains the following:

- 1) Name(s) of person(s) who killed the animal(s).
- 2) The county and the specific location of the kill.
- 3) The species and number of animals killed.
- 4) The reason for such action.
4. Lions With Kittens – No person shall kill a mountain lion accompanied by one or more kittens or kill a kitten.
5. “Kitten” shall mean a lion with spots.

ARTICLE VIII – DEER

#243-247 VACANT

#248 - ARCHERY DEER SEASONS – ONLY LAWFUL HAND HELD BOWS MAY BE USED TO HUNT OR TAKE DEER DURING THE FOLLOWING SEASONS:

A. Regular Seasons	Season Dates: 08/29/2015 – 09/27/2015 Unless Otherwise Shown			
	Unit	Hunt Code	Licenses (2014)	
			Antlered	Antlerless Either Sex
1		DM001O1A	1	
2		DM002O1A	4	
3, 4, 5, 14, 214, 301, 441		DE003O1A		550
6, 16, 17, 161, 171		DM006O1A	75	
7, 8, 9, 19, 191		DE007O1A		700
10		DM010O1A	2	
11, 13, 22, 131, 211, 231 and private land portions of 12, 23, and 24		DE011O1A		250
12, 23 north of the White River, and 24 north of the North Fork of the White River		DE012O1A		100
15		DE015O1A		215
18, 27, 28, 37, 181, 371		DE018O1A		1160
20		DE020O1A		300
21, 30		DM021O1A	70	
23 south of the White River, and 24 south of the North Fork of the White River		DE023O1A		175
25, 26		DE025O1A		150
29		DE029O1A		150
31, 32		DE031O1A		200
33		DE033O1A		150
34		DE034O1A		100
35, 36, 45, 361		DE035O1A		285

A.	Regular Seasons	Season Dates: 08/29/2015 – 09/27/2015 Unless Otherwise Shown			
Unit		Hunt Code	Licenses (2014)		
			Antlered	Antlerless	Either Sex
	38	DE038O1A			300
	39, 46	DE039O1A			200
	40	DM040O1A	80		
	41, 42, 421	DE041O1A			375
	43, 47, 471	DE043O1A			200
	44	DE044O1A			65
	48, 56, 481, 561	DE048O1A			180
	49, 57, 58, 581	DE049O1A			360
	50, 500, 501	DE050O1A			200
	51	DE051O1A			150
	52, 411, 521	DM052O1A	150		
	53	DM053O1A	45		
	54	DM054O1A	50		
	55	DM055O1A	50		
	59, 511, 591	DE059O1A			150
	60	DM060O1A	50		
	61	DM061O1A	50		
	62	DM062O1A	185		
	63	DM063O1A	50		
	64, 65	DM064O1A	95		
	66	DM066O1A	35		
	67	DM067O1A	35		
	68, 681, 682	DM068O1A	80		
	69, 84, 86, 691, 861	DE069O1A			325
	70	DM070O1A	120		
	71, 711	DM071O1A			
	72, 73	DM072O1A			
	74	DM074O1A	105		
	75, 751	DE075O1A			185
	76	DM076O1A	20		
	77, 78, 771	DE077O1A			185
	79, 791	DM079O1A	10		
	80, 81	DM080O1A	200		
	82	DM082O1A	40		
	85, 851 except Bosque del Oso SWA	DM085O1A	105		
	140	DM140O1A			
	201	DM201O1A	8		
	391, 461	DE391O1A			100
	444	DE444O1A			100
	551	DM551O1A	20		
	741	DE741O1A			55
	851 Bosque del Oso SWA only	DM851O1A	4		
	TOTALS		1739		7850

B. Late Seasons

1. Archery – Late Season, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
87, 88, 89, 90, 95	DE087O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			75
91	DE091O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			65
92	DE092O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			60
93, 97, 98, 100	DE093O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			75
94, 951	DE094O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			150
96	DE096O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			100
99	DE099O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			50
101, 102	DE101O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			50
103	DE103O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			40
104, 105, 106	DE104O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			380
107	DE107O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			30
109	DE109O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			35
110, 111, 118, 119, 123, 124	DE110O2A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			130
112, 113, 114, 115, 120, 121	DE112O2A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			80
116, 117	DE116O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			50
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DE122O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			300
128, 133, 134, 135	DE128O2A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			110

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
129	DE129O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			20
136, 141, 147	DE136O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			45
142	DE142O2A	10/01/2015 12/15/2015	11/30/2015 12/31/2015			25
143, 144, 145	DE143O1A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			40
TOTALS						1910

C. Private Land Only Deer Seasons

1. Archery - Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
4, 13, 301 – Those portions not within Craig city limits in the following townships, ranges, and sections: • T6N R90W Sections 5, 6 • T6N R91W Sections 1, 2, 3 • T7N R90W Sections 29, 30, 31, 32 • T7N R91 W Sections 25, 26, 27, 34, 36	DF004P5A	08/15/2015	09/30/2015		50	
4, 13, 301 – Those portions not within Craig city limits in the following townships, ranges, and sections: • T6N R90W Sections 5, 6 • T6N R91W Sections 1, 2, 3 • T7N R90W Sections 29, 30, 31, 32 • T7N R91 W Sections 25, 26, 27, 34, 36	DM004P5A	08/15/2015	09/30/2015	5		
30 – that portion south of the Highline Canal and east of West Salt Creek	DE030P5A	08/29/2015	10/31/2015			50
30 – that portion south of the Highline Canal and east of West Salt Creek	DF030P5A	08/29/2015	12/31/2015		75	

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
41 - Those portions bounded on the north by the Colorado River; on the east by the Orchard Mesa Canal and 38 Rd; on the south by the #2 Orchard Mesa Canal; and on the west by the 28 Rd alignment.	DE041P5A	08/29/2015	12/31/2015			25
41 - Those portions bounded on the north by the Colorado River; on the east by the Orchard Mesa Canal and 38 Rd; on the south by the #2 Orchard Mesa Canal; and on the west by the 28 Rd alignment.	DF041P5A	08/29/2015	12/31/2015		50	
83	DM083P1A	08/29/2015	09/27/2015	7		
TOTALS				12	175	75

D. Whitetail Only Deer Seasons

1. Archery - Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
103	DF103O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		10	
104, 105, 106	DE104O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			50
107	DE107O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			30
107	DF107O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		20	
109	DE109O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			30
109	DF109O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		20	
110, 111, 118, 119, 123, 124	DE110O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			100
110, 111, 118, 119, 123, 124	DF110O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015		50	
112, 113, 114, 115, 120, 121	DE112O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			80
112, 113, 114, 115, 120, 121	DF112O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015		50	

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
116, 117	DE116O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			60
116, 117	DF116O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		30	
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DE122O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			150
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DF122O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		100	
128, 133, 134, 135	DE128O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015			50
128, 133, 134, 135	DF128O4A	10/01/2015 11/04/2015	10/23/2015 12/31/2015		30	
129	DE129O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			20
129	DF129O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		15	
136, 141, 147	DE136O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			30
136, 141, 147	DF136O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		10	
143, 144, 145	DE143O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015			20
143, 144, 145	DF143O3A	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015		30	
TOTALS					365	620

#249 - MUZZLE LOADING FIREARMS (RIFLE AND SMOOTHBORE MUSKET) DEER SEASON – ONLY LAWFUL MUZZLE-LOADING FIREARMS MAY BE USED TO HUNT OR TAKE DEER DURING THE FOLLOWING SEASONS:

A. Regular Seasons

1. Muzzle-loading, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
		Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
Unit	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
1	DM001O1M	1	
2	DM002O1M	5	
3, 4, 5, 14, 214, 301, 441	DM003O1M	100	
3, 4, 5, 14, 214, 301, 441	DF003O1M		75

1. Muzzle-loading, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
		Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
Unit	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
6, 16, 17, 161, 171	DM006O1M	40	
7, 8, 9, 19, 191	DM007O1M	500	
7, 8, 9, 19, 191	DF007O1M		20
10	DM010O1M	1	
11, 13, 22, 131, 211, 231 and private land portions of 12, 23, and 24	DM011O1M	150	
11, 13, 22, 131, 211, 231 and private land portions of 12, 23, and 24	DF011O1M		75
12, 23 north of the White River, and 24 north of the North Fork of the White River	DM012O1M	50	
12, 23 north of the White River, and 24 north of the North Fork of the White River	DF012O1M		20
15	DM015O1M	120	
15	DF015O1M		60
18, 27, 28, 37, 181, 371	DM018O1M	660	
18, 27, 28, 37, 181, 371	DF018O1M		460
20	DM020O1M	125	
20	DF020O1M		50
21, 30	DM021O1M	30	
23 south of the White River, and 24 south of the North Fork of the White River	DM023O1M	75	
23 south of the White River, and 24 south of the North Fork of the White River	DF023O1M		25
25, 26	DM025O1M	65	
25, 26	DF025O1M		65
29	DM029O1M	60	
29	DF029O1M		35
31, 32	DM031O1M	90	
33	DM033O1M	50	
33	DF033O1M		50
34	DM034O1M	65	
34	DF034O1M		65
35, 36, 45, 361	DM035O1M	210	
35, 36, 45, 361	DF035O1M		100
38	DM038O1M	150	
38	DF038O1M		50
39, 46	DM039O1M	75	
39, 46	DF039O1M		25
40	DM040O1M	35	
41, 42, 421	DM041O1M	250	
41, 42, 421	DF041O1M		75
43, 47, 471	DM043O1M	175	
43, 47, 471	DF043O1M		10

1. Muzzle-loading, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
		Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
Unit	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
43, 47, 471 – Youth only	DF043K1M		10
44	DM044O1M	50	
44	DF044O1M		20
48, 56, 481, 561	DM048O1M	80	
48, 56, 481, 561	DF048O1M		25
49, 57, 58, 581	DM049O1M	150	
49, 57, 58, 581	DF049O1M		25
50, 500, 501	DM050O1M	100	
51	DM051O1M	35	
51	DF051O1M		15
52, 411, 521	DM052O1M	60	
53	DM053O1M	20	
54	DM054O1M	45	
55	DM055O1M	35	
59, 511, 591	DM059O1M	60	
59, 511, 591	DF059O1M		10
60	DM060O1M	10	
61	DM061O1M	15	
62	DM062O1M	30	
63	DM063O1M	25	
64, 65	DM064O1M	20	
66	DM066O1M	25	
67	DM067O1M	25	
68, 681, 682	DM068O1M	90	
69, 84, 86, 691, 861	DM069O1M	185	
69, 84, 86, 691, 861	DF069O1M		25
70	DM070O1M	70	
71, 711	DM071O1M	70	
72, 73	DM072O1M	95	
74	DM074O1M	100	
75, 751	DM075O1M	160	
75, 751	DF075O1M		15
76	DM076O1M	15	
77, 78, 771	DM077O1M	185	
77, 78, 771	DF077O1M		15
79, 791	DM079O1M	20	
80, 81	DM080O1M	135	
82	DM082O1M	50	
85, 851 except Bosque del Oso SWA	DM085O1M	25	
140	DM140O1M		
201	DM201O1M	8	
391, 461	DM391O1M	25	
391, 461	DF391O1M		10
444	DM444O1M	50	
444	DF444O1M		25
501	DF501O1M		25
551	DM551O1M	15	

1. Muzzle-loading, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
		Season Dates: 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
Unit	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
741	DM741O1M	35	
741	DF741O1M		5
851 Bosque del Oso SWA only	DM851O1M	2	
TOTALS		5202	1505

B. Eastern Plains Season (East of I-25)

1. Muzzle-loading – Eastern Plains Season, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
		Season Dates: 10/10/2015 – 10/18/2015 Unless Otherwise Shown	
Unit	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
87, 88, 89, 90, 95	DM087O2M	40	
87, 88, 89, 90, 95	DF087O2M		40
91	DM091O2M	25	
91	DF091O2M		35
92	DM092O2M	25	
92	DF092O2M		45
93, 97, 98, 100	DM093O2M	25	
93, 97, 98, 100	DF093O2M		30
94	DM094O2M	10	
94	DF094O2M		5
96	DM096O2M	35	
96	DF096O2M		40
99	DM099O2M	25	
99	DF099O2M		30
101, 102	DM101O2M	20	
101, 102	DF101O2M		20
103	DM103O2M	10	
103	DF103O2M		15
104, 105, 106	DM104O2M	30	
104, 105, 106	DF104O2M		25
107, 112, 113, 114, 115, 120, 121	DM107O2M	75	
107, 112, 113, 114, 115, 120, 121	DF107O2M		30
109	DM109O2M	10	
109	DF109O2M		10
110, 111, 118, 119, 123, 124	DM110O2M	15	
110, 111, 118, 119, 123, 124	DF110O2M		15
116, 117	DM116O2M	10	
116, 117	DF116O2M		10
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DM122O2M	45	
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DF122O2M		30
128, 129, 133, 134, 135, 136, 141, 147	DM128O2M	25	

1. Muzzle-loading – Eastern Plains Season, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.			
Unit	Season Dates: 10/10/2015 – 10/18/2015 Unless Otherwise Shown		
	Hunt Code	Licenses (2014)	
		Antlered	Antlerless
128, 129, 133, 134, 135, 136, 141, 147	DF128O2M		10
142	DM142O2M	15	
142	DF142O2M		10
143, 144, 145	DM143O2M	15	
143, 144, 145	DF143O2M		15
951	DM951O2M	15	
951	DF951O2M		5
TOTALS		470	420

C. Private Land Only Deer Seasons

1. Muzzle-loading – Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
83	DM083P1M	09/12/2015	09/20/2015	8		
TOTAL				8		

D. Whitetail Only Deer Seasons

1. Muzzle-loading - Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Season Dates: 10/10/2015 – 10/18/2015 Antlerless		Season Dates: 10/10/2015 – 10/18/2015 Either-sex	
	Hunt Code	Licenses (2014)	Hunt Code	Licenses (2014)
104, 105, 106	DF104O3M	45	DE104O3M	15
107, 112, 113, 114, 115, 120, 121	DF107O3M	15	DE107O3M	80
109	DF109O3M	20	DE109O3M	35
110, 111, 118, 119, 123, 124	DF110O3M	45	DE110O3M	50
116, 117	DF116O3M	15	DE116O3M	20
122, 125, 126, 127, 130, 132, 137, 138, 139, 146	DF122O3M	10	DE122O3M	75
128, 129, 133, 134, 135, 136, 141, 147	DF128O3M	20	DE128O3M	10
143, 144, 145	DF143O3M	10	DE143O3M	20
TOTALS		180		305

#250 - RIFLE AND ASSOCIATED METHODS DEER SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED

A. Early Seasons

1. Early Rifle Season, Deer, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Antlered	Antlerless
That portion of GMU 6 above 10,000 feet elevation and GMU 7 within the Rawah Wilderness area	DM006E1R	09/05/2015	09/13/2015	10	
6	DM006E2R	09/28/2015	10/06/2015	25	
Those portions of GMUs 12, 24, 25, 26, and 231 within the Flat Tops Wilderness Area	DM012E1R	09/05/2015	09/13/2015	10	
Those portions of GMUs 14, 16, and 161 within the Mt. Zirkel Wilderness Area	DM014E1R	09/05/2015	09/13/2015	50	
16	DM016E1R	09/28/2015	10/06/2015	25	
17	DM017E1R	09/28/2015	10/06/2015	20	
That portion of GMU 36 within the Eagles Nest Wilderness Area.	DM036E1R	09/12/2015	09/20/2015	15	
That portion of GMU 43 within the Maroon Bells-Snowmass Wilderness area	DM043E1R	09/12/2015	09/20/2015	20	
Those portions of GMUs 44, 45, and 444 within the Holy Cross Wilderness Area	DM044E1R	09/12/2015	09/20/2015	15	
That portion of GMU 47 within the Hunter-Fryingpan Wilderness Area	DM047E1R	09/12/2015	09/20/2015	20	
Those portions of GMUs 48, 56, 481, 561 above timberline	DM048E1R	09/05/2015	09/13/2015	20	
That portion of GMU 65 above 11,000 feet elevation	DM065E1R	09/12/2015	09/20/2015		
That portion of GMU 74 above timberline	DM074E1R	09/12/2015	09/20/2015	25	
Those portions of GMUs 82, 86, and 861 above timberline	DM082E1R	09/05/2015	09/13/2015	30	
161	DM161E1R	09/28/2015	10/06/2015	25	
171	DM171E1R	09/28/2015	10/06/2015	20	
471	DM471E1R	09/12/2015	09/20/2015	20	
TOTAL				350	

B. Regular Rifle Deer Seasons

1. Combined over the counter white-tailed rifle deer seasons, Dates, Units (as described in Chapter 0 of these regulations).

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
48, 49, 56, 57, 58, 59, 69, 84, 85, 86, 140, 481, 511, 561, 581, 591, 691, 851 except Bosque del Oso SWA, 861 Available for purchase at CPW offices only	DF048U6R	12/01/2015	12/31/2015		Unlimited	
48, 49, 56, 57, 58, 59, 69, 84, 85, 86, 140, 481, 511, 561, 581, 591, 691, 851 except Bosque del Oso SWA, 861 Available for purchase at CPW offices only	DE048U6R	12/01/2015	12/31/2015			Unlimited

C. Regular Rifle Deer Seasons

1. Combined rifle deer seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			FLOAT	Total (2014)
	Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)			
		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		
1	DM001O2R	9		DM001O3R	4						13
2	DM002O2R	15		DM002O3R	10						25
3, 301	DM003O2R	400		DM003O3R	500		DM003O4R	5			905
3, 301	DF003O2R		100	DF003O3R		145					245
4, 14, 214, 441	DM004O2R	700		DM004O3R	200		DM004O4R	5			905
4, 14, 214, 441	DF004O2R		200	DF004O3R		35					235
5	DM005O2R	75		DM005O3R	30		DM005O4R	5			110
5	DF005O2R		20	DF005O3R		10					30
6	DM006O2R	20		DM006O3R	15						35
6, 16, 17, 161, 171							DM006O4R	5			5
7, 8	DM007O2R			DM007O3R			DM007O4R	170		500	670
7, 8	DF007O2R		15								15

Unit	2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			FLOAT	Total (2014)
	Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)			
		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		
9, 19, 191	DM009O2R			DM009O3R			DM009O4R	400		950	1350
9, 19, 191	DF009O2R		15								15
10	DM010O2R	20		DM010O3R	5						25
11, 211	DM011O2R	300		DM011O3R	200		DM011O4R	5			505
11, 211	DF011O2R		25	DF011O3R		150					175
12, 13, 23, 24	DM012O2R	600		DM012O3R	350		DM012O4R	5			955
12, 13, 23, 24	DF012O2R		200	DF012O3R		90					290
15	DM015O2R	360		DM015O3R	250		DM015O4R	30			640
15	DF015O2R			DF015O3R						140	140
16	DM016O2R	15		DM016O3R	15						30
17	DM017O2R	15		DM017O3R	15						30
18, 28, 37, 371	DM018O2R	1775		DM018O3R	1500		DM018O4R	270			3545
18, 28, 37, 371	DF018O2R		820	DF018O3R		820					1640
20	DM020O2R			DM020O3R			DM020O4R	125		370	495
20	DF020O2R			DF020O3R			DF020O4R			30	30
21	DM021O2R	265		DM021O3R	60						325
22	DM022O2R	250		DM022O3R	225		DM022O4R	5			480
22	DF022O2R		75	DF022O3R		50					125
25, 26	DM025O2R	360		DM025O3R	240		DM025O4R	45			645
25, 26	DF025O2R			DF025O3R						365	365
27, 181	DM027O2R	615		DM027O3R	515		DM027O4R	90			1220
27, 181	DF027O2R		410	DF027O3R		275					685
29	DM029O2R	80		DM029O3R	80		DM029O4R	80			240
29	DF029O2R		25	DF029O3R		25	DF029O4R		25		75
30	DM030O2R	100		DM030O3R	55						155
30	DF030O2R		25	DF030O3R		15					40
31, 32	DM031O2R	235		DM031O3R	150						385
33	DM033O2R	425		DM033O3R	250		DM033O4R	10			685
34	DM034O2R	200		DM034O3R	135		DM034O4R	30			365
34	DF034O2R			DF034O3R						130	130
35, 36, 45, 361	DM035O2R	575		DM035O3R	415		DM035O4R	20			1010
35, 36, 45, 361	DF035O2R			DF035O3R						165	165
38	DM038O2R			DM038O3R			DM038O4R	160		300	460
38	DF038O2R			DF038O3R			DF038O4R			190	190
39, 46	DM039O2R			DM039O3R			DM039O4R	50		275	325
39, 46	DF039O2R		25	DF039O3R		25	DF039O4R		25		75

Unit	2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			FLOAT	Total (2014)
	Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)			
		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		
40	DM040O2R	135		DM040O3R	95						230
41, 42, 421	DM041O2R			DM041O3R						1800	1800
41, 42, 421	DF041O2R			DF041O3R						600	600
43, 47, 471	DM043O2R	240		DM043O3R	160		DM043O4R	10			410
43, 47, 471	DF043O2R			DF043O3R						40	40
43, 47, 471 -Youth Only	DF043K2R			DF043K3R						35	35
44	DM044O2R	50		DM044O3R	15		DM044O4R	15			80
44	DF044O2R		25	DF044O3R		25					50
48, 56, 481, 561	DM048O2R			DM048O3R						770	770
49, 57, 58, 581	DM049O2R			DM049O3R						1800	1800
49, 57	DF049O2R		50	DF049O3R		50					100
50, 500, 501	DM050O2R	225		DM050O3R	225						450
51	DM051O2R	100		DM051O3R	100		DM051O4R	50			250
52, 411, 521	DM052O2R	490		DM052O3R	160		DM052O4R	15			665
53	DM053O2R	120		DM053O3R	95		DM053O4R	10			225
54	DM054O2R	290		DM054O3R	70		DM054O4R				360
55	DM055O2R	175		DM055O3R	55		DM055O4R				230
55	DF055O2R			DF055O3R							
58, 581	DF058O2R		25	DF058O3R		25					50
59, 511	DM059O2R			DM059O3R						250	250
60	DM060O2R	70		DM060O3R	70		DM060O4R	5			145
61	DM061O2R	115		DM061O3R	110						225
62	DM062O2R	390		DM062O3R	355						745
63	DM063O2R	105		DM063O3R	85		DM063O4R	10			200
64, 65	DM064O2R	285		DM064O3R	255		DM064O4R	8			548
66	DM066O2R	100		DM066O3R	40		DM066O4R				140
66	DF066O2R		15	DF066O3R		10					25
67	DM067O2R	100		DM067O3R	40		DM067O4R				140
67	DF067O2R		15	DF067O3R		10					25
68, 681, 682	DM068O2R	170		DM068O3R	170		DM068O4R	15			355

Unit	2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			FLOAT	Total (2014)
	Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)		Hunt Code	Licenses (2014)			
		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		ANTLERED	ANTLERLESS		
69, 84, 86, 691, 861	DM069O2R	365		DM069O3R	365						730
70	DM070O2R	390		DM070O3R	360		DM070O4R	25			775
71, 711	DM071O2R			DM071O3R			DM071O4R	30		790	820
72, 73	DM072O2R			DM072O3R			DM072O4R	55		630	685
74	DM074O2R			DM074O3R			DM074O4R	45		305	350
75, 751	DM075O2R	405		DM075O3R	335		DM075O4R	90			830
75, 751	DF075O2R			DF075O3R			DF075O4R			20	20
76	DM076O2R	25		DM076O3R	20						45
77, 78, 771	DM077O2R	630		DM077O3R	450		DM077O4R	110			1190
77, 78, 771	DF077O2R			DF077O3R			DF077O4R			20	20
79, 791	DM079O2R	75		DM079O3R	90		DM079O4R	10			175
80, 81	DM080O2R	255		DM080O3R	255		DM080O4R	35			545
82	DM082O2R	140		DM082O3R	80		DM082O4R	5			225
85, 851 except Bosque del Oso SWA	DM085O2R	460		DM085O3R	315						775
131, 231	DM131O2R	50		DM131O3R	25						75
140	DM140O2R			DM140O3R							
161	DM161O2R	25		DM161O3R	15						40
171	DM171O2R	15		DM171O3R	15						30
201	DM201O2R	25		DM201O3R	15		DM201O4R				40
391, 461	DM391O2R			DM391O3R			DM391O4R	100		200	300
444	DM444O2R	200		DM444O3R	85		DM444O4R	25			310
444	DF444O2R		80	DF444O3R		80					160
501							DM501O4R	30			30
501	DF501O2R		70	DF501O3R		70					160
511							DM511O4R	15			15
511	DF511O2R			DF511O3R						20	20
551	DM551O2R	110		DM551O3R	35		DM551O4R				145
551	DF551O2R			DF551O3R							
741	DM741O2R			DM741O3R			DM741O4R	20		190	210
851 Bosque del Oso SWA only	DM851O1R 10/10/2015- 10/14/2015	2		DM851O2R 10/17/2015- 10/25/2015	2						4
TOTALS		13741	2295		9781	1940		2248	70	10895	40970

2. Plains Regular Rifle, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.				
Unit	Season Dates 10/24/2015 – 11/03/2015 Unless Otherwise Shown			
	Hunt Code	Antlered Licenses (2014)	Hunt Code	Antlerless Licenses (2014)
87	DM087O1R	35	DF087O1R	30
88	DM088O1R	25	DF088O1R	30
89	DM089O1R	35	DF089O1R	45
90	DM090O1R	15	DF090O1R	25
91	DM091O1R	20	DF091O1R	60
92	DM092O1R	20	DF092O1R	60
93	DM093O1R	20	DF093O1R	15
94	DM094O1R	30	DF094O1R	10
95	DM095O1R	40	DF095O1R	50
96	DM096O1R	45	DF096O1R	75
97	DM097O1R	20	DF097O1R	15
98	DM098O1R	35	DF098O1R	40
99	DM099O1R	80	DF099O1R	100
100	DM100O1R	30	DF100O1R	30
101	DM101O1R	35	DF101O1R	40
102	DM102O1R	40	DF102O1R	50
103	DM103O1R	25	DF103O1R	80
104	DM104O1R	90	DF104O1R	55
105, 106	DM105O1R	300	DF105O1R	135
107	DM107O1R	75	DF107O1R	50
109	DM109O1R	40	DF109O1R	40
110	DM110O1R	60	DF110O1R	55
111	DM111O1R	25	DF111O1R	15
112	DM112O1R	30	DF112O1R	30
113	DM113O1R	20	DF113O1R	20
114, 115	DM114O1R	80	DF114O1R	70
116	DM116O1R	30	DF116O1R	20
117	DM117O1R	20	DF117O1R	20
118, 123	DM118O1R	70	DF118O1R	20
119	DM119O1R	45	DF119O1R	20
120, 121	DM120O1R	65	DF120O1R	90
122	DM122O1R	30	DF122O1R	50
124	DM124O1R	50	DF124O1R	35
125	DM125O1R	20	DF125O1R	20
126	DM126O1R	30	DF126O1R	30
127	DM127O1R	40	DF127O1R	30
128, 129	DM128O1R	90	DF128O1R	50
130	DM130O1R	20	DF130O1R	20
132	DM132O1R	40	DF132O1R	15
133	DM133O1R	20	DF133O1R	10
134	DM134O1R	30	DF134O1R	15
135	DM135O1R	30	DF135O1R	15
136, 147	DM136O1R	85	DF136O1R	10
137	DM137O1R	25	DF137O1R	10
138, 146	DM138O1R	25	DF138O1R	20

2. Plains Regular Rifle, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.				
Unit	Season Dates 10/24/2015 – 11/03/2015 Unless Otherwise Shown			
	Hunt Code	Antlered Licenses (2014)	Hunt Code	Antlerless Licenses (2014)
139	DM139O1R	30	DF139O1R	15
141	DM141O1R	15	DF141O1R	20
143, 144, 145	DM143O1R	50	DF143O1R	15
951	DM951O1R	60	DF951O1R	15
TOTALS		2190		1790

3. Regular Plains Whitetail Only Season, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses				
Unit	Season Dates: 10/24/2015 – 11/03/2015 Antlerless		Season Dates: 10/24/2015 – 11/03/2015 Either-sex	
	Hunt Code	Licenses (2014)	Hunt Code	Licenses (2014)
104	DF104O2R	45	DE104O2R	5
105, 106	DF105O2R	55	DE105O2R	25
107, 112, 113, 114, 115, 120, 121	DF107O2R	70	DE107O2R	70
109	DF109O2R	50	DE109O2R	50
110, 111, 118, 119, 123, 124	DF110O2R	30	DE110O2R	35
116, 117	DF116O2R	25	DE116O2R	40
122, 126, 127	DF122O2R	10	DE122O2R	70
125, 130	DF125O2R	10	DE125O2R	30
128, 129, 133, 134, 135, 136, 141, 147			DE128O2R	65
132, 139	DF132O2R	10	DE132O2R	40
137, 138, 146	DF137O2R	10	DE137O2R	10
143, 144, 145	DF143O2R	15	DE143O2R	30
TOTALS		330		470

D. Late Deer Seasons

1. Late Regular Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either-sex
38 Jefferson County portion only	DF038L1R	12/01/2015	01/31/2016		125	

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either-sex
38 Jefferson County portion only	DE038L1R	12/01/2015	01/31/2016			125
56 That portion bounded on the north and east by Colo 291; on the south by US 50; and on the west by Colo 285	DF056L1R	09/01/2015	10/31/2015		80	
104 – Those portions bounded on the north by the Arapahoe/ Douglas/ Elbert County lines; on the east by CR 29, CR 33, Colo 86, CR 17/21, CR 15/21; on the south by CR 86/Steele Ave, E. Cherry Creek Rd and E. Jones Rd,; and on the west by Colo 83	DF104L3R	10/01/2015	12/31/2015		400	

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either-sex
211 That portion bounded on the north and east by Moffat Co Rd 17; on the south by Moffat Co Rd 32, and on the west by Moffat Co Rd 55	DF211L1R	12/01/2015	12/31/2015		5	
481 – That portion bounded on the north by Chaffee Co Rds 384A and 384; on the east by the Arkansas River; on the south by Chaffee Co Rds 306, 337, Gregg Drive, Chaffee Co Rd 319 and US 24; and on the west by Chaffee Co Rd 361	DF481L1R	09/01/2015	10/31/2015		80	
512	DM512L1R	12/01/2015	12/31/2015	15		
512	DF512L1R	12/01/2015	12/31/2015		15	
591	DM591L1R	10/01/2015	01/31/2016	100		
591	DF591L1R	10/01/2015	01/31/2016		50	
TOTALS				115	755	125

2. Late Plains Season, Dates (unless otherwise shown), Units (as described in Chapter 0 of these regulations), Limited Licenses.				
Unit	Season Dates: 12/01/2015 – 12/14/2015 Antlered		Season Dates: 12/01/2015 – 12/14/2015 Antlerless	
	Hunt Code	Licenses (2014)	Hunt Code	Licenses (2014)
87	DM087L1R	35		
88	DM088L1R	30		
89	DM089L1R	45	DF089L1R	45
90	DM090L1R	25	DF090L1R	25
91	DM091L1R	25	DF091L1R	60
92	DM092L1R	25	DF092L1R	60
93	DM093L1R	25	DF093L1R	15
94	DM094L1R	40	DF094L1R	15
95	DM095L1R	50	DF095L1R	50
96	DM096L1R	55	DF096L1R	75
97	DM097L1R	25	DF097L1R	15
98	DM098L1R	40	DF098L1R	40
99	DM099L1R	90	DF099L1R	100
100	DM100L1R	40	DF100L1R	30
101	DM101L1R	40	DF101L1R	40
102	DM102L1R	50	DF102L1R	50
103	DM103L1R	10	DF103L1R	80
103 and the portion of 109 bounded on the east by Kit Carson CR 40 and Yuma CR V.			DF103L2R 01/01/2016 - 01/15/2016	
104	DM104L1R	55	DF104L1R	90
105, 106	DM105L1R	70	DF105L1R	105
107	DM107L1R	40	DF107L1R	25
109	DM109L1R	30	DF109L1R	35
116	DM116L1R	25	DF116L1R	10
117	DM117L1R	20	DF117L1R	15
122	DM122L1R	15	DF122L1R	15
125	DM125L1R	10	DF125L1R	10
126	DM126L1R	20	DF126L1R	20
127	DM127L1R	25	DF127L1R	30
129	DM129L1R	10	DF129L1R	10
130	DM130L1R	15	DF130L1R	15
132	DM132L1R	15	DF132L1R	15
136, 147	DM136L1R	15		
136			DF136L1R	10
137	DM137L1R	10	DF137L1R	10
138, 146	DM138L1R	20	DF138L1R	15
139	DM139L1R	15	DF139L1R	15
141	DM141L1R	10	DF141L1R	10
142	DM142L1R	20	DF142L1R	20
143	DM143L1R	20	DF143L1R	10

2. Late Plains Season, Dates (unless otherwise shown), Units (as described in Chapter 0 of these regulations), Limited Licenses.				
Unit	Season Dates: 12/01/2015 – 12/14/2015 Antlered		Season Dates: 12/01/2015 – 12/14/2015 Antlerless	
	Hunt Code	Licenses (2014)	Hunt Code	Licenses (2014)
144	DM144L1R	20	DF144L1R	10
145	DM145L1R	20	DF145L1R	5
147			DF147L1R	10
951	DM951L1R	75	DF951L1R	30
TOTALS		1225		1240

3. Late Plains Whitetail Only Season, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses				
Unit	Season Dates: 12/01/2015 – 12/14/2015 Antlerless		Season Dates: 12/01/2015 – 12/14/2015 Either-sex	
	Hunt Code	Licenses (2014)	Hunt Code	Licenses (2014)
104	DF104L2R	45	DE104L2R	10
105, 106	DF105L2R	55	DE105L2R	25
107	DF107L2R	40	DE107L2R	55
109	DF109L2R	30	DE109L2R	40
116, 117	DF116L2R	15	DE116L2R	35
122, 126, 127	DF122L2R	10	DE122L2R	35
125, 130	DF125L2R	10	DE125L2R	30
129	DF129L2R	25	DE129L2R	10
132, 139	DF132L2R	10	DE132L2R	25
136, 141, 147	DF136L2R	10	DE136L2R	10
137, 138, 146	DF137L2R	10	DE137L2R	20
143, 144, 145	DF143L2R	25	DE143L2R	25
TOTALS		285		320

4. Season-Choice Whitetail Only Deer Seasons, Dates, Units (as described in Chapter 0 of these regulations). Licenses are valid during Archery, Muzzleloader, Regular Rifle and Late Rifle seasons until filled. License holders must comply with all applicable season restrictions, including but not limited to, applicable season dates and manner of take restrictions.									
		Archery		Muzzleloader		Rifle		Licenses (2014)	
Unit	Hunt Code	Date Open	Date Closed	Date Open	Date Closed	Date Open	Date Closed	Antl er- less	Eith er Sex
89, 90, 95	DE089S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015		150
89, 90, 95	DF089S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015	150	
93, 97, 98, 99, 100	DE093S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015		200

4. Season-Choice Whitetail Only Deer Seasons, Dates, Units (as described in Chapter 0 of these regulations). Licenses are valid during Archery, Muzzleloader, Regular Rifle and Late Rifle seasons until filled, License holders must comply with all applicable season restrictions, including but not limited to, applicable season dates and manner of take restrictions.									
		Archery		Muzzleloader		Rifle		Licenses (2014)	
Unit	Hunt Code	Date Open	Date Closed	Date Open	Date Closed	Date Open	Date Closed	Antlerless	Either Sex
93, 97, 98, 99, 100	DF093S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015	200	
101, 102	DE101S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015		100
101, 102	DF101S2R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015	11/03/2015 12/14/2015	120	
TOTALS								470	450

E. Private-Land-Only Deer Seasons

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.															
a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.															
b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.															
Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
3, 4, 5, 14, 214, 301, 441	DE003P2R			DE003P3R											800
			400			400									
9											DF009P5R	09/01/2015- 01/31/2016		50	50
11, 12, 13, 22, 23, 24, 211	DE011P2R			DE011P3R											425
			175			250									
15	DE015P2R			DE015P3R						140					140
18, 27, 28, 37, 181, 371	DE018P2R			DE018P3R						350					350

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
20											DM020P5R	10/17/2015- 11/30/2015	500		500
20											DF020P5R	09/01/2015- 11/30/2015		325	325
25, 26	DE025P2R			DE025P3R						100					100
29											DM029P5R	10/17/2015- 11/30/2015	125		125
29											DF029P5R	09/01/2015- 11/30/2015		200	200
31, 32	DM031P2R			DM031P3R						85					85
33	DM033P2R			DM033P3R						35					35
33											DF033P5R	12/01/2015- 01/31/2016		25	25
33 - Those portio ns bound ed on the north by Co Rd											DF033P6R	08/15/2015- 01/31/2016		150	150

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler -less	Eithe r Sex				Ant lered	Antle r-less	
226 and Co Rd 245 ; on the east by Elk Creek ; on the south by the Color ado River ; and on the west by Colo 13 and Colo 325.															
34	DE034P2R			DE034P3R						35					35
35, 36,	DE035P2R			DE035P3R						100					100

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
45,															
38											DM038P5R	10/17/2015- 11/30/2015		225	225
38											DF038P5R	09/01/2015- 11/30/2015		325	325
39, 46											DF039P5R	09/01/2015- 01/31/2016		55	55
40	DM040P2R			DM040P3R											50
41, 42, 421	DM041P2R			DM041P3R											280
43, 47, 471	DE043P2R			DE043P3R						120					120
44	DE044P2R			DE044P3R											20
49, 57	DF049P2R			DF049P3R											50
51											DM051P5R	10/17/2015- 11/15/2015	100		100
51											DF051P5R	09/01/2015- 01/31/2016		125	125
52, 411, 521	DM052P2R			DM052P3R						70					70

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
52											DF052P5R	09/01/2015- 10/31/2015		75	75
53	DM053P2R			DM053P3R						40					40
53												DF053P5R	09/01/2015- 10/31/2015		40
56	DF056P2R			DF056P3R											50
		25			25										
60	DM060P2R			DM060P3R											20
	10			10											
60	DF060P2R			DF060P3R											10
		5			5										
62	DM062P2R			DM062P3R											55
	30			25											
62	DF062P2R			DF062P3R											85
		55			30										
63	DM063P2R			DM063P3R						75					75
63											DF063P5R	09/01/2015- 10/31/2015		50	50
64, 65	DM064P2R			DM064P3R											85
	45			40											
69, 84, 86, 691, 861	DM069P2R			DM069P3R											820
	410			410											

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
69, 84, 86, 691, 861	DF069P2R			DF069P3R											100
		50			50										
70	DM070P2R			DM070P3R						265					265
70	DF070P2R			DF070P3R											40
		20			20										
71, 711	DM071P2R			DM071P3R						70					70
72, 73 south of Colo 184 and US 160											DF072P5R	09/01/2015- 09/30/2015		75	75
72, 73	DM072P2R			DM072P3R						115					115
74	DM074P2R			DM074P3R						20					20
75, 751	DM075P2R			DM075P3R			DM075P4R			75					115
							40								
75, 751	DF075P2R			DF075P3R			DF075P4R			35					35

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler -less	Eithe r Sex				Ant lered	Antle r-less	
75 and 751- S of US 160 Only											DF075P5R	12/01/2015- 01/15/2016		175	175
77, 78, 771	DM077P2R			DM077P3R			DM077P4R			65					85
							20								
77, 78, 771											DF077P5R	12/01/2015- 01/15/2016		75	75
79											DF079P5R	09/01/2015- 12/31/2015		50	50
83	DM083P2R			DM083P3R			DM083P4R								65
	30			30			5								

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Eithe r Sex				Ant lered	Antle r-less	
85 - Those portions bound ed on the north by Colo 160; on the east by Co Rd 350 and Waha toya Creek ; on the south by Co Rd 362, 360 and											DF085P5R	09/01/2015-12/31/2015		55	55

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler -less	Eithe r Sex				Ant lered	Antle r-less	
the fencel ine on the south side of LaVet a Town Lakes and golf cours e from the inters ection of Co Rds 360 and 361 to Colo 12, and Co Rd 420;															

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler -less	Eithe r Sex				Ant lered	Antle r-less	
and on the east by Colo 12, and Co Rds 430, 440 and 451.															
91											DM091P5R	12/01/2015- 12/14/2015	40		40
92											DM092P5R	12/01/2015- 12/14/2015	35		35
96											DM096P5R	12/01/2015- 12/14/2015	75		75
103											DM103P5R	12/01/2015- 12/14/2015	30		30
103											DF103P5R	12/01/2015- 12/14/2015		80	80
131, 231	DE131P2R			DE131P3R											55
			35			20									
143, 144, 145											DM143P1R	10/24/2015- 11/03/2015	80		80

1. Private Land Only, Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates: 10/17/2015 – 10/25/2015			Season Dates: 10/31/2015 – 11/08/2015			Season Dates: 11/11/2015 – 11/15/2015			Float (2014)	Hunt Code	Season Dates	Licenses (2014)		Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)								
	Hunt Code			Hunt Code			Hunt Code								
	Ant lered	Antler- less	Either Sex	Ant lered	Antler- less	Either Sex	Ant lered	Antler -less	Eithe r Sex				Ant lered	Antle r-less	
143, 144, 145											DF143P1R	10/24/2015- 11/03/2015		25	25
391, 461											DM391P5R	10/17/2015- 11/15/2015	250		250
391, 461											DF391P5R	09/01/2015- 01/31/2016		175	175
411											DF411P5R	09/01/2015- 10/31/2015		40	40
444	DE444P2R			DE444P3R											150
			100			50									
481	DF481P2R			DF481P3R											50
		25			25										
511	DF511P2R			DF511P3R			DM511P4R			20					20
711											DF711P5R	09/01/2015- 09/30/2015		20	20
741	DM741P2R			DM741P3R			DM741P4R			190					220
							30								
741	DF741P2R			DF741P3R			DF741P4R			200					200
791											DF791P5R	09/01/2015- 12/31/2015		25	25
TOTALS	660	205	720	710	180	730	95	0	0	2245			1235	2440	9220

- 2. Season-Choice Private Land Only Seasons, Dates, Units (as described in Chapter 0 of these regulations).** Licenses are valid during Archery, Muzzleloader, Regular Rifle and Late Rifle seasons until filled, License holders must comply with all applicable season restrictions, including but not limited to, applicable season dates and manner of take restrictions.

Unit	Hunt Code	Archery		Muzzleloader		Rifle		Licenses (2014) Antlerless
		Date Open	Date Closed	Date Open	Date Closed	Date Open	Date Closed	
91	DF091S3R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015 01/01/2016	11/03/2015 12/14/2015 01/31/2016	120
92	DF092S3R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015 01/01/2016	11/03/2015 12/14/2015 01/31/2016	200
96	DF096S3R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015 01/01/2016	11/03/2015 12/14/2015 01/31/2016	50
96 - East of Hwy 71	DF096S5R	10/01/2015 11/04/2015 12/15/2015	10/23/2015 11/30/2015 12/31/2015	10/10/2015	10/18/2015	10/24/2015 12/01/2015 01/01/2016	11/03/2015 12/14/2015 01/31/2016	200
TOTAL								570

ARTICLE IX - ELK

#254 - ANTLER POINT RESTRICTIONS BY UNIT - ELK

- A. All antlered elk taken in the following game management units during any established season, including archery, muzzle-loading rifle or rifle seasons, shall have four (4) or more points or a brow tine on one antler: GMU's 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 52, 53, 54, 55, 59, 60, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 85, 86, 131, 140, 161, 171, 181, 191, 211, 214, 231, 301, 361, 371, 411, 421, 441, 444, 471, 511, 521, 551, 581, 681, 691, 711, 741, 751, 771, 851, and 861.
- B. There are no antler point restrictions for elk taken during any established season, including archery, muzzle-loading rifle or rifle seasons, in the following game management units: 1, 2, 10, 20, 29, 39, 40, 46, 48, 49, 50, 51, 56, 57, 58, 61, 69, 76, 84, 201, 391, 461, 481, 500, 501, 561, 591, 682, 791, or in any unit east of I-25 except 140.
- C. There are no antler point restrictions for elk on Wildlife Ranching properties during Wildlife Ranching seasons.

#255 - ARCHERY ELK SEASONS - ONLY LAWFUL HAND HELD BOWS MAY BE USED TO HUNT OR TAKE ELK DURING THE FOLLOWING SEASONS:

- A. **Early Seasons** - None

B. Regular Archery Elk Seasons

1. Archery Season Dates, Units (as described in Chapter 0 of these regulations), Limited or Unlimited License as shown by hunt code

Unit(s)	Season Dates: 08/29/2015 – 09/27/2015 Unless Otherwise Shown				
	Hunt Code	License Numbers (2014)			
		Antlered	Antlerless	Limited Either Sex	Unlimited Either Sex
3, 6, 11, 13, 14, 15, 16, 17, 18, 21, 22, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 52, 53, 59, 60, 62, 63, 64, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 161, 171, 181, 211, 214, 231, 301, 361, 371, 411, 421, 444, 471, 511, 521, 581, 591, 681, 691, 711, 741, 751, 771, 851 except Bosque del Oso SWA, 861, 951, private land portions of 4, 5, 12, 23, 24, 33, and 441	EE000U1A				Unlimited
3, 6, 11, 13, 14, 15, 16, 17, 18, 21, 22, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 41, 42, 43, 44, 45, 47, 52, 59, 82, 83, 85, 86, 131, 133, 134, 140, 141, 142, 161, 171, 181, 211, 214, 231, 301, 361, 371, 411, 421, 444, 471, 511, 521, 581, 591, 682, 691, 791, 851 except Bosque del Oso SWA, 861, private land portions of 4, 5, 12, 23, 24, 33, and 441	EF000U1A		Unlimited		
1	EE001O1A			2	
2	EE002O1A			9	
Public and private lands in 4, 5, 441	EE004O1A			450	
7, 8, 9, 19, 191	EE007O1A			1000	
10	EE010O1A			15	
12, 23 north of the White River, and 24 north of the North Fork of the White River	EE012O1A			630	
20	EM020O1A	5			
20	EF020O1A		15		
20 excluding the area around the town of Estes Park bounded by Rocky Mountain National Park on the north and west and by the boundary of Roosevelt National Forest on the north, east and south	EE020O1A			105	
29	EE029O1A			30	
33, 23 south of the White River, and 24 south of the North Fork of the White River	EE033O1A			1050	

Unit(s)	Season Dates: 08/29/2015 – 09/27/2015 Unless Otherwise Shown				
	Hunt Code	License Numbers (2014)			
		Antlered	Antlerless	Limited Either Sex	Unlimited Either Sex
39	EE039O1A			110	
40	EE040O1A			85	
46	EE046O1A			60	
48	EE048O1A			100	
49	EE049O1A			170	
50	EE050O1A			125	
51	EE051O1A			100	
54	EE054O1A			450	
55	EE055O1A			665	
56	EE056O1A			100	
57, 58	EE057O1A			180	
61	EE061O1A			100	
66	EE066O1A			170	
67	EE067O1A			65	
69, 84	EE069O1A			180	
76	EE076O1A			160	
104	EE104O1A			25	
201	EE201O1A			9	
391	EE391O1A			40	
461	EE461O1A			55	
481	EE481O1A			100	
500	EE500O1A			135	
501	EE501O1A			85	
551	EE551O1A			230	
561	EE561O1A			70	
851 Bosque del Oso SWA only	EE851O1A			8	
TOTALS		5	15	6868	

#256 - MUZZLE LOADING FIREARMS (RIFLE AND SMOOTHBORE MUSKET) ELK SEASON - ONLY LAWFUL MUZZLE-LOADING FIREARMS MAY BE USED TO HUNT OR TAKE ELK DURING THE FOLLOWING SEASONS:

A. Regular Muzzle-loading Elk Seasons

1. Muzzle-loading Season Dates, Units (as described in Chapter 0 of these regulations), Limited License Types and Numbers

Unit	Season Dates 09/12/2015 – 09/20/2015 Unless Otherwise Shown			
	Hunt Code	Licenses (2014)		
		Antlered	Antlerless	Limited Either Sex
1	EM001O1M	4		
1	EF001O1M		5	
2	EM002O1M	9		
2	EF002O1M		5	

Unit	Season Dates 09/12/2015 – 09/20/2015 Unless Otherwise Shown			
	Hunt Code	Licenses (2014)		
		Antlered	Antlerless	Limited Either Sex
3, 301	EE003O1M			10
3, 301	EF003O1M		10	
4, 5, and 441	EE004O1M			100
4, 5, and 441	EF004O1M		110	
6, 16, 17, 161, 171	EE006O1M			180
6, 16, 17, 161, 171	EF006O1M		370	
7, 8, 9, 19, 191	EM007O1M	300		
7, 8, 9, 19, 191	EF007O1M		375	
10	EM010O1M	5		
10	EF010O1M		5	
11, 13, 131, 211	EE011O1M			100
11, 13, 131, 211	EF011O1M		100	
12, 23 north of the White River, and 24 north of the North Fork of the White River	EE012O1M			100
12, 23 north of the White River, and 24 north of the North Fork of the White River	EF012O1M		100	
14, 214	EE014O1M			275
14, 214	EF014O1M		75	
15, 27	EE015O1M			300
15, 27	EF015O1M		100	
18, 181	EE018O1M			320
18, 181	EF018O1M		150	
20	EM020O1M	35		
20	EF020O1M		20	
21, 22, 30, 31, 32	EE021O1M			175
21, 22, 30, 31, 32	EF021O1M		150	
25, 26, 34, 231	EE025O1M			175
25, 26, 34, 231	EF025O1M		175	
28, 37, 371	EE028O1M			400
28, 37, 371	EF028O1M		150	
29	EM029O1M	30		
29	EF029O1M		30	
33, 23 south of the White River, and 24 south of the North Fork of the White River	EE033O1M			100
33, 23 south of the White River, and 24 south of the North Fork of the White River	EF033O1M		100	
35, 36, 361	EM035O1M	165		
35, 36, 361	EF035O1M		225	
38	EM038O1M	30		
38	EF038O1M		50	
39	EM039O1M	80		
39	EF039O1M		60	
40	EE040O1M			45
40	EF040O1M		30	

Unit	Season Dates 09/12/2015 – 09/20/2015 Unless Otherwise Shown			
	Hunt Code	Licenses (2014)		
		Antlered	Antlerless	Limited Either Sex
41, 42, 52, 411, 421, 521	EM041O1M	550		
41, 42, 52, 411, 421, 521	EF041O1M		880	
43, 471	EM043O1M	150		
43, 471	EF043O1M		120	
44, 45, 47, 444	EM044O1M	350		
44, 45, 47, 444	EF044O1M		250	
46	EM046O1M	30		
46	EF046O1M		25	
48	EM048O1M	35		
48	EF048O1M		30	
49	EM049O1M	70		
49	EF049O1M		60	
50	EM050O1M	35		
50	EF050O1M		40	
51	EM051O1M	30		
51	EF051O1M		40	
53	EM053O1M	85		
53	EF053O1M		100	
54	EE054O1M			80
54	EF054O1M		110	
55	EE055O1M			115
55	EF055O1M		190	
56	EM056O1M	35		
56	EF056O1M		30	
57, 58	EM057O1M	80		
57, 58	EF057O1M		80	
59, 511, 581, 591	EE059O1M			80
59, 511, 581, 591	EF059O1M		120	
60	EM060O1M	15		
60	EF060O1M		15	
61	EM061O1M	50		
61	EF061O1M		55	
62	EM062O1M	150		
62	EF062O1M		140	
63	EM063O1M	35		
63	EF063O1M		55	
64, 65	EM064O1M	110		
64, 65	EF064O1M		100	
66	EM066O1M	35		
66	EF066O1M		40	
67	EM067O1M	35		
67	EF067O1M		40	
68, 681	EM068O1M	85		
68, 681	EF068O1M		135	
69, 84	EM069O1M	65		
69, 84	EF069O1M		40	
70	EE070O1M			450
70	EF070O1M		350	

Unit	Season Dates 09/12/2015 – 09/20/2015 Unless Otherwise Shown			
	Hunt Code	Licenses (2014)		
		Antlered	Antlerless	Limited Either Sex
71, 72, 73, 711	EE071O1M			
71, 72, 73, 711	EF071O1M			
74, 741	EE074O1M			100
74, 741	EF074O1M		25	
75, 751	EE075O1M			100
75, 751	EF075O1M		60	
76	EM076O1M	70		
76	EF076O1M		15	
77, 78, 771	EE077O1M			150
77, 78, 771	EF077O1M		60	
79	EM079O1M	15		
79	EF079O1M		25	
80, 81	EM080O1M	115		
80, 81	EF080O1M		175	
82	EE082O1M			75
82	EF082O1M		30	
85, 140, 851 Except Bosque del Oso SWA	EE085O1M			130
85, 140, 851 Except Bosque del Oso SWA	EF085O1M		130	
86, 691, 861	EM086O1M	90		
86, 691, 861	EF086O1M		80	
104	EM104O1M	25		
104	EF104O1M		30	
128	EE128O1M			
133, 134, 141, 142	EE133O1M			10
133, 134, 141, 142	EF133O1M		10	
201	EM201O1M	9		
201	EF201O1M		5	
391	EM391O1M	30		
391	EF391O1M		20	
461	EM461O1M	30		
461	EF461O1M		25	
481	EM481O1M	35		
481	EF481O1M		30	
500	EM500O1M	50		
500	EF500O1M		65	
501	EM501O1M	35		
501	EF501O1M		40	
551	EE551O1M			45
551	EF551O1M		90	
561	EM561O1M	35		
561	EF561O1M		20	
682, 791	EF682O1M		10	
851 Bosque del Oso SWA only	EM851O1M	5		
851 Bosque del Oso SWA only	EF851O1M		5	
Limited License Totals		3232	6390	3615

B. Private Land Only Muzzle-loading Elk Seasons			
1. Muzzle-loading Season Dates, Units (as described in Section #020 of these regulations), Limited License Types and Numbers			
Unit	Hunt Code	Season Dates 09/12/2015 – 09/20/2015 Unless Otherwise Shown	
		Licenses (2014)	
		Antlerless	Either Sex
4, 5, 441	EE004P1M		50
4, 5, 441	EF004P1M	50	
12, 13, 23, 24, 33	EE012P1M		50
12, 13, 23, 24, 33	EF012P1M	100	
83	EE083P1M		45
83	EF083P1M	10	
TOTALS		160	145

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

A. Early Rifle Elk Seasons

1. Early Season Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
1	EE001E1R	10/01/2015	10/11/2015			11
2	EE002E1R	10/01/2015	10/11/2015			33
2, 3, 11 - Those portions bounded on the north by Moffat Co Rd 4; on the east by Moffat Co Rd 7, Moffat Co Rd 21, Moffat Co Rd 19 and Yampa River; on the south by US 40; and on the west by Twelve Mile Gulch, Yampa River, Little Snake River, Moffat Co Rd 75 and Moffat Co Rd 66	EF003E1R	08/15/2015	10/31/2015		25	
10	EE010E1R	10/01/2015	10/11/2015			32
45	EF045E1R	09/15/2015	09/30/2015		80	
76	EM076E1R	10/01/2015	10/07/2015	20		
201	EE201E1R	10/01/2015	10/11/2015			29

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)		
				Antlered	Antlerless	Either Sex
TOTALS				20	105	105

B. Regular Rifle Elk Seasons

1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.						
Unit(s)	1st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2015 Unless Otherwise Shown	2nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown	3rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown	4th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown	Float Total (2014)	Total Licenses (2014), unless otherwise shown
	License #s (2014)	License #s (2014)	License #s (2014)	License #s (2014)		
	Hunt Code	Hunt Code	Hunt Code	Hunt Code		
3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 52, 53, 55, 59, 60, 62, 63, 64, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 81, 82, 83, 85, 86, 131, 133, 134, 140, 141, 142, 161, 171, 181, 211, 214, 231, 301, 361, 371, 411, 421, 441, 444, 471, 511, 521, 551, 581, 591, 681, 691, 711, 741, 751, 771, 851 except Bosque del Oso SWA, 861		EM000U2R Unlimited Antlered				Unlimited
3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18,			EM000U3R Unlimited			Unlimited

1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.						
Unit(s)	1st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2015 Unless Otherwise Shown	2nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown	3rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown	4th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown	Float Total (2014)	Total Licenses (2014), unless otherwise shown
	License #s (2014)	License #s (2014)	License #s (2014)	License #s (2014)		
	Hunt Code	Hunt Code	Hunt Code	Hunt Code		
21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 52, 53, 54, 55, 59, 60, 62, 63, 64, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 81, 82, 83, 85, 86, 131, 133, 134, 140, 141, 142, 161, 171, 181, 211, 214, 231, 301, 361, 371, 411, 421, 441, 444, 471, 511, 521, 551, 581, 591, 681, 691, 711, 741, 751, 771, 851 except Bosque del Oso SWA, 861			Antlered			
128	EM128U5R Unlimited Antlered 10/10/2015-11/15/2015					Unlimited
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 109, 110, 111,	EE087U5R Unlimited Either-Sex 09/01/2015 – 01/31/2016					Unlimited

1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.						
Unit(s)	1st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2015 Unless Otherwise Shown	2nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2015 Unless Otherwise Shown	3rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown	4th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown	Float Total (2014)	Total Licenses (2014), unless otherwise shown
	License #s (2014)	License #s (2014)	License #s (2014)	License #s (2014)		
	Hunt Code	Hunt Code	Hunt Code	Hunt Code		
112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 132, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 951						
54		EE054U2R Over-the-Counter Either-Sex with Cap				
		500				500
TOTALS		500				500

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS														
B. Regular Rifle Elk Seasons														
1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.														
Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
1	EF001O1R			EF001O2R			EF001O3R			EF001O4R				80
		10			25			20			25			
2	EF002O1R			EF002O2R			EF002O3R			EF002O4R				115
		30			25			35			25			
3, 301										EM003O4R				550
										550				
3, 301				EF003O2R			EF003O3R						1000	1000
3, 4, 5, 214, 301, 441	EM003O1R													1300
	1300													
3, 4, 5, 214, 301, 441	EF003O1R													400
		400												
3, 4, 5, 301, 441										EF003O4R				400
											400			
4, 441										EM004O4R				350
										350				
4, 441				EF004O2R			EF004O3R						600	600
5										EM005O4R				10
										10				
5				EF005O2R			EF005O3R						100	100
6										EE006O4R				80

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
												80		
6							EF006O3R			EF006O4R				335
								225			110			
6, 16, 17, 161, 171	EE006O1R													690
			690											
6, 16, 17, 161, 171	EF006O1R			EF006O2R										3190
		1610			1580									
7, 8	EM007O1R			EM007O2R			EM007O3R			EM007O4R			1000	1280
	280													
7, 8				EF007O2R			EF007O3R			EF007O4R			300	300
9	EM009O1R			EM009O2R			EM009O3R			EM009O4R			160	240
	80													
10	EF010O1R			EF010O2R			EF010O3R			EF010O4R				275
		55			60			75			85			
11, 12, 13, 23, 24, 25, 26, 33, 34, 131, 211, 231	EM011O1R													5000
	5000													
	EF011O1R													2000

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
11, 12, 13, 23, 24, 25, 26, 33, 34, 131, 211, 231		2000												
11, 211										EM011O4R				420
									420					
11, 211				EF011O2R			EF011O3R							1300
					500			800						
11, 12, 23, 24, 211										EF011O4R				1700
											1700			
12, 23, 24				EF012O2R			EF012O3R						3000	3000
12, 13, 23, 24										EM012O4R				500
										500				
13				EF013O2R			EF013O3R			EF013O4R			500	500
14	EM014O1R									EM014O4R				225
	150									75				
14	EF014O1R			EF014O2R			EF014O3R			EF014O4R			250	350
		100												
15	EE015O1R									EE015O4R				400
			250									150		

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
15	EF015O1R			EF015O2R			EF015O3R			EF015O4R			1200	1425
		225												
16										EE016O4R				75
												75		
16							EF016O3R			EF016O4R				220
								160			60			
17										EE017O4R				65
												65		
17, 171							EF017O3R			EF017O4R				485
								340			145			
18, 181	EE018O1R									EE018O4R				1400
			700									700		
18, 181	EF018O1R													400
		400												
18				EF018O2R			EF018O3R			EF018O4R				1310
					380			480			450			
19	EM019O1R			EM019O2R			EM019O3R			EM019O4R			400	510
	110													
19				EF019O2R			EF019O3R			EF019O4R			90	90
20	EM020O1R			EM020O2R			EM020O3R			EM020O4R				80
	20			20			20			20				
20				EF020O2R			EF020O3R			EF020O4R				60
					30			20			10			
	EM021O1R									EM021O4R				1260

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
21, 22, 30, 31, 32	900									360				
21, 22, 30, 31, 32	EF021O1R													100
		100												
21, 30				EF021O2R			EF021O3R			EF021O4R			700	875
											175			
22				EF022O2R			EF022O3R			EF022O4R			575	700
											125			
25										EM025O4R				40
										40				
25, 26				EF025O2R			EF025O3R			EF025O4R			200	200
26										EM026O4R				55
										55				
27	EE027O1R									EE027O4R				125
			75									50		
27	EF027O1R			EF027O2R			EF027O3R			EF027O4R				645
		115			260			185			85			
28, 37	EE028O1R									EE028O4R				850
			500									350		
28, 37	EF028O1R			EF028O2R			EF028O3R			EF028O4R				1350
		300			300			400			350			
29	EM029O1R			EM029O2R			EM029O3R			EM029O4R			20	30
	10													

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
29	EF029O1R			EF029O2R			EF029O3R			EF029O4R			40	55
		15												
31				EF031O2R			EF031O3R			EF031O4R			500	500
32				EF032O2R			EF032O3R			EF032O4R			300	300
33										EM033O4R				115
										115				
33				EF033O2R			EF033O3R			EF033O4R			850	850
34										EM034O4R				35
										35				
34				EF034O2R			EF034O3R			EF034O4R			325	325
35										EE035O4R				50
												50		
35				EF035O2R			EF035O3R			EF035O4R			210	210
35, 36, 361	EE035O1R													250
			250											
35, 36, 361	EF035O1R													225
		225												
36, 361										EE036O4R				50
												50		
36, 361				EF036O2R			EF036O3R			EF036O4R			445	445

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
38	EM038O1R									EM038O4R				65
	35									30				
38	EF038O1R			EF038O2R			EF038O3R			EF038O4R			40	60
		20												
39	EM039O1R			EM039O2R			EM039O3R			EM039O4R				230
	70			70			70			20				
39	EF039O1R			EF039O2R			EF039O3R			EF039O4R			150	180
		30												
40	EE040O1R			EE040O2R			EE040O3R			EE040O4R				119
			35			32			32			20		
40	EF040O1R			EF040O2R			EF040O3R			EF040O4R				150
		40			35			35			40			
41, 42, 52, 411, 421, 521	EM041O1R									EM041O4R				1400
	1000									400				
41, 42, 52, 411, 421, 521	EF041O1R													900
		900												
41				EF041O2R			EF041O3R			EF041O4R			600	600
42				EF042O2R			EF042O3R			EF042O4R			900	1550
					650									
43, 471	EE043O1R													250
			250											
43, 471	EF043O1R													125
		125												

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
43										EE043O4R				125
												125		
43				EF043O2R			EF043O3R			EF043O4R			560	560
44, 45, 47, 444	EE044O1R													300
			300											
44, 45, 47, 444	EF044O1R													400
		400												
44										EE044O4R				190
												190		
44				EF044O2R			EF044O3R			EF044O4R			310	310
45										EE045O4R				130
												130		
45				EFO45O2R			EF045O3R			EF045O4R			200	200
46	EM046O1R			EM046O2R			EM046O3R			EM046O4R			80	110
	30													
46	EF046O1R			EF046O2R			EF046O3R			EF046O4R			80	105
		25												
47										EE047O4R				55
												55		
47				EF047O2R			EF047O3R			EF047O4R			330	330
48	EM048O1R			EM048O2R			EM048O3R			EM048O4R			90	160

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
	70													
48				EF048O2R			EF048O3R			EF048O4R			150	200
											50			
49	EM049O1R			EM049O2R			EM049O3R			EM049O4R			140	220
	80													
49				EF049O2R			EF049O3R			EF049O4R				300
					100			100			100			
49 within Lake County ONLY				EF049S2R			EF049S3R			EF049S4R				140
					50			50			40			
50	EM050O1R			EM050O2R			EM050O3R			EM050O4R			225	275
	50													
50				EF050O2R			EF050O3R			EF050O4R			400	400
51	EM051O1R			EM051O2R			EM051O3R			EM051O4R			100	140
	40													
51	EF051O1R			EF051O2R			EF051O3R			EF051O4R			100	130
		30												
52				EF052O2R			EF052O3R			EF052O4R			225	550
					325									
53, 63	EM053O1R													225
	225													
53, 63	EF053O1R													275
		275												

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
53										EM053O4R				25
										25				
53				EF053O2R			EF053O3R			EF053O4R				320
				120				150			50			
54	EF054O1R			EF054O2R			EF054O3R			EF054O4R				595
		210			170			85			130			
54	EE054O1R						EE054O3R			EE054O4R				1060
			335						500			225		
55										EE055O4R				45
												45		
55	EM055O1R													280
	280													
55	EF055O1R			EF055O2R			EF055O3R			EF055O4R				1195
		325			305			405			160			
56	EM056O1R			EM056O2R			EM056O3R			EM056O4R				175
	50			50			50			25				
56				EF056O2R			EF056O3R			EF056O4R				130
					50			50			30			
57, 58	EM057O1R			EM057O2R			EM057O3R			EM057O4R				320
	80			80			80			80				
57, 58	EF057O1R			EF057O2R			EF057O3R			EF057O4R				400
		90			110			110			90			
59, 581	EM059O1R									EM059O4R				280
	100									180				

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
59, 581	EF059O1R			EF059O2R			EF059O3R			EF059O4R			200	300
		100												
60										EE060O4R				50
												50		
60	EM060O1R													35
	35													
60	EF060O1R			EF060O2R			EF060O3R			EF060O4R			20	40
		10			10									
61	EM061O1R			EM061O2R			EM061O3R			EM061O4R			200	350
	150													
61	EF061O1R			EF061O2R			EF061O3R			EF061O4R				1000
		100			350			300			250			
62										EE062O4R				130
												130		
62	EM062O1R													380
	380													
62	EF062O1R			EF062O2R			EF062O3R			EF062O4R			400	1050
		250			400									
63										EM063O4R				15
										15				
63				EF063O2R			EF063O3R			EF063O4R				250
					125			75			50			
64, 65	EE064O1R									EE064O4R				475
			400									75		

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B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
64, 65	EF064O1R			EF064O2R			EF064O3R			EF064O4R			300	700
		150			250									
66	EM066O1R			EM066O2R			EM066O3R			EM066O4R				785
	315			260			155			55				
66	EF066O1R			EF066O2R			EF066O3R			EF066O4R				630
		135			165			200			130			
67	EM067O1R			EM067O2R			EM067O3R			EM067O4R				800
	290			275			155			80				
67	EF067O1R			EF067O2R			EF067O3R			EF067O4R				635
		100			155			190			190			
68, 681	EM068O1R									EM068O4R				505
	375									130				
68				EF068O2R			EF068O3R			EF068O4R				540
					210			230			100			
69, 84	EM069O1R			EM069O2R			EM069O3R			EM069O4R				235
	75			80			40			40				
69, 84				EF069O2R			EF069O3R			EF069O4R				210
					80			70			60			
70				EF070O2R			EF070O3R			EF070O4R				760
					350			260			150			
70,	EE070O1R									EE070O4R				1400
			1200									200		
71, 72, 73, 711	EE071O1R									EE071O4R				
71				EF071O2R			EF071O3R			EF071O4R			215	215

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
72				EF072O2R			EF072O3R			EF072O4R			90	90
73				EF073O2R			EF073O3R			EF073O4R			50	50
74, 741	EE074O1R													350
74, 741										EM074O4R				60
74				EF074O2R			EF074O3R			EF074O4R			150	150
75, 751	EE075O1R													650
75, 751										EM075O4R				80
75, 751				EF075O2R			EF075O3R			EF075O4R			600	600
76	EM076O1R			EM076O2R			EM076O3R							280
76				EF076O2R			EF076O3R			EF076O4R				620
77, 78, 771	EE077O1R													750
77, 78, 771										EM077O4R				80
				EF077O2R			EF077O3R			EF077O4R				245

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B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex	Antlered	Antler- less	Either Sex		
77, 78, 771					125			70			50			
79	EM079O1R			EM079O2R			EM079O3R							365
	165			100			100							
79	EF079O1R			EF079O2R			EF079O3R			EF079O4R				325
		50			100			75			100			
80, 81	EM080O1R									EM080O4R				950
	900									50				
80				EF080O2R			EF080O3R			EF080O4R				225
					5			5			215			
81				EF081O2R			EF081O3R			EF081O4R				235
					5			5			225			
82	EE082O1R									EE082O4R				350
			300									50		
82	EF082O1R			EF082O2R			EF082O3R			EF082O4R				490
		25			200			200			65			
85, 140, 851 except Bosque del Oso SWA	EE085O1R									EE085O4R				250
			100									150		

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
85, 140, 851 except Bosque del Oso SWA				EF085O2R			EF085O3R			EF085O4R				120
					40			40			40			
86, 691, 861	EM086O1R									EM086O4R				240
	150									90				
86, 691, 861				EF086O2R			EF086O3R			EF086O4R			275	275
104	EM104O1R			EM104O2R			EM104O3R			EM104O4R			85	115
	30													
131										EM131O4R				60
										60				
131				EF131O2R			EF131O3R			EF131O4R			250	250
133, 134, 141, 142										EM133O4R				30
										30				
161										EE161O4R				100
												100		
161							EF161O3R			EF161O4R				390
								260			130			
171										EE171O4R				60
												60		

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
181				EF181O2R			EF181O3R			EF181O4R				520
					160			200			160			
191	EM191O1R			EM191O2R			EM191O3R			EM191O4R			275	325
	50													
191				EF191O2R			EF191O3R			EF191O4R			80	80
201	EF201O1R			EF201O2R			EF201O3R			EF201O4R				145
		30			45			30			40			
214										EM214O4R				50
										50				
214				EF214O2R			EF214O3R			EF214O4R			300	300
231										EM231O4R				60
										60				
231				EF231O2R			EF231O3R			EF231O4R			250	250
371	EE371O1R									EE371O4R				240
			140									100		
371	EF371O1R			EF371O2R			EF371O3R			EF371O4R				395
		100			70			120			105			
391	EM391O1R			EM391O2R			EM391O3R			EM391O4R			60	60
411				EF411O2R			EF411O3R			EF411O4R			100	200
					100									
421				EF421O2R			EF421O3R			EF421O4R			1100	1100

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
444										EE444O4R				140
											140			
444				EF444O2R			EF444O3R			EF444O4R			655	655
461	EM461O1R			EM461O2R			EM461O3R			EM461O4R			60	60
461	EF461O1R			EF461O2R			EF461O3R			EF461O4R			50	50
471										EE471O4R				25
											25			
471				EF471O2R			EF471O3R			EF471O4R			60	60
481	EM481O1R			EM481O2R			EM481O3R			EM481O4R			200	270
	70													
481				EF481O2R			EF481O3R			EF481O4R			200	200
500	EM500O1R			EM500O2R			EM500O3R			EM500O4R			125	225
	100													
500				EF500O2R			EF500O3R			EF500O4R			350	350
501	EM501O1R			EM501O2R			EM501O3R			EM501O4R			135	170
	35													
501				EF501O2R			EF501O3R			EF501O4R			200	200
511	EM511O1R									EM511O4R				175
	75									100				

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
511	EF511O1R			EF511O2R			EF511O3R			EF511O4R			100	130
		30												
521 north of West Muddy Creek and east of Colo 133				EF521O2R			EF521O3R			EF521O4R			700	700
521 south of West Muddy Creek and west of Paonia Reservoir				EF521S2R			EF521S3R			EF521S4R			650	650
551										EE551O4R				20
												20		
551	EM551O1R													70
	70													
551	EF551O1R			EF551O2R			EF551O3R			EF551O4R				720
		120			240			280			80			
561	EM561O1R			EM561O2R			EM561O3R			EM561O4R				105

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

B. Regular Rifle Elk Seasons

- 1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.**

Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)				
	Hunt Code			Hunt Code			Hunt Code			Hunt Code				
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex		
	30			30			30			15				
561				EF561O2R			EF561O3R			EF561O4R				80
					30			30			20			
681				EF681O2R			EF681O3R			EF681O4R				335
					160			125			50			
711				EF711O2R			EF711O3R			EF711O4R			190	305
											115			
741				EE741O2R			EE741O3R			EE741O4R			70	70
851 Bosque del Oso SWA only	EM851O1R			EM851O2R			EM851O3R							15
	5			5			5							
851 Bosque del Oso SWA only							EF851O3R							5
								5						
851 Bosque del Oso SWA only Youth Only				EE851K2R			EE851K3R							2
						1			1					

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS															
B. Regular Rifle Elk Seasons															
1. Separate and Combined Rifle Seasons, Dates, Units (as described in Chapter 0 of these regulations), Limited License Numbers or Unlimited Licenses as shown by hunt code.															
Unit(s)	1 st Season (Separate Limited Elk) Season Dates: 10/10/2015 – 10/14/2014 Unless Otherwise Shown			2 nd Season (Combined) Season Dates: 10/17/2015 – 10/25/2014 Unless Otherwise Shown			3 rd Season (Combined) Season Dates: 10/31/2015 – 11/08/2015 Unless Otherwise Shown			4 th Season (Combined) Season Dates: 11/11/2015 – 11/15/2015 Unless Otherwise Shown			Float Total (2014)	Total Licenses (2014)	
	License #s (2014)			License #s (2014)			License #s (2014)			License #s (2014)					
	Hunt Code			Hunt Code			Hunt Code			Hunt Code					
	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex	Antlered	Antler-less	Either Sex			
Totals	13450	9255	7275	1030	8650	33	735	6695	533	4285	6980	3460	26190	88571	

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
1														EF001P5R	08/15/2015-01/15/2016		10		10
3, 4, 5, 214, 301, 441	EE003P1R													EF003P5R	10/17/2015-11/30/2015		650		950
			300																
6, 16, 17, 161, 171	EE006P1R																		150
			150																
6, 16, 17, 161, 171				EF006P2R										EF006P5R	08/15/2015-09/30/2015		350		400
					50														
6							EF006P3R			EF006P4R									20
								10			10								
7, 8														EF007P5R	09/01/2015-01/31/2016		140		140
9														EF009P5R	09/01/2015-01/31/2016		145		145

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open- Date Closed	Antlered	Antlerless	
10														EF010P5R	08/15/2015-01/15/2016		125		125
11, 12, 13, 23, 24, 25, 26, 33, 34, 131, 211, 231	EE011P1R																		700
			700																
11, 12, 13, 23, 24, 211														EF011P5R	10/01/2015-11/30/2015		800		800
14, 214, 441														EF014P5R	12/01/2015-12/31/2015		200		200
15	EE015P1R			EE015P2R			EE015P3R			EE015P4R				EF015P5R	11/16/2015-01/31/2016		300		600
			75			75			75			75							
16							EF016P3R			EF016P4R									20
								10			10								
17							EF017P3R			EF017P4R									20
								10			10								
18	EF018P1R			EF018P2R			EF018P3R			EF018P4R			200						200

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
18, 181	EE018P1R									EE018P4R									600
			300									300							
19														EF019P5R	09/01/2015-01/31/2016		130		130
20														EF020P5R	09/01/2015-01/31/2016		500		500
21, 22, 30, 31, 32	EE021P1R																		125
			125																
22, 31, 32														EF022P5R	10/10/2015-12/31/2015				
23, 24														EF023P5R	12/01/2015-12/31/2015		50		50

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
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Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open-Date Closed	Antlered	Antlerless	
25, 26, 231														EF025P5R	08/15/2015-01/15/2016		400		400
27	EF027P1R			EF027P2R			EF027P3R			EF027P4R			25						50
		25																	
27	EE027P1R									EE027P4R									200
			100									100							
28, 37	EF028P1R			EF028P2R			EF028P3R			EF028P4R			400						400
28, 37	EE028P1R									EE028P4R									400
			200									200							
29														EF029P5R	09/01/2015-01/31/2016		60		60

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
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Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
33										EE033P4R				EF033P5R	12/01/2015-01/31/2016		100		125
												25							
34														EF034P5R	08/15/2015-01/15/2016		50		50
35														EF035P5R	08/15/2015-01/15/2016		100		100
35, 36, 361	EE035P1R																		30
			30																
36, 361														EF036P5R	08/15/2015-01/15/2016		65		65
38	EE038P1R													EF038P5R	09/01/2015-01/31/2016		60		70
			10																
39														EF039P5R	09/01/2015-01/31/2016		150		150

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
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Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
40														EF040P5R	09/01/2015-11/30/2015		375		375
41, 42, 52, 411, 421, 521	EE041P1R									EE041P4R									475
			330									145							
41														EF041P5R	09/01/2015-01/31/2016		275		275
43														EF043P5R	08/15/2015-01/15/2016		175		175
43, 471	EE043P1R																		50
			50																
44														EF044P5R	08/15/2015-01/15/2016		125		125
44, 45, 47, 444	EE044P1R																		75
			75																
45														EF045P5R	08/15/2015-01/15/2016		50		50
46														EF046P5R	09/01/2015-01/31/2016		50		50

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
47														EF047P5R	08/15/2015-01/15/2016		125		125
50														EF050P5R	09/01/2015-01/31/2016		30		30
51														EF051P5R	09/01/2015-01/31/2016		200		200
52														EF052P5R	12/01/2015-01/31/2016		175		175
53, 63	EE053P1R									EE053P4R									150
			85									65							

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
53, 63 -Delta County only, 521 - South of Colo 133 and west of Somerset														EF053P5R	12/01/2015-01/31/2016		125		125
54	EE054P1R									EE054P4R									105
			30									75							
54														EF054P5R	08/15/2015-01/31/2016		200		200
55, 551	EE055P1R									EE055P4R									
			45									45							
56														EF056P5R	09/01/2015-01/31/2016		70		70
57, 58														EF057P5R	09/01/2015-01/31/2016		230		230
59, 581	EE059P1R																		80
			80																
59, 581														EF059P5R			300		300

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open-Date Closed	Antlered	Antlerless	
															09/01/2015-01/31/2016				
60	EE060P1R									EE060P4R				EF060P5R	09/01/2015-12/31/2015		65		85
			10									10							
61														EF061P5R	12/15/2015-01/15/2016		200		200
62	EE062P1R									EE062P4R									200
			100									100							
62				EF062P2R			EF062P3R			EF062P4R			300	EF062P5R	12/01/2015-12/31/2015		75		375
63 - West of Hwy 92														EF063P5R	08/15/2015-11/15/2015		50		50
64, 65	EE064P1R									EE064P4R									215
			130									85							
64				EF064P2R			EF064P3R			EF064P4R			50						50
65														EF065P5R	10/10/2015-11/30/2015		425		425

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)	
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)				
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex		
68														EF068P5R	09/01/2015-12/31/2015		15		15	
69, 84														EF069P5R	09/01/2015-01/31/2016		275		275	
70	EE070P1R									EE070P4R										520
			400									120								
70				EF070P2R			EF070P3R			EF070P4R			500	EF070P5R	12/01/2015-12/31/2015		200		700	
71, 72, 73, 711	EE071P1R									EE071P4R										
72, 711														EF072P5R	09/01/2015-09/30/2015		100		100	
73 - South of Colo 184 and US 160														EF073P5R	09/01/2015-10/09/2015		75		75	
74, 741	EE074P1R									EE074P4R										35
			15									20								

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open- Date Closed	Antlered	Antlerless	
74 - all private lands in La Plata County, and 75 - all private lands west of Florida River and north of US 160, and all private lands south of US 160														EF074P5R	09/01/2015-01/15/2016		350		350
75, 751,										EE075P4R									25
77, 78, 771	EE077P1R									EE077P4R				EF077P5R	09/01/2015-09/30/2015		40		115
			50									25							

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)	
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)				
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex		
79														EF079P5R	09/01/2015-01/31/2016		20		20	
80														EF080P5R	09/01/2015-01/31/2016		30		30	
81														EF081P5R	09/01/2015-01/31/2016		30		30	
82	EE082P1R													EE082P5R-see #257.5 - special restrictions	09/01/2015-11/30/2015			40	55	
83	EE083P1R										EE083P4R									150
			75									75								
83				EF083P2R			EF083P3R			EF083P4R									140	
					50			75			15									
85, 140, 851	EE085P1R																		300	
			300																	
85, 140, 851														EF085P5R	10/10/2015-11/30/2015		300		300	
85, 140, 851														EF085P6R	12/01/2015-12/31/2015		375		375	

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open-Date Closed	Antlered	Antlerless	
86, 691, 861														EF086P5R	09/01/2015-01/31/2016		400		400
86, 691, 861	EE086P1R																		
104, 105, 106,														EF104P5R	09/01/2015-01/31/2016		300		300
131				EF131P2R			EF131P3R			EF131P4R									
161							EF161P3R			EF161P4R									20
								10			10								
171							EF171P3R			EF171P4R									20
								10			10								
181	EF181P1R			EF181P2R			EF181P3R			EF181P4R			200						200
191														EF191P5R	09/01/2015-01/31/2016		120		120
231				EE231P2R			EE231P3R			EE231P4R			75						75
371	EF371P1R			EF371P2R			EF371P3R			EF371P4R			150						150

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex		Hunt Code	Date Open-Date Closed	Antlered	Antlerless	Either Sex	
371	EE371P1R									EE371P4R									200
			100									100							
39- all portions within Jefferson County, 391.														EF391P5R	09/01/2015-01/31/2016		225		225
411														EF411P5R	12/01/2015-01/31/2016		140		140
421														EF421P5R	09/01/2015-01/03/2016		225		225
444														EF444P5R	08/15/2015-01/15/2016		350		350

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)			
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open-Date Closed	Antlered	Antlerless	
461														EF461P5R	09/01/2015-01/31/2016		100		100
471														EF471P5R	08/15/2015-01/15/2016		10		10
481														EF481P5R	09/01/2015-01/31/2016		90		90
500														EF500P5R	09/01/2015-01/31/2016		20		20
501														EF501P5R	09/01/2015-01/31/2016		20		20
511	EE511P1R																		10
			10																
511														EF511P5R	09/01/2015-01/31/2016		100		100
682, 791 – see #257.5 - special restriction														EF682P5R	08/15/2015-12/31/2015		150		150

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS

C. Private Land Only Elk Seasons

1. Private Land Only Season Dates, Units (as described in Chapter 0 of these regulations), and Limited Licenses.

- a. All applicants for "Private Land Only" licenses must obtain permission to hunt from at least one private landowner within the game management unit prior to applying for a license.
- b. Private land only licenses are valid on all private land within the game management unit upon which the license holder has permission to hunt.

Unit	Season Dates Concurrent with 1 st Season (Separate Limited Elk) 10/10/2015 – 10/14/2015			Season Dates Concurrent with 2 nd Season (Combined) 10/17/2015 – 10/25/2015			Season Dates Concurrent with 3 rd Season (Combined) 10/31/2015 – 11/08/2015			Season Dates Concurrent with 4 th Season (Combined) 11/11/2015 – 11/15/2015			Float Total (2014)	Other Season Dates					Total (2014)	
	Licenses (2014)			Licenses (2014)			Licenses (2014)			Licenses (2014)						Licenses (2014)				
	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex	Antlered	Antlerless	Either Sex			Hunt Code	Date Open- Date Closed	Antlered	Antlerless		Either Sex
682, 791 - see #257.5 - special restrictions														EM682P6R	08/15/2015-12/31/2015	100				100
711														EF711P5R	10/15/2015-11/16/2015		25		25	
741														EF741P5R	09/01/2015-01/15/2016		350		350	
751 south of US 160														EF751P5R	12/01/2015-01/15/2016		100		100	
TOTALS	0	25	3945	0	100	75	0	125	75	0	65	1590	2100			100	12865	40	21105	

#257 - RIFLE AND ASSOCIATED METHODS ELK SEASONS - ANY LAWFUL METHOD OF TAKE PERMITTED DURING THESE SEASONS D. San Luis Valley Game Damage Private Land Only Antlered Elk Seasons				
Units	Hunt Code	Date Open-Date Closed	Licenses (2015)	Total (2015)
682, 791 - see #257.5 - special restrictions	EM682P5R	05/15/2015-07/31/2015	100	100

E. Late Elk Seasons

1. Late Season Hunt, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.					
Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Antlered	Antlerless
1	EF001L1R	12/01/2015	12/31/2015		10
2, 201	EF002L1R	12/01/2015	12/31/2015		25
3, 301	EF003L1R	12/01/2015	12/31/2015		200
7, 8	EF007L1R	12/05/2015	12/16/2015		30
9	EF009L1R	10/15/2015	11/30/2015		60
10	EF010L1R	12/01/2015	12/31/2015		175
11	EF011L1R	12/01/2015	12/31/2015		50
13	EF013L1R	12/01/2015	12/31/2015		100
18	EF018L1R	11/21/2015	11/29/2015		75
19	EF019L1R	12/05/2015	12/16/2015		30
20	EM020L1R	11/21/2015	12/02/2015	60	
20	EF020L1R	11/21/2015	12/02/2015		30
20	EM020L2R	01/09/2016	01/20/2016	60	
20	EF020L2R	01/09/2016	01/20/2016		30
20 - Those portions bounded on the north by the Little Thompson River; on the east by US 287, on the south by Colo 66 (Ute Hwy); and on the west by N 53 rd St, Vestal Rd, N 55 th St, Dakota Ridge Rd, Redstone Dr, and Thunder Rd.	EF020L3R	08/15/2015	01/31/2016		100
22	EF022L1R	12/01/2015	12/31/2015		100
26	EF026L1R	12/01/2015	01/15/2016		60
27	EF027L1R	11/21/2015	11/29/2015		80
28, 37	EF028L1R	11/21/2015	11/29/2015		200
31	EF031L1R	12/01/2015	12/31/2015		300
35, 36	EF035L1R	11/21/2015 12/15/2015	11/29/2015 01/15/2016		150
38 Jefferson County ONLY	EF038L1R	12/01/2015	01/31/2016		50
50	EF050L1R	12/26/2015	01/03/2016		75
54 –Those portions of Unit 54, east of Antelope Creek, West Antelope Creek and the east boundary of the West Elk Wilderness, south of Kebler Pass Road (Co Rd 12) and west of Colo Hwy 135	EF054L1R	12/01/2015	12/31/2015		150
61	EF061L1R	12/05/2015	12/13/2015		
64	EF064L1R	12/01/2015	12/31/2015		25
68	EF068L1R	12/01/2015	12/31/2015		135
79	EF079L1R	12/01/2015	12/31/2015		5
80	EF080L1R	12/01/2015	12/31/2015		5
81	EF081L1R	12/01/2015	12/31/2015		5

1. Late Season Hunt, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.					
Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Antlered	Antlerless
85, 140, 851, except the Bosque del Oso State Wildlife Area	EF085L1R	01/01/2016	01/31/2016		175
128	EF128L1R	09/01/2015	01/31/2016		
133, 134, 141	EF133L1R	10/10/2015	01/31/2016		45
142	EF142L1R	10/10/2015	01/31/2016		25
181	EF181L1R	11/21/2015	11/29/2015		50
191	EF191L1R	12/05/2015	12/16/2015		30
211	EF211L1R	12/01/2015	12/31/2015		50
361	EF361L1R	11/21/2015	11/29/2015		50
371	EF371L1R	11/21/2015	11/29/2015		100
421 That portion north of the South Side Canal, west of Mesa County roads 64.6 (Vega Grade), 330E and 64.3 (Brush Creek Road) and south of the Grand Mesa National Forest boundary.	EF421L1R	12/01/2015	01/03/2016		150
500	EF500L1R	12/26/2015	01/03/2016		60
501	EF501L1R	12/26/2015	01/03/2016		40
512 See special restrictions	EF512L1R	10/01/2015	01/31/2016		30
591	EF591L1R	10/01/2015	01/31/2016		25
681	EF681L1R	12/01/2015	12/31/2015		75
851 - Bosque del Oso SWA ONLY	EF851L1R	11/21/2015	11/29/2015		20
851 - Bosque del Oso SWA ONLY	EF851L2R	12/05/2015	12/13/2015		20
851 - Bosque del Oso SWA ONLY	EF851L3R	12/19/2015	12/27/2015		25
TOTALS				120	3460

#257.5 - SPECIAL RESTRICTIONS

A. Unit 512 - Air Force Academy

Hunters must apply in person, no later than May 31 annually to participate in a random drawing to be placed on a priority list of hunters. Applications along with a non-refundable application fee not to exceed \$10.00 will be accepted at the Academy's Outdoor Recreation Center, Building 5136 - Community Center Drive, AFA, Colorado Springs.

The first 15 hunters drawn will be placed on the list and will be notified of their placement by June 15 annually. When elk are available to be hunted, up to 4 hunters will be called. After obtaining a license, paying a fee not to exceed \$30.00 to the Academy and receiving a safety briefing, hunters will be escorted on the hunt. Hunters may decline one opportunity to hunt and hold their place on the list. Hunts will continue when possible until (30) antlerless elk have been taken.

B. Units 82, 682 and 791 – San Luis Valley Damage Elk Hunts

1. The purpose of these hunts is to provide flexibility in managing damage by elk and maintain landowners' rights to determine who may enter their property. Most license vouchers may be issued to friends and family of the landowner. Opportunities for non-associated public hunters may exist and will be selected from a list of interested hunters.
2. License vouchers may be transferred one time only, and shall only be transferred by the landowner to the hunter that will use the voucher to purchase the license. Third-party brokering of landowner vouchers is not permitted. Violation of this subsection shall invalidate the applicable landowner voucher and any license purchased with it.
3. Public hunters must apply no later than July 15 annually, to participate in a random drawing to be placed on a priority list of hunters. Applications will be accepted at the Monte Vista Service Center at 0722 S Rd. 1 E, Monte Vista.
4. Hunters drawn will be placed on the list and the top 10 hunters on the list will be notified of their placement no later than August 15 annually. When elk are available to be hunted, up to 4 hunters will be called. Hunters may decline one opportunity to hunt and hold their place on the list. Hunts will be conducted on an as-needed basis to alleviate game damage.

ARTICLE X - PRONGHORN

#261 - ARCHERY PRONGHORN SEASONS ONLY LAWFUL HAND HELD BOWS MAY BE USED TO HUNT OR TAKE PRONGHORN DURING THE FOLLOWING SEASONS:

A. Regular Archery Pronghorn Seasons

1. Archery Season Dates, Units (as described in Chapter 0 of these regulations), Limited licenses.						
Unit	Hunt Code	Date Open	Date Closed	License Types and Numbers (2014)		
				Unlimited Buck or Either Sex	Limited Buck Only	Limited Doe Only
1, 7, 8, 9, 14, 15, 19, 20, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 59, 60, 61, 63, 64, 65, 69, 71, 72, 73, 74, 75, 76, 77, 78, 84, 85, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 191, 231, 361, 371, 421, 444, 461, 471, 481, 511, 521, 561, 591, 691, 711, 741, 751, 771, 851 except Bosque del Oso SWA, 861, 951	AE000U1A	08/15/2015 and 09/01/2015	08/31/2015 and 09/20/2015	Unlimited Buck and Either Sex		
3, 301	AM003O1A	08/15/2015	09/20/2015		110	
3, 301	AF003O1A	09/01/2015	09/20/2015			25
4, 5	AM004O1A	08/15/2015	09/20/2015		40	

1. Archery Season Dates, Units (as described in Chapter 0 of these regulations), Limited licenses.						
Unit	Hunt Code	Date Open	Date Closed	License Types and Numbers (2014)		
				Unlimited Buck or Either Sex	Limited Buck Only	Limited Doe Only
4, 5	AF004O1A	09/01/2015	09/20/2015			10
6, 16, 17, 161, 171	AM006O1A	08/15/2015	09/20/2015		70	
6, 16, 17, 161, 171	AF006O1A	09/01/2015	09/20/2015			20
11	AM011O1A	08/15/2015	09/20/2015		20	
11	AF011O1A	09/01/2015	09/20/2015			10
12, 211	AM012O1A	08/15/2015	09/20/2015		5	
12, 211	AF012O1A	09/01/2015	09/20/2015			5
13	AM013O1A	08/15/2015	09/20/2015		35	
13	AF013O1A	09/01/2015	09/20/2015			10
18, 27, 28, 37, 181	AM018O1A	08/15/2015	09/20/2015		15	
18, 27, 28, 37, 181	AF018O1A	09/01/2015	09/20/2015			10
49, 50, 500, 501	AM049O1A	08/15/2015	09/20/2015		30	
49, 50, 500, 501	AF049O1A	09/01/2015	09/20/2015			10
57, 58, 581	AM057O1A	08/15/2015	09/20/2015		25	
57, 58, 581	AF057O1A	09/01/2015	09/20/2015			10
66	AM066O1A	08/15/2015	09/20/2015		1	
67	AM067O1A	08/15/2015	09/20/2015		10	
68, 681 - West of Co Rd 46AA and west of the divide between the Saguache Creek drainage and Kerber Creek drainage, 682	AM068O1A	08/15/2015	09/20/2015		2	
79, 791	AM079O1A	08/15/2015	09/20/2015		3	
80	AM080O1A	08/15/2015	09/20/2015		2	
81	AM081O1A	08/15/2015	09/20/2015		6	
82, 681 - East of Co Rd 46AA and east of the divide between the Saguache Creek drainage and Kerber Creek drainage	AM082O1A	08/15/2015	09/20/2015		20	
82, 681 - East of Co Rd 46AA and east of the divide between the Saguache Creek drainage and Kerber Creek drainage	AF082O1A	09/01/2015	09/20/2015			10
87	AM087O1A	08/15/2015	09/20/2015		55	
87	AF087O1A	09/01/2015	09/20/2015			15
88	AM088O1A	08/15/2015	09/20/2015		45	
88	AF088O1A	09/01/2015	09/20/2015			15
131	AM131O1A	08/15/2015	09/20/2015		5	
131	AF131O1A	09/01/2015	09/20/2015			5

1. Archery Season Dates, Units (as described in Chapter 0 of these regulations), Limited licenses.						
Unit	Hunt Code	Date Open	Date Closed	License Types and Numbers (2014)		
				Unlimited Buck or Either Sex	Limited Buck Only	Limited Doe Only
201, 2	AM201O1A	08/15/2015	09/20/2015		5	
201	AF201O1A	09/01/2015	09/20/2015			5
214, 441	AM214O1A	08/15/2015	09/20/2015		10	
214, 441	AF214O1A	09/01/2015	09/20/2015			10
551	AM551O1A	08/15/2015	09/20/2015		2	
			TOTALS		516	170

B. Private Land Only Pronghorn Season

1. Archery - Pronghorn, Dates, Units (as described in Chapter 0 of these regulations), Limited Licenses.

Unit	Hunt Code	Date Open	Date Closed	License Types and Numbers (2014)		
				Buck	Doe	Either Sex
83	AM083P1A	08/15/2015	09/20/2015	5		
			TOTALS	5		

#261.5 - MUZZLE-LOADING FIREARMS (RIFLE AND SMOOTHBORE MUSKET) PRONGHORN SEASON - ONLY LAWFUL MUZZLE-LOADING FIREARMS MAY BE USED DURING THIS FOLLOWING SEASON:

A. Regular Seasons

1. Muzzle-loading, Pronghorn, Dates, Units (as described in Chapter 0 of these regulations), and Licenses.

Unit(s)	Hunt Code	Date Open	Date Closed	Licenses Types and Numbers (2014)	
				Buck	Doe
1, 2, 201	AM001O1M	09/21/2015	09/29/2015	5	
1, 201	AF001O1M	09/21/2015	09/29/2015		5
3, 4, 5, 13, 131, 214, 301, 441	AM003O1M	09/21/2015	09/29/2015	15	
3, 4, 5, 13, 131, 214, 301, 441	AF003O1M	09/21/2015	09/29/2015		10
6, 16, 17, 161, 171	AM006O1M	09/21/2015	09/29/2015	18	
6, 16, 17, 161, 171	AF006O1M	09/21/2015	09/29/2015		5
7, 8	AM007O1M	09/21/2015	09/29/2015	5	
7, 8	AF007O1M	09/21/2015	09/29/2015		5
9, 191	AM009O1M	09/21/2015	09/29/2015	5	
9, 191	AF009O1M	09/21/2015	09/29/2015		5
11	AM011O1M	09/21/2015	09/29/2015	15	
11	AF011O1M	09/21/2015	09/29/2015		10
12, 211	AM012O1M	09/21/2015	09/29/2015	5	
12, 211	AF012O1M	09/21/2015	09/29/2015		5

Unit(s)	Hunt Code	Date Open	Date Closed	Licenses Types and Numbers (2014)	
				Buck	Doe
18, 27, 28, 37, 181	AM018O1M	09/21/2015	09/29/2015	15	
18, 27, 28, 37, 181	AF018O1M	09/21/2015	09/29/2015		20
48, 56, 481	AM048O1M	09/21/2015	09/29/2015	10	
48, 56, 481	AF048O1M	09/21/2015	09/29/2015		5
50, 57, 58, 501, 581	AM050O1M	09/21/2015	09/29/2015	10	
50, 57, 58, 501, 581	AF050O1M	09/21/2015	09/29/2015		5
59, 591	AM059O1M	09/21/2015	09/29/2015	5	
59, 591	AF059O1M	09/21/2015	09/29/2015		5
66	AM066O1M	09/21/2015	09/29/2015	1	
67	AM067O1M	09/21/2015	09/29/2015	5	
68, 79, 80, 81, 82, 83, 681, 682, 791	AM068O1M	09/21/2015	09/29/2015	5	
69, 84, 85, 86, 691, 861	AM069O1M	09/21/2015	09/29/2015	70	
69, 84, 85, 86, 691, 861	AF069O1M	09/21/2015	09/29/2015		60
87, 88, 89, 90, 95, 951	AM087O1M	09/21/2015	09/29/2015	20	
87, 88, 89, 90, 95, 951	AF087O1M	09/21/2015	09/29/2015		15
93, 97, 98, 101, 102	AM093O1M	09/21/2015	09/29/2015	5	
99, 100	AM099O1M	09/21/2015	09/29/2015	5	
99, 100	AF099O1M	09/21/2015	09/29/2015		5
104, 105	AM104O1M	09/21/2015	09/29/2015	20	
104, 105	AF104O1M	09/21/2015	09/29/2015		20
106, 107, 109	AM106O1M	09/21/2015	09/29/2015	15	
106, 107, 109	AF106O1M	09/21/2015	09/29/2015		15
110, 111, 118, 119, 123, 124	AM110O1M	09/21/2015	09/29/2015	75	
110, 111, 118, 119, 123, 124	AF110O1M	09/21/2015	09/29/2015		75
112, 113, 114, 115	AM112O1M	09/21/2015	09/29/2015	40	
112, 113, 114, 115	AF112O1M	09/21/2015	09/29/2015		20
116, 117, 122, 127	AM116O1M	09/21/2015	09/29/2015	50	
116, 117, 122, 127	AF116O1M	09/21/2015	09/29/2015		50
120, 121, 125, 126	AM120O1M	09/21/2015	09/29/2015	50	
120, 121, 125, 126	AF120O1M	09/21/2015	09/29/2015		50
128, 129, 133, 134, 135, 140, 141, 142, 147	AM128O1M	09/21/2015	09/29/2015	60	
128, 129, 133, 134, 135, 140, 141, 142, 147	AF128O1M	09/21/2015	09/29/2015		40
130, 136, 137, 138, 143, 144, 146	AM130O1M	09/21/2015	09/29/2015	50	
130, 136, 137, 138, 143, 144, 146	AF130O1M	09/21/2015	09/29/2015		50
132, 139, 145	AM132O1M	09/21/2015	09/29/2015	20	
132, 139, 145	AF132O1M	09/21/2015	09/29/2015		20
551	AM551O1M	09/21/2015	09/29/2015	2	
			TOTALS	601	500

#262 - RIFLE AND ASSOCIATED METHODS PRONGHORN SEASONS

A. Regular Rifle Pronghorn Seasons

1. Regular Rifle Season Dates, Units (as described in Chapter 0 of these regulations), Licenses.

Unit(s)	Hunt Code	Date Open	Date Closed	License Type and #'s (2014)	
				Buck	Doe
3, 301	AM003O1R	10/03/2015	10/09/2015	230	
3, 301	AF003O1R	10/03/2015	10/09/2015		60
4, 5	AM004O1R	10/03/2015	10/09/2015	70	
4, 5	AF004O1R	10/03/2015	10/09/2015		50
6	AM006O1R	10/03/2015	10/09/2015	14	
6	AF006O1R	10/03/2015	10/09/2015		5
7	AM007O1R	10/03/2015	10/09/2015	5	
7	AF007O1R	10/03/2015	10/09/2015		5
8	AM008O1R	10/03/2015	10/09/2015	5	
8	AF008O1R	10/03/2015	10/09/2015		5
11	AM011O1R	10/03/2015	10/09/2015	120	
11	AF011O1R	10/10/2015	10/09/2015		100
12, 211	AM012O1R	10/03/2015	10/09/2015	15	
12, 211	AF012O1R	10/03/2015	10/09/2015		10
13	AM013O1R	10/03/2015	10/09/2015	30	
13	AF013O1R	10/03/2015	10/09/2015		25
16, 17, 171	AM016O1R	10/03/2015	10/09/2015	35	
16, 17, 171	AF016O1R	10/03/2015	10/09/2015		5
18, 27, 28, 37, 181	AM018O1R	10/03/2015	10/09/2015	50	
18, 27, 28, 37, 181	AF018O1R	10/03/2015	10/09/2015		80
50, 501	AM050O1R	10/03/2015	10/09/2015	20	
50, 501	AF050O1R	10/03/2015	10/09/2015		5
56, 481	AM056O1R	10/03/2015	10/09/2015	10	
56, 481	AF056O1R	10/03/2015	10/09/2015		5
57, 58, 581	AM057O1R	10/03/2015	10/09/2015	30	
57, 58, 581	AF057O1R	10/03/2015	10/09/2015		20
59, 591	AM059O1R	10/03/2015	10/09/2015	10	
59, 591	AF059O1R	10/03/2015	10/09/2015		5
66	AM066O1R	10/03/2015	10/09/2015	1	
67	AM067O1R	10/03/2015	10/09/2015	20	
68, 681 - West of Co Rd 46AA and west of the divide between the Saguache Creek drainage and Kerber Creek drainage, 682	AM068O1R	10/03/2015	10/09/2015	7	
69, 84, 85, 86, 691, 861	AM069O1R	10/03/2015	10/09/2015	165	
69, 84, 85, 86, 691, 861	AF069O1R	10/03/2015	10/09/2015		275
79, 791	AM079O1R	10/03/2015	10/09/2015	17	
80	AM080O1R	10/03/2015	10/09/2015	8	
81	AM081O1R	10/03/2015	10/09/2015	25	

Unit(s)	Hunt Code	Date Open	Date Closed	License Type and #'s (2014)	
				Buck	Doe
82, 681 - East of Co Rd 46AA and east of the divide between the Saguache Creek drainage and Kerber Creek drainage	AM082O1R	10/03/2015	10/09/2015	85	
82, 681 - East of Co Rd 46AA and east of the divide between the Saguache Creek drainage and Kerber Creek drainage	AF082O1R	10/03/2015	10/09/2015		30
87	AM087O1R	10/03/2015	10/09/2015	330	
87	AF087O1R	10/03/2015	10/09/2015		70
88	AM088O1R	10/03/2015	10/09/2015	75	
88	AF088O1R	10/03/2015	10/09/2015		55
89	AM089O1R	10/03/2015	10/09/2015	40	
89	AF089O1R	10/03/2015	10/09/2015		40
90	AM090O1R	10/03/2015	10/09/2015	10	
90	AF090O1R	10/03/2015	10/09/2015		10
93	AM093O1R	10/03/2015	10/09/2015	5	
95	AM095O1R	10/03/2015	10/09/2015	40	
95	AF095O1R	10/03/2015	10/09/2015		40
97	AM097O1R	10/03/2015	10/09/2015	15	
98	AM098O1R	10/03/2015	10/09/2015	5	
99	AM099O1R	10/03/2015	10/09/2015	95	
99	AF099O1R	10/03/2015	10/09/2015		35
100	AM100O1R	10/03/2015	10/09/2015	65	
100	AF100O1R	10/03/2015	10/09/2015		25
101	AM101O1R	10/03/2015	10/09/2015	10	
102	AM102O1R	10/03/2015	10/09/2015	15	
104	AM104O1R	10/03/2015	10/09/2015	75	
104	AF104O1R	10/03/2015	10/09/2015		125
105	AM105O1R	10/03/2015	10/09/2015	300	
105	AF105O1R	10/03/2015	10/09/2015		450
106	AM106O1R	10/03/2015	10/09/2015	175	
106	AF106O1R	10/03/2015	10/09/2015		150
107	AM107O1R	10/03/2015	10/09/2015	100	
107	AF107O1R	10/03/2015	10/09/2015		50
109	AM109O1R	10/03/2015	10/09/2015	20	
109	AF109O1R	10/03/2015	10/09/2015		20
110	AM110O1R	10/03/2015	10/09/2015	80	
110	AF110O1R	10/03/2015	10/09/2015		40
111	AM111O1R	10/03/2015	10/09/2015	125	
111	AF111O1R	10/03/2015	10/09/2015		60
112, 113, 114, 115	AM112O1R	10/03/2015	10/09/2015	400	
112, 113, 114, 115	AF112O1R	10/03/2015	10/09/2015		350
116, 117, 122, 127	AM116O1R	10/03/2015	10/09/2015	400	

Unit(s)	Hunt Code	Date Open	Date Closed	License Type and #'s (2014)	
				Buck	Doe
116, 117, 122, 127	AF116O1R	10/03/2015	10/09/2015		800
118	AM118O1R	10/03/2015	10/09/2015	190	
118	AF118O1R	10/03/2015	10/09/2015		85
119	AM119O1R	10/03/2015	10/09/2015	220	
119	AF119O1R	10/03/2015	10/09/2015		95
120, 121, 125, 126	AM120O1R	10/03/2015	10/09/2015	350	
120, 121, 125, 126	AF120O1R	10/03/2015	10/09/2015		300
123	AM123O1R	10/03/2015	10/09/2015	90	
123	AF123O1R	10/03/2015	10/09/2015		60
124	AM124O1R	10/03/2015	10/09/2015	200	
124	AF124O1R	10/03/2015	10/09/2015		80
128	AM128O1R	10/03/2015	10/09/2015	90	
128	AF128O1R	10/03/2015	10/09/2015		85
130, 146	AM130O1R	10/03/2015	10/09/2015	20	
130, 146	AF130O1R	10/03/2015	10/09/2015		25
132, 139, 145	AM132O1R	10/03/2015	10/09/2015	200	
132, 139, 145	AF132O1R	10/03/2015	10/09/2015		400
133	AM133O1R	10/03/2015	10/09/2015	70	
133	AF133O1R	10/03/2015	10/09/2015		85
134	AM134O1R	10/03/2015	10/09/2015	70	
134	AF134O1R	10/03/2015	10/09/2015		85
135	AM135O1R	10/03/2015	10/09/2015	70	
135	AF135O1R	10/03/2015	10/09/2015		65
136, 143	AM136O1R	10/03/2015	10/09/2015	80	
136, 143	AF136O1R	10/03/2015	10/09/2015		80
137, 138, 144	AM137O1R	10/03/2015	10/09/2015	120	
137, 138, 144	AF137O1R	10/03/2015	10/09/2015		200
140, 147	AM140O1R	10/03/2015	10/09/2015	70	
140, 147	AF140O1R	10/03/2015	10/09/2015		85
142	AM142O1R	10/03/2015	10/09/2015	20	
142	AF142O1R	10/03/2015	10/09/2015		10
161	AM161O1R	10/03/2015	10/09/2015	18	
161	AF161O1R	10/03/2015	10/09/2015		5
201, 2	AM201O1R	10/10/2015	10/16/2015	40	
201	AF201O1R	10/10/2015	10/16/2015		25
214, 441	AM214O1R	10/03/2015	10/09/2015	15	
214, 441	AF214O1R	10/03/2015	10/09/2015		10
551	AM551O1R	10/03/2015	10/09/2015	2	
951	AM951O1R	10/03/2015	10/09/2015	30	
951	AF951O1R	10/03/2015	10/09/2015		25
TOTALS				5317	4810

B. Late Rifle Pronghorn Seasons

1. Late Rifle Season Dates, Units (as described in Chapter 0 of these regulations), Licenses.

Unit(s)	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Buck	Doe
9, 191	AF009L1R	11/01/2015	12/31/2015		70
97	AF097L1R	12/01/2015	12/31/2015		10
105	AF105L1R	12/01/2015	12/31/2015		100
110, 111, 118, 119, 123, 124	AF110L1R	12/05/2015	12/13/2015		250
112, 113, 114, 115	AF112L1R	12/05/2015	12/13/2015		50
116, 117, 122, 127	AF116L1R	12/01/2015	12/31/2015		500
120, 121, 125, 126	AF120L1R	12/05/2015	12/13/2015		150
130, 146	AF130L1R	12/01/2015	12/31/2015		25
136, 143	AF136L1R	12/01/2015	12/31/2015		200
137, 138, 144	AF137L1R	12/01/2015	12/31/2015		400
TOTALS					1755

C. Private Land Only Pronghorn Seasons

1. Private Land Only, Pronghorn, Dates, Units (as described in Chapter 0 of these regulations), Licenses.

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Male	Female
3, 301	AM003P5R	10/03/2015	10/18/2015	380	
3, 301	AF003P5R	10/03/2015	10/18/2015		210
4, 5	AM004P5R	10/03/2015	10/18/2015	40	
4, 5	AF004P5R	10/03/2015	10/18/2015		80
7	AM007P1R	10/03/2015	10/09/2015	10	
7	AF007P1R	10/03/2015	10/09/2015		15
8	AM008P1R	10/03/2015	10/09/2015	15	
8	AF008P1R	10/03/2015	10/09/2015		15
9, 191	AM009P1R	10/03/2015	10/09/2015	70	
9, 191	AF009P1R	10/03/2015	10/09/2015		70
13	AM013P5R	10/03/2015	10/18/2015	40	
13	AF013P5R	10/03/2015	10/18/2015		60
23	AM023P5R	10/03/2015	10/18/2015	15	
23	AF023P5R	10/03/2015	10/18/2015		25
79 - East of Rio Grande Canal, 791	AF079P5R	08/15/2015	12/31/2015		20
82, 681 - East of Co Rd 46AA and east of the divide between the Saguache Creek drainage and Kerber Creek drainage	AF082P5R	09/16/2015	09/30/2015		25
83	AM083P1R	10/03/2015	10/09/2015	6	
87	AF087P1R	10/03/2015	10/09/2015		50
87	AF087P5R	11/01/2015	12/31/2015		160
88	AF088P1R	10/03/2015	10/09/2015		30

Unit	Hunt Code	Date Open	Date Closed	Licenses (2014)	
				Male	Female
88	AF088P5R	11/01/2015	12/31/2015		30
128, 129, 133, 134, 135, 140, 141, 147	AF128P5R	12/01/2015	12/05/2015		80
129	AM129P1R	10/03/2015	10/09/2015	25	
129	AF129P1R	10/03/2015	10/09/2015		20
130, 146	AM130P1R	10/03/2015	10/09/2015	90	
130, 146	AF130P1R	10/03/2015	10/09/2015		75
130, 146	AF130P5R	12/01/2015	12/31/2015		75
131	AM131P1R	10/03/2015	10/09/2015	5	
131	AF131P1R	10/03/2015	10/09/2015		5
132, 139, 145	AF132P5R	12/01/2015	12/31/2015		400
136, 143	AM136P1R	10/03/2015	10/09/2015	190	
136, 143	AF136P1R	10/03/2015	10/09/2015		140
137, 138, 144	AM137P1R	10/03/2015	10/09/2015	240	
137, 138, 144	AF137P1R	10/03/2015	10/09/2015		170
141	AM141P1R	10/03/2015	10/09/2015	45	
141	AF141P1R	10/03/2015	10/09/2015		30
214, 441	AM214P5R	10/03/2015	10/18/2015	25	
214, 441	AF214P5R	10/03/2015	10/18/2015		25
			TOTALS	1196	1810

#265 - 269 VACANT

ARTICLE XI - MOOSE

#270 - MOOSE SEASONS, LICENSES, AND SPECIAL RESTRICTIONS

A. Archery Moose Season

1. Archery Season Dates, Units, and Limited Licenses

Unit(s)	Hunt Code	Open Date	Close Date
1, 201	ME001O1A	09/12/2015	09/27/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM006O1A	09/12/2015	09/27/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF006O1A	09/12/2015	09/27/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MM007O1A	09/12/2015	09/27/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MF007O1A	09/12/2015	09/27/2015
12, 23, 24	MM012O1A	09/12/2015	09/27/2015
12, 23, 24	MF012O1A	09/12/2015	09/27/2015
14	MM014O1A	09/12/2015	09/27/2015
14	MF014O1A	09/12/2015	09/27/2015
15, 27	MM015O1A	09/12/2015	09/27/2015
15, 27	MF015O1A	09/12/2015	09/27/2015
16	MM016O1A	09/12/2015	09/27/2015
16	MF016O1A	09/12/2015	09/27/2015
17	MM017O1A	09/12/2015	09/27/2015
17	MF017O1A	09/12/2015	09/27/2015

Unit(s)	Hunt Code	Open Date	Close Date
18, 181	MM018O1A	09/12/2015	09/27/2015
18, 181	MF018O1A	09/12/2015	09/27/2015
18 - Those portions bounded on the north by the Continental Divide; on the east by the divide between Willow Creek and East Fork of Troublesome drainages and the divide between Corral Creek and Troublesome Creek drainages; on the south by Round Gulch; and on the west by the main fork of Troublesome Creek and Sheep Creek	MM018S1A	09/12/2015	09/27/2015
19 except within 1/4 mile of Hwy 14	MM019O1A	09/12/2015	09/27/2015
19 except within 1/4 mile of Hwy 14	MF019O1A	09/12/2015	09/27/2015
20, 29	MM020O1A	09/12/2015	09/27/2015
20, 29	MF020O1A	09/12/2015	09/27/2015
28	MM028O1A	09/12/2015	09/27/2015
28	MF028O1A	09/12/2015	09/27/2015
36, 361	MM036O1A	09/12/2015	09/27/2015
37, 371	MM037O1A	09/12/2015	09/27/2015
37, 371	MF037O1A	09/12/2015	09/27/2015
38	MM038O1A	09/12/2015	09/27/2015
38	MF038O1A	09/12/2015	09/27/2015
39, 46, 49, 500, 501	MM039O1A	09/12/2015	09/27/2015
39, 46, 49, 500, 501	MF039O1A	09/12/2015	09/27/2015
41, 42, 52, 411, 421, 521	MM041O1A	09/12/2015	09/27/2015
41, 42, 421	MF041O1A	09/12/2015	09/27/2015
44, 45	MM044O1A	09/12/2015	09/27/2015
48, 55, 56, 481, 551, 561	MM048O1A	09/12/2015	09/27/2015
52, 411, 521	MF052O1A	09/12/2015	09/27/2015
65	MM065O1A	09/12/2015	09/27/2015
66	MM066O1A	09/12/2015	09/27/2015
66	MF066O1A	09/12/2015	09/27/2015
67	MM067O1A	09/12/2015	09/27/2015
67	MF067O1A	09/12/2015	09/27/2015
68, 79, 681	MM068O1A	09/12/2015	09/27/2015
74, 75	MM074O1A	09/12/2015	09/27/2015
76	MM076O1A	09/12/2015	09/27/2015
76, 77, 751 Weminuche Wilderness Only	MM076S1A	09/12/2015	09/27/2015
161	MM161O1A	09/12/2015	09/27/2015
161	MF161O1A	09/12/2015	09/27/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM171O1A	09/12/2015	09/27/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF171O1A	09/12/2015	09/27/2015
191 except within 1/4 mile of Hwy 14	MF191O1A	09/12/2015	09/27/2015

B. Muzzle-loading firearms (rifle and smoothbore musket) seasons.

1. Muzzle-loading, Moose, Dates, Units, Licenses

Unit	Hunt Code	Open Date	Close Date
1, 201	ME001O1M	09/12/2015	09/20/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM006O1M	09/12/2015	09/20/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF006O1M	09/12/2015	09/20/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MM007O1M	09/12/2015	09/20/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MF007O1M	09/12/2015	09/20/2015
12, 23, 24	MM012O1M	09/12/2015	09/20/2015
12, 23, 24	MF012O1M	09/12/2015	09/20/2015
14	MM014O1M	09/12/2015	09/20/2015
14	MF014O1M	09/12/2015	09/20/2015
15, 27	MM015O1M	09/12/2015	09/20/2015
15, 27	MF015O1M	09/12/2015	09/20/2015
16	MM016O1M	09/12/2015	09/20/2015
16	MF016O1M	09/12/2015	09/20/2015
17	MM017O1M	09/12/2015	09/20/2015
17	MF017O1M	09/12/2015	09/20/2015
18, 181	MM018O1M	09/12/2015	09/20/2015
18, 181	MF018O1M	09/12/2015	09/20/2015
18 - Those portions bounded on the north by the Continental Divide; on the east by the divide between Willow Creek and East Fork of Troublesome drainages and the divide between Corral Creek and Troublesome Creek drainages; on the south by Round Gulch; and on the west by the main fork of Troublesome Creek and Sheep Creek	MM018S1M	09/12/2015	09/20/2015
19 except within 1/4 mile of Hwy 14	MM019O1M	09/12/2015	09/20/2015
19 except within 1/4 mile of Hwy 14	MF019O1M	09/12/2015	09/20/2015
20, 29	MM020O1M	09/12/2015	09/20/2015
20, 29	MF020O1M	09/12/2015	09/20/2015
28	MM028O1M	09/12/2015	09/20/2015
28	MF028O1M	09/12/2015	09/20/2015
36, 361	MM036O1M	09/12/2015	09/20/2015
37, 371	MM037O1M	09/12/2015	09/20/2015
37, 371	MF037O1M	09/12/2015	09/20/2015
38	MM038O1M	09/12/2015	09/20/2015
38	MF038O1M	09/12/2015	09/20/2015
39, 46, 49, 500, 501	MM039O1M	09/12/2015	09/20/2015
39, 46, 49, 500, 501	MF039O1M	09/12/2015	09/20/2015
41, 42, 52, 411, 421, 521	MM041O1M	09/12/2015	09/20/2015
41, 42, 421	MF041O1M	09/12/2015	09/20/2015
44, 45	MM044O1M	09/12/2015	09/20/2015
48, 55, 56, 481, 551, 561	MM048O1M	09/12/2015	09/20/2015
52, 411, 521	MF052O1M	09/12/2015	09/20/2015

Unit	Hunt Code	Open Date	Close Date
65	MM065O1M	09/12/2015	09/20/2015
66	MM066O1M	09/12/2015	09/20/2015
66	MF066O1M	09/12/2015	09/20/2015
67	MM067O1M	09/12/2015	09/20/2015
67	MF067O1M	09/12/2015	09/20/2015
68, 79, 681	MM068O1M	09/12/2015	09/20/2015
74, 75	MM074O1M	09/12/2015	09/20/2015
76	MM076O1M	09/12/2015	09/20/2015
76, 77, 751 Weminuche Wilderness Only	MM076S1M	09/12/2015	09/20/2015
161	MM161O1M	09/12/2015	09/20/2015
161	MF161O1M	09/12/2015	09/20/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM171O1M	09/12/2015	09/20/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF171O1M	09/12/2015	09/20/2015
191 except within 1/4 mile of Hwy 14	MF191O1M	09/12/2015	09/20/2015

C. Regular Rifle Seasons

Unit	Hunt Code	Open Date	Close Date
1, 201	ME001O1R	10/01/2015	10/14/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM006O1R	10/01/2015	10/14/2015
6 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF006O1R	10/01/2015	10/14/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MM007O1R	10/01/2015	10/14/2015
7, 8, 191 except within 1/4 mile of Hwy 14	MF007O1R	10/01/2015	10/14/2015
12, 23, 24	MM012O1R	10/01/2015	10/14/2015
12, 23, 24	MF012O1R	10/01/2015	10/14/2015
14	MM014O1R	10/01/2015	10/14/2015
14	MF014O1R	10/01/2015	10/14/2015
15, 27	MM015O1R	10/01/2015	10/14/2015
15, 27	MF015O1R	10/01/2015	10/14/2015
16	MM016O1R	10/01/2015	10/14/2015
16	MF016O1R	10/01/2015	10/14/2015
17	MM017O1R	10/01/2015	10/14/2015
17	MF017O1R	10/01/2015	10/14/2015
18, 181	MM018O1R	10/01/2015	10/14/2015
18, 181	MF018O1R	10/01/2015	10/14/2015
18 - Those portions bounded on the north by the Continental Divide; on the east by the divide between Willow Creek and East Fork of Troublesome drainages and the divide between Corral Creek and Troublesome Creek drainages; on the south by Round Gulch; and on the west by the main fork of Troublesome Creek and Sheep Creek	MM018S1R	10/01/2015	10/14/2015

Unit	Hunt Code	Open Date	Close Date
19 except within 1/4 mile of Hwy 14	MM019O1R	10/01/2015	10/14/2015
19 except within 1/4 mile of Hwy 14	MF019O1R	10/01/2015	10/14/2015
20, 29	MM020O1R	10/01/2015	10/14/2015
20, 29	MF020O1R	10/01/2015	10/14/2015
28	MM028O1R	10/01/2015	10/14/2015
28	MF028O1R	10/01/2015	10/14/2015
36, 361	MM036O1R	10/01/2015	10/14/2015
37, 371	MM037O1R	10/01/2015	10/14/2015
37, 371	MF037O1R	10/01/2015	10/14/2015
38	MM038O1R	10/01/2015	10/14/2015
38	MF038O1R	10/01/2015	10/14/2015
39, 46, 49, 500, 501	MM039O1R	10/01/2015	10/14/2015
39, 46, 49, 500, 501	MF039O1R	10/01/2015	10/14/2015
41, 42, 52, 411, 421, 521	MM041O1R	10/01/2015	10/14/2015
41, 42, 421	MF041O1R	10/01/2015	10/14/2015
44, 45	MM044O1R	10/01/2015	10/14/2015
48, 55, 56, 481, 551, 561	MM048O1R	10/01/2015	10/14/2015
52, 411, 521	MF052O1R	10/01/2015	10/14/2015
65	MM065O1R	10/01/2015	10/14/2015
66	MM066O1R	10/01/2015	10/14/2015
66	MF066O1R	10/01/2015	10/14/2015
67	MM067O1R	10/01/2015	10/14/2015
67	MF067O1R	10/01/2015	10/14/2015
68, 79, 681	MM068O1R	10/01/2015	10/14/2015
74, 75	MM074O1R	10/01/2015	10/14/2015
76	MM076O1R	10/01/2015	10/14/2015
76, 77, 751 Weminuche Wilderness Only	MM076S1R	10/01/2015	10/14/2015
161	MM161O1R	10/01/2015	10/14/2015
161	MF161O1R	10/01/2015	10/14/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MM171O1R	10/01/2015	10/14/2015
171 except within 1/4 mile of Hwy 14 in Jackson County from Cameron Pass west to USFS Road 740 at Gould	MF171O1R	10/01/2015	10/14/2015
191 except within 1/4 mile of Hwy 14	MF191O1R	10/01/2015	10/14/2015

D. Moose License Numbers

1. Moose license numbers will be set as resident and nonresident antlered and antlerless licenses by Game Management Unit. For the Moose Seasons the following numbers of resident and nonresident licenses will be issued:

Units	2014 Resident Antlered Licenses	2014 Resident Antlerless Licenses	2014 Nonresident Antlered Licenses	2014 Nonresident Antlerless Licenses	2014 Resident Either Sex Licenses
1, 201	0	0	0	0	1
6	8	16	2	2	
7, 8, 191 except within 1/4 mile of Hwy 14	7	13	2	3	
12, 23, 24	2	2	0	0	
14	3	3	0	0	
15, 27	3	3	0	0	
16	5	4	0	0	

Units	2014 Resident Antlered Licenses	2014 Resident Antlerless Licenses	2014 Nonresident Antlered Licenses	2014 Nonresident Antlerless Licenses	2014 Resident Either Sex Licenses
17	4	11	1	1	
18, 181	13	14	2	2	
18 (Those portions bounded on the north by the Continental Divide; on the east by the divide between Willow Creek and East Fork of Troublesome drainages and the divide between Corral Creek and Troublesome Creek drainages; on the south by Round Gulch; and on the west by the main fork of Troublesome Creek and Sheep Creek	1	0	0	0	
19 except within 1/4 mile of Hwy 14	3	9	0	0	
20, 29	2	3	0	0	
28	8	7	2	2	
36, 361	2	0	0	0	
37, 371	4	4	0	0	
38					
39, 46, 49, 500, 501	3	5	0	0	
41, 42, 52, 411, 421, 521	9	0	0	0	
41, 42, 421	0	10	0	2	
44, 45					
48, 55, 56, 481, 551, 561					
52, 411, 512	0	8	0	0	
65					
66	2	0	0	0	
67	1	0	0	0	
68, 79, 681					
74, 75					
76	4	0	0	0	
76, 77, 751 Weminuche Wilderness Only	4	0	0	0	
161	5	3	0	0	
171	5	16	2	2	

Units	2014 Resident Antlered Licenses	2014 Resident Antlerless Licenses	2014 Nonresident Antlered Licenses	2014 Nonresident Antlerless Licenses	2014 Resident Either Sex Licenses
191 except within 1/4 mile of Hwy 14					
TOTALS	98	131	11	14	1

E. Allocation of Licenses Between Seasons

1. Allocation of these licenses will float between the moose seasons in accordance with the hunt code chosen by successful applicants.

F. Special Restrictions

1. All moose licensees shall complete and return a harvest questionnaire provided by the Division within 30 days after the close of their hunting season. Any moose licensee who does not complete and return the mandatory questionnaire as required shall not be considered for any future moose license.
2. All moose harvested through hunting shall be submitted for inspection to an employee of the Division and Chronic Wasting Disease testing on or before the 5th working day after the taking thereof. Any licensee who takes an antlered moose shall personally present the head, with antlers attached, to any Division office. Any licensee who takes an antlerless moose shall personally present the head to any Division office. Moose heads must be unfrozen when presented for inspection. If not unfrozen, the Division may retain heads as necessary for thawing sufficient to extract the incisor teeth. A mandatory check report shall be completed at the time of inspection.
3. At the time of the mandatory check, the Division shall be authorized to extract and retain the incisor teeth.

Special Seasons

ARTICLE XII - SPECIAL HUNTING SEASONS/LICENSES FOR BIG GAME

#271 - BIG GAME ANIMALS CAUSING DAMAGE AND BIG GAME POPULATIONS OVER OBJECTIVE

A. Special Population Management Seasons for Big Game Ungulates

1. The Director shall have the authority to establish special management seasons for antlerless or female big game ungulates in specific game management units or portions thereof which significantly exceed the population objective, when the anticipated harvest from the current year's archery, muzzle-loading and regular rifle seasons did not occur. Provided further that the Director shall have the authority to establish these hunts between November 16 and February 28, to specify a time period for each of these hunts but not to exceed ten days each, and shall authorize hunters to use designated unfilled big game licenses for these hunts and units.
2. The Director shall have the authority to allocate antlerless deer and/or elk licenses on existing Ranching for Wildlife properties located in game management units where deer or elk populations significantly exceed the population objective. These licenses shall be in addition to the number of licenses allocated to each ranch pursuant to the Cooperative Agreement established in #210(A)(2). The additional allocation and use of the antlerless

licenses provided for in this section shall be in the same proportion, by species (not sex), as established in the ranch's respective Cooperative Agreement and subject to the following provisions:

- a. No ranch shall be required to accept any additional antlerless licenses.
- b. The public allocation of such additional antlerless licenses shall only be offered to hunters who have successfully drawn antlered, either-sex or antlerless licenses for the same species on the ranch. Public hunters who choose to purchase one additional antlerless license from the Division shall be required to use the additional license during the season established for the license for which they drew. No more than one additional antlerless license will be available to any public hunter.

B. Special Game Damage Seasons for Big Game Ungulates

- 1. The Director shall have the authority to establish special hunting seasons for big game ungulates, between August 15 and February 28, when necessary to control damage to property. Seasons shall be for the taking of antlerless or female animals unless the Director has determined that the taking of antlered animals is necessary in order to alleviate the damage.
 - a. Game damage hunts are limited to a maximum of 50 licenses per species per Game Management Unit or 30 percent of the antlerless, either-sex, or doe licenses issued for the DAU (whichever is greater), unless a distribution management plan establishing a different percentage has been approved by the Wildlife Commission or additional permits are approved by the director or his designee.
 - b. On private lands and Russell Lakes, Rio Grande and Higel State Wildlife Areas, the Area Wildlife Manager (AWM) is authorized to conduct these seasons based upon the following criteria:
 - 1. The AWM finds that such a season would be consistent with the distribution management plan approved by the Wildlife Commission.
 - 2. When there is no approved distribution management plan, the AWM finds that a season will reduce or eliminate damage for which the Division is liable, and that holding a season would be desirable considering
 - aa. The species and number of animals involved.
 - bb. The number of animals that would have to be removed to reduce or eliminate damage.
 - cc. The location of the damage problem.
 - dd. The type and extent of damage.
 - ee. The time of year and its relationship to the life history of the animals.
 - ff. The length of time such damage will continue without big game removal.

- gg. Management closures, hunting seasons and other public use.
 - hh. The effect on population objectives for the GMU and DAU
 - ii. Whether landowner operations (e.g., harvesting) or critical wildlife biological activities (e.g., fawning) would be interrupted.
 - jj. Safety risks.
 - kk. Any other pertinent factors.
3. The Area Wildlife Manager shall provide the landowner with special application forms for distribution to individuals of their choice. Participants shall submit the completed application form with payment to the Division office indicated on the application.
 4. In the event the landowner cannot secure enough people to effect an adequate harvest the Division can assist in locating individuals.
- c. The Division shall
1. Verify that damage or conflicts are occurring or can reasonably be anticipated to occur.
 2. Designate what area shall be open to hunting.
 3. Determine the manner of hunting that will be permitted.
 4. Determine the number of hunters allowed to hunt in each designated area.
- d. Hunting will be done under the direction of a District Wildlife Manager, following approval by the owner of land where such damage is occurring.
- e. Hunters shall hunt in designated areas and on the dates indicated on the license.
1. A map or a written description of the designated area open to hunting (which would include, but would not be limited to landowner(s) name, game management unit, township, range and section(s) and/or identification of landmarks such as roads, rivers, or fence lines which coincide with boundaries), will be provided to each licensed hunter by the Division.
- f. Any person who purchases a license for a game damage season shall be required to complete a Division harvest survey form and return it to the Area office that is nearest the location of the hunt no later than 5 days after the season ends.

C. Special Game Damage Licenses for Bear and Mountain Lion

1. The Director shall have the authority to establish special hunting licenses for mountain lion and bear, which allow for take in excess of the otherwise applicable limited license numbers or quotas, when necessary to control damage to private property.

- a. AWMs are authorized to issue these bear and mountain lion licenses to address specific animals determined after an investigation to be causing damage to private property.
 1. Bear or mountain lion licenses above the established limited license numbers or quota for the area may be issued only where necessary to take specific animals determined after an investigation to be causing damage to private property.
 2. Bear hunting authorized under this provision will be conducted between September 2 and the end of the fourth regular rifle season annually.
 3. Mountain lion hunting authorized under this provision will be conducted during established lion seasons.
 4. Licenses will be issued only if licenses are not otherwise available for purchase under standard license distribution methods or where mountain lion quotas have been reached in the area.
 5. License will be restricted by manner of take, period of time within the dates specified above, and location within the GMU(s) or DAU(s) in question as necessary to ensure the offending animal is appropriately targeted.
 6. Hunting will be conducted under the direction of a District Wildlife Manager.
- b. Any person who purchases a license shall be required to complete a Division harvest survey form and return it to the Area office that is nearest the location of the hunt no later than 5 days after the end of the hunting period authorized by the license.
- c. Bear and mountain lion taken pursuant to a license issued under this provision shall not be counted against the annual bag and possession limit for the species in question.

D. Special Hunting Season In Game Management Unit 20 For Cow Elk Normally Not Available For Harvest During Regular Or Late Big Game Seasons:

1. Season dates, license types, permit numbers will be established by the Director or his designee.
2. The Division will designate the area open to hunting, manner of take, and season dates which are necessary to achieve its population management objective for this population of elk. Hunting shall occur only during the designated time periods indicated on the hunter's license and only in those areas specifically designated on the map provided by the Division. Special Unit 20 cow elk hunts shall be established based on the following criteria: (a) the hunt does not fall within the criteria established for game damage hunts; (b) snow ground cover and/or other conditions favor are expected to favor successful hunting; (c) elk must be available to hunters in portions of Unit 20 which are open to hunter access; and (d) no special season will be created under this regulation which would extend beyond February 15th.
3. Eligible hunters will be selected in the following priority: a) from the list of hunters who applied for a Unit 20 limited elk license and were unsuccessful; and b) from a new list of

hunters established by the Division Northeast Regional office pursuant to notice in local newspapers. Such list will be established on a first-come, first-served basis.

4. Individuals who participate in this special hunt may also participate in any other season for elk if otherwise eligible to do so.

#272 BIG GAME DISEASE/ANIMAL HEALTH SEASONS

1. Special Hunting Seasons for Disease Management in Big Game
 - a. The Director shall have the authority to establish special hunting seasons for big game, when hunting harvest has not been adequate to reduce the incidence of disease, to reduce emigration of infected animals, or to otherwise control expansion of the disease.
 1. No more than 200 licenses per species shall be issued annually per Game Management Unit (GMU) unless authorized by the Director
 2. Seasons shall be for the taking of antlerless or female animals unless the Director has authorized the issuance of male (antlered) licenses. No more than 10% of the licenses shall be issued for male (antlered) animals unless authorized by the Director.
 3. Licenses will be valid only in the unit(s) specified on the license. Licenses may be restricted to specific properties or areas as determined by the Area Wildlife Manager.
 4. License fees may be reduced when authorized by the Director, when necessary to ensure sufficient hunter participation, provided that no license is to be sold for less than \$5.00. License fees shall be set to ensure recovery of the cost of the retail and system agent commissions.
 5. Multiple carcass tags may be issued with each license, as authorized by the Director. Provided further that the payment of separate license fees shall be required if licenses for more than one species are to be sold.
 6. Any licensee who takes deer or elk during any such season for the purpose of Chronic Wasting Disease (CWD) management shall submit the head from all animals taken when required to do so as a condition of the license, to the testing site specified at the time the license is issued, within 5 days after harvest. Hunters must complete the special survey tag available at any head collection site and attach it to the animal's head. Antlers and capes from harvested deer may be removed by hunters before submitting heads for sampling.

ARTICLE XIII - VACANT

ARTICLE XIV - VACANT

John W. Suthers

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**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-01210

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado Parks and Wildlife (406 Series, Wildlife)**

on 01/14/2015

2 CCR 406-2

CHAPTER W-2 - BIG GAME

The above-referenced rules were submitted to this office on 01/20/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 23, 2015 17:11:48

A handwritten signature in black ink, appearing to read "JWS", is written over a light gray rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-1

Rule title

3 CCR 702-1 ADMINISTRATIVE PROCEDURES 1 - eff 03/15/2015

Effective date

03/15/2015

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-1

ADMINISTRATIVE PROCEDURES

Amended Regulation 1-1-3

CONCERNING RULES GOVERNING THE FILING OF DECLARATORY ORDER PETITIONS WITH THE COLORADO INSURANCE COMMISSIONER

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Declaratory Orders
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, and 24-4-105(11), C.R.S.

Section 2 Scope and Purpose

This regulation contains the requirements for the submission of, and ruling on, petitions for declaratory orders by the Commissioner of Insurance.

Section 3 Applicability

This regulation applies to all parties submitting petitions for declaratory orders to the Commissioner of Insurance.

Section 4 Definitions

- A. "Action" shall have the same meaning as found at § 24-4-102(1), C.R.S.
- B. "Order" shall have the same meaning as found at § 24-4-102(10), C.R.S.
- C. "Person" shall mean, for the purposes of this regulation, an individual, limited liability company, partnership, corporation, association, county, and public or private organization of any character.
- D. "Proceeding" shall have the same meaning as found at § 24-4-102(13), C.R.S.
- E. "Rule" shall have the same meaning as found at § 24-4-102(15), C.R.S.

Section 5 Declaratory Orders

- A. Any person may petition the Commissioner for a declaratory order to terminate controversies or to remove uncertainties concerning the applicability of any insurance statute or of any rule or order of the Commissioner to the petitioner.
- B. The Commissioner will determine, within their discretion, whether to rule upon a submitted petition. If the Commissioner determines not to rule upon a petition, the Commissioner shall issue a written order disposing of the submitted petition, including the reasons for such action. A copy of the order will be provided to the petitioner.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Commissioner may consider the following:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability of any statutory provision or rule or order of the Commissioner to the petitioner;
 - 2. Whether the petition involves any subject, question, or issue which is the subject of a formal or informal matter or investigation currently pending before the Commissioner, or a court, involving one or more of the petitioners, and which will terminate the controversy or remove the uncertainties as to the applicability of any statutory provision or of any rule or order of the Commissioner to the petitioner;
 - 3. Whether the petition involves any subject, question, or issue which is the subject of a formal or informal matter or investigation currently pending before the Commissioner, or a court, but does not involve the petitioner, and which will terminate the controversy or remove the uncertainties as to the applicability of any statutory provision or of any rule or order of the Commissioner to the petitioner;
 - 4. Whether the petition seeks a ruling on a moot or hypothetical question, or will result in an advisory ruling or opinion;
 - 5. Whether the petitioner has other adequate legal remedies, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability of the statute, rule, or order in question to the petitioner; and
 - 6. Any response to the petition filed by the Division of Insurance ("Division"). Any response filed by the Division must be filed by the Division within 14 days of the filing of the petition.
- D. Any petition or request to intervene filed pursuant to this rule shall include the following:
 - 1. The name and address of the petitioner and whether the petitioner is licensed by the Colorado Division of Insurance;
 - 2. The statute, rule or order to which the petition relates; and
 - 3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- E. If the Commissioner determines that he/she will rule on a submitted petition and any response filed by the Division, the following procedures shall apply:
 - 1. The Commissioner may rule solely on the petition and any response filed by the Division. In such a case:

- a. Any ruling of the Commissioner will apply only to the extent of the facts and issues presented in the petition and the Division's response to the petition;
 - b. The Commissioner may order the petitioner and the Division to submit additional facts, file written briefs, memorandums or statements of position;
 - c. The Commissioner may set the petition for a hearing, after giving proper notice to petitioner;
 - d. The Commissioner may dispose of the petition on the sole basis of the matters set forth in the petition and the Division's response.;
 - e. The Commissioner may take administrative notice of facts pursuant to the Colorado Administrative Procedures Act (Article 4 of Title 24 of the Colorado Revised Statutes) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition; and
 - f. If the Commissioner rules upon the petition without a hearing, he/she shall promptly notify the petitioner and the Division of the decision.
2. The Commissioner may, in his/her discretion, set a hearing, after appropriate notice, for the purpose of obtaining additional facts or information, to determine the truth of any facts set forth in the petition, or to hear oral argument on the petition. The notice of the hearing may include the factual or other matters to be addressed at the hearing. At the hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty, the manner in which the statute, rule or order in question applies or potentially applies to the petitioner, and shall include any other facts the petitioner desires the Commissioner to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Division and the petitioner. Any other person may request permission to intervene in the proceeding, and leave to intervene will be granted at the sole discretion of the Commissioner. A petition to intervene shall be submitted in accordance with Section 5.D. of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene in a proceeding by the Commissioner.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to § 24-4-106, C.R.S.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall become effective on March 15, 2015.

Section 9 History

New regulation effective October 1, 1986.

Amended regulation effective March 15, 2015.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-01205

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance**

on 01/09/2015

3 CCR 702-1

ADMINISTRATIVE PROCEDURES

The above-referenced rules were submitted to this office on 01/12/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 28, 2015 10:11:45

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-2

Rule title

3 CCR 702-2 CORPORATE ISSUES 1 - eff 03/15/2015

Effective date

03/15/2015

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-2

CORPORATE ISSUES

Regulation 2-5-1

CONSUMER GOODS SERVICE CONTRACT PROVIDER REGISTRATION

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Registration Requirements
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History
Appendix A	Consumer Goods Service Contract Provider Registration Form

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109 and 10-4-1609(5), C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish the requirements for the registration of providers of service contracts pursuant to the requirements of § 10-4-1603(9)(b), C.R.S.

Section 3 Applicability

This regulation shall apply to all providers of service contracts sold in the state of Colorado, except those specifically excluded in § 10-4-1602, C.R.S.

Section 4 Definitions

- A. "Provider", for the purposes of this regulation, shall have the same meaning as found at § 10-4-1601(9), C.R.S.
- B. "Service contract", for the purposes of this regulation, shall have the same meaning as found at § 10-4-1601(14), C.R.S.

Section 5 Registration Requirements

- A. Providers of service contracts shall register with the Commissioner in accordance with the requirements of § 10-4-1603(9)(b), C.R.S.
- B. The requirement to register shall be fulfilled by a provider of service contracts by:
 - 1. Submitting the Consumer Goods Service Contract Provider Registration Form found at Appendix A of this regulation to the Division; and
 - 2. Submitting a complete copy of:

- a. The reimbursement insurance policy issued by a licensed insurer insuring all service contracts; OR
 - b. Submitting a copy of the provider's or provider's parent company's most recent Form 10-K or Form 20-F that has been filed with the federal securities and exchange commission, or, if the company does not file with the federal securities and exchange commission, a copy of the company's audited financial statements showing the provider or its parent company has a net worth of at least one hundred million dollars; and
- 3. One original fully executed Uniform Consent to Service of Process form (NAIC form 12).
- C. If there is any change to the information contained in the Consumer Goods Services Contract Provider Registration form, the provider must update its registration information within thirty (30) days of the change. The update shall include all information provided in subsection B. above.
- D. Providers of service contracts registering with the Commissioner shall pay a fee in the amount of \$500 upon registration, and annually thereafter, to defray the cost for processing and maintaining the registration information, pursuant to the requirements found at § 10-4-1603(9)(b)(II), C.R.S.
- E. Registration must be renewed annually by March 31 of each subsequent year after initial registration.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall become effective March 15, 2015.

Section 9 History

New regulation effective March 15, 2015.

Appendix A: Consumer Goods Service Contract Provider Registration Form (§ 10-4-1603 C.R.S)

Filing Fee \$500.00

Due March 31, Annually Year _____

Legal Name of Service Contract Provider:

D.B.A. (if applicable):

FEIN #:

Applicant's state of domicile and date of incorporation:

Corporate Address:

Contact Person:

Title:

Telephone number:

Email Address:

Service of Process Agent Name: (Submit a completed Service of Process form as an attachment to this Application)

Administrator Name and Contact Person (if applicable):

Administrator Telephone number and email address:

The Provider must meet one of the following requirements in order to qualify as a Service Contract Provider:

- 1) Does the Provider have a reimbursement insurance policy issued by a licensed insurer insuring all service contracts? Yes _____ No _____ If yes, please provide the following:
 - a.) Name of Insurer and NAIC#:
 - b.) Insurance Policy Number and Policy Period:
 - c.) Attach a copy of the complete policy.

Or
- 2) Does the Provider maintain, or together with its parent maintain, a net worth or stockholders' equity of at least one hundred million (\$100,000,000) dollars? Yes _____ No _____ If yes, provide either:
 - a.) A copy of Applicant's most recent Form 10-K, Form 20-F, **or**
 - b.) A copy of the Applicant's most recent audited financial statements, **or**
 - c.) A copy of the parent company's most recent Form 10-K or Form 20-F or parent company's audited financial statements, **and**
 - d.) A guarantee agreement from the parent company which guarantees the obligation of the provider relating to service contracts sold by the provider in this state.

I hereby certify that all of the information contained in this application and its attachments is true and complete. I acknowledge that providing false and misleading information in the application, or omitting pertinent or material information in connection with this registration application is sufficient grounds for administrative action by the commissioner and potentially, applicable civil penalties.

Signature:

Title:

Printed Name:

Date:

Note: If any of the information provided on this form changes, the applicant must provide a written notice to the Commissioner within 30 days after the change.

Please send the \$500.00 check payable to:

Colorado Division of Insurance

Attn: Cash Management

1560 Broadway, Suite 850

Denver, CO 80202

Email inquiries to: DORA_INS_CORPORATEAFFAIRS@STATE.CO.US

Uniform Consent to Service of Process NAIC Form 12 can be found at:
http://www.naic.org/documents/industry_ucaa_form12.pdf

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-01252

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance**

on 01/22/2015

3 CCR 702-2

CORPORATE ISSUES

The above-referenced rules were submitted to this office on 01/23/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 28, 2015 10:14:05

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 1 - eff 03/15/2015

Effective date

03/15/2015

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Amended Regulation 4-2-42

CONCERNING ESSENTIAL HEALTH BENEFITS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Essential Health Benefits
Section 6	Preventive Services Requirements
Section 7	Incorporation by Reference
Section 8	Severability
Section 9	Enforcement
Section 10	Effective Date
Section 11	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-103.4 and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish rules for the required inclusion of the essential health benefits in individual and small group health benefit plans in accordance with Article 16 of Title 10 of the Colorado Revised Statutes, and the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119 (2010) and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010), together referred to as the "Affordable Care Act" (ACA).

Section 3 Applicability

This regulation shall apply to all carriers offering individual and small group health benefit plans subject to the individual and group laws of Colorado and the requirements of the ACA. The requirements of this regulation do not apply to grandfathered health benefit plans.

Section 4 Definitions

- A. "Actuarial value" and "AV" means, for the purposes of this regulation, the percentage of total average costs for covered benefits that a plan will cover, with calculations based on the provision of essential health benefits to a standard population.
- B. "AV calculator" means, for the purposes of this regulation, the publicly available actuarial value (AV) calculator developed by the U.S. Department of Health and Human Services (HHS) and available electronically on the Center for Consumer Information & Insurance Oversight (CCIIO) website.
- C. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.

- D. "Catastrophic plan" shall have the same meaning as found at § 10-16-102(10), C.R.S.
- E. "Essential health benefits" and "EHB" shall have the same meaning as found at § 10-16-102(22), C.R.S.
- F. "Essential health benefits package" shall have the same meaning as found at § 10-16-102(23), C.R.S.
- G. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- H. "Federal law" shall have the same meaning as found at § 10-16-102(29), C.R.S.
- I. "Grandfathered health benefit plan" shall have the same meaning as found at § 10-16-102(31), C.R.S.
- J. "Habilitative services" means, for the purposes of this regulation, services that help a person retain, learn or improve skills and functioning for daily living that are offered in parity with, and in addition to, any rehabilitative services offered in Colorado's EHB benchmark plan.
- K. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- L. "Premium adjustment percentage" means, for purposes of this regulation, the percentage (if any) by which the average per capita premium for health insurance coverage for the preceding calendar year exceeds such average per capita premium for health insurance, as published in the annual HHS "Notice of benefits and payment parameters."

Section 5 Essential Health Benefits

- A. Carriers offering non-grandfathered individual and small group health benefit plans inside or outside of the Exchange must include the essential health benefits package.
 - 1. Carriers must provide benefits that are substantially equal to Colorado's EHB-benchmark plan in the following ten (10) categories:
 - a. Ambulatory patient services, which must include, at a minimum:
 - (1) Primary care to treat an illness or injury;
 - (2) Specialist visits;
 - (3) Outpatient surgery;
 - (4) Chemotherapy services;
 - (5) Radiation therapy;
 - (6) Home infusion therapy;
 - (7) Home health care;
 - (8) Outpatient diagnostic laboratory, x-ray, and pathology services;
 - (9) Sterilization;
 - (10) Treatment of cleft palate and cleft lip conditions; and

- (11) Oral anti-cancer medications.
- b. Emergency services, which must include, at a minimum:
 - (1) Emergency room – facility and professional services;
 - (2) Ambulance services; and
 - (3) Urgent care treatment services.
- c. Hospitalization services, which must include:
 - (1) Inpatient medical and surgical care;
 - (2) Organ and tissue transplants (transplants may be limited to specified organs);
 - (3) Chemotherapy services;
 - (4) Radiation services;
 - (5) Anesthesia services; and
 - (6) Hospice care.
- d. Laboratory and radiology services, which must include:
 - (1) Laboratory tests, x-ray, and pathology services; and
 - (2) Imaging and diagnostics, such as MRIs, CT scans, and PET scans.
- e. Maternity and newborn care services, including state and federally required benefits for hospital stays in connection with childbirth, which must include:
 - (1) Pre-natal and postnatal care;
 - (2) Delivery and inpatient maternity services; and
 - (3) Newborn well child care.
- f. Mental health, substance abuse disorders, and behavioral health treatment services rendered on an inpatient or outpatient basis, which must include:
 - (1) Benefits for treating alcoholism and drug dependency;
 - (2) Benefits for mental health services;
 - (3) Behavioral health treatment;
 - (4) Benefits for biologically based mental illness and mental disorder treatment that are no less extensive than the coverage provided for a physical illness, pursuant to § 10-16-104(5.5), C.R.S.; and
 - (5) Outpatient hospital and physician services.

- g. Pediatric services, which must include:
 - (1) Preventive care services;
 - (2) Immunizations;
 - (3) One (1) comprehensive routine eye exam per year, to age nineteen (19);
 - (4) Routine hearing exams to age nineteen (19);
 - (5) Hearing aids to age eighteen (18), pursuant to § 10-16-104(19), C.R.S.; and
 - (6) Children's dental anesthesia, pursuant to § 10-16-104(12), C.R.S.
- h. Prescription drugs, which must include:
 - (1) Retail services;
 - (2) Mail services (home delivery);
 - (3) Contraceptive methods approved by the Food and Drug Administration (FDA); and
 - (4) To meet the EHB requirement for prescription drug benefits, carriers must offer coverage that includes at least the greater of:
 - (a) One (1) drug in every United States Pharmacopeia (USP) category and class; or
 - (b) The same number of prescription drugs in each category and class as the EHB-benchmark plan.
- i. Preventive services required by state and/or federal mandate, which are not subject to deductibles, copayments, or coinsurance, include, but are not limited to:
 - (1) Services related to contraception, including, but not limited to FDA-approved methods, and including the services related to follow-up and management of side effects, counseling for continued adherence, and device removal; and
 - (2) Age-appropriate immunizations and vaccines for children, adolescents, and adults in accordance with the recommendations of the Advisory Committee on Immunization Practices (ACIP).
- j. Rehabilitative and habilitative services and devices, which must include:
 - (1) No less than twenty (20) visits per calendar year, per therapy, for physical, speech, and occupational therapy for:
 - (a) Habilitative services; and
 - (b) Rehabilitative services.

Habilitative and rehabilitative service visits are cumulative, such that a carrier must provide, at a minimum, no less than sixty (60) visits for habilitative services, and no less than sixty (60) visits for rehabilitative services per calendar year.

- (2) Cardiac rehabilitation services;
- (3) Pulmonary rehabilitation services;
- (4) Durable medical equipment;
- (5) Arm and leg prosthetics;
- (6) Inpatient and outpatient habilitative services;
- (7) No less than one hundred (100) days of skilled nursing services annually;
- (8) No less than two (2) months of inpatient rehabilitation annually, and no less than sixty (60) days for plans issued or renewed on or after January 1, 2016;
- (9) Autism spectrum disorder services; and
- (10) Physical, occupational, and speech therapy for congenital defects for children up to age six (6), as required by § 10-16-104(1.7), C.R.S.

2. Carriers seeking to include pediatric dental EHB coverage within a health benefit plan, or carriers offering a stand-alone pediatric dental plan that meets EHB requirements, must include the following eligible services, subject to plan benefit limitations, in order to meet the EHB requirements for pediatric dental coverage:

a. Diagnostic and preventive procedures, which must include:

- (1) Oral exams and evaluations;
- (2) Full mouth, intra-oral, and panoramic x-rays;
- (3) Bitewing x-rays;
- (4) Routine cleanings;
- (5) Fluoride treatments;
- (6) Space maintainers;
- (7) Sealants; and
- (8) Palliative treatment.

b. Basic restorative services, which must include:

- (1) Amalgam fillings;
- (2) Resin and composite fillings;

- (3) Crowns;
 - (4) Pin retention; and
 - (5) Sedative fillings.
 - c. Oral surgery, consisting of extractions.
 - d. Endodontics, consisting of:
 - (1) Surgical services; and
 - (2) Root canal therapy.
 - e. Medically necessary orthodontia and medically necessary prosthodontics for the treatment of cleft lip and cleft palate.
 - f. Implants, denture repair and realignment, dentures and bridges, non-medically necessary orthodontia, and periodontics are not considered a part of the pediatric dental EHB.
- 3. Carriers must limit cost-sharing for EHB coverage in accordance with state and federal law.
 - a. Cost-sharing (or maximum out-of-pocket limits) for individual and small group plans must not exceed the annual out-of-pocket limit set by federal law. For managed care plans, out-of-network deductibles and out-of-pocket maximums do not count toward these cost sharing limits.
 - b. For plan years after 2015, cost sharing limits for individual and small group plans may not be increased beyond the annual premium adjustment percentage for individuals, and no more than twice the individual amount for family plans. Increases in annual deductibles must be in multiples of fifty (50) dollars, and if not, must be rounded to the next lowest multiple of fifty (50) dollars.
 - c. Cost-sharing (or maximum out-of-pocket limits) for stand-alone pediatric dental plans must not exceed the annual out-of-pocket limit set by federal law. For managed care plans, out-of-network deductibles and out-of-pocket maximums do not count toward these cost sharing limits.
 - d. The Division will annually publish the federally established annual premium adjustment percentages and annual out-of-pocket limits for medical and dental plans, as determined by HHS.
- 4. Carriers must offer health benefit plans that meet state and federally defined levels of coverage.
 - a. Carriers must offer plans that meet at least one (1) of the following metal tiers of coverage:
 - (1) Bronze level: benefits actuarially equivalent to sixty percent (60%) of the full actuarial value of the benefits provided under the plan;
 - (2) Silver level: benefits actuarially equivalent to seventy percent (70%) of the full actuarial value of the benefits provided under the plan;

- (3) Gold level: benefits actuarially equivalent to eighty percent (80%) of the full actuarial value of the benefits provided under the plan; or
 - (4) Platinum level: benefits actuarially equivalent to ninety (90%) of the full actuarial value of the benefits provided under the plan.
 - b. Carriers are allowed a de minimis range of +/- two percentage (2%) points for each metal tier.
 - c. Carriers offering health benefit plans at any of the levels of coverage listed in Section 5.A.4.a. of this regulation must offer child-only plans at that same level.
 - d. Carriers may offer a catastrophic plan that does not provide a bronze, silver, gold, or platinum level of coverage to certain qualified individuals.
 - 5. Benefits that are excluded from EHB, even though they may be covered by the EHB-benchmark plan, include:
 - a. Routine non-pediatric dental services;
 - b. Routine non-pediatric eye exam services;
 - c. Long-term/custodial nursing home care benefits; and
 - d. Non-medically necessary orthodontia.
 - 6. Although the EHB-benchmark plan provides coverage for abortion services, no health benefit plan must cover such services as part of the requirement to cover EHB.
 - 7. Carriers offering stand-alone non-pediatric dental plans that are offered in conjunction with a health benefit plan, or are offered as a stand-alone policy, need not comply with the requirements of Section 5.A.2. of this regulation.
- B. Carriers must use actuarial value (AV) to determine the level of coverage of a health benefit plan. The AV is the percentage of total average costs for covered benefits that a plan will cover, and must be calculated based on the provision of EHB to a standard population.
- 1. For standard plan designs, carriers must use the AV calculator developed by HHS to determine AV.
 - 2. Carriers offering plans with benefit designs that cannot be accommodated by the AV calculator may alternatively:
 - a. Decide how to adjust the plan's benefit design (for calculation purposes only) to fit the parameters of the calculator, and have a member of the American Academy of Actuaries certify that the methodology to fit the parameters of the AV calculator was in accordance with generally accepted actuarial principles and methodologies; or
 - b. Use the AV calculator for the plan design provisions that correspond to the parameters of the calculator, and have a member of the American Academy of Actuaries calculate appropriate adjustments to the AV as determined by the AV calculator for the plan design features that deviate substantially, in accordance with generally accepted actuarial principles and methodologies.
- C. Substitution of Benefits

1. Carriers are permitted to substitute EHB if the following conditions are met:
 - a. The substituted benefit must be actuarially equivalent to the benefit that is being replaced. Carriers must submit evidence of actuarial equivalence that is:
 - (1) Certified by a member of the American Academy of Actuaries;
 - (2) Based on an analysis performed in accordance with generally accepted actuarial principles and methodologies;
 - (3) Based on a standardized population; and
 - (4) Determined regardless of cost-sharing.
 - b. A benefit substitution may be made only within the same EHB category (substitutions across categories are not permitted); and
 - c. Prescription drug benefits cannot be substituted.
- D. Prohibition on Discrimination
 1. Carriers may not offer benefit plans that, either through their design or implementation, discriminate based on an individual's age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other medical conditions.
 2. Carriers may not discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.
 3. Carriers may not offer plans with benefit designs that have the effect of discouraging the enrollment of individuals with significant health needs.
- E. Drug/Formulary Review

Carriers must submit their formularies to the Division annually, by June 30 of each year. If a formulary changes by more than five percent (5%) in a calendar year, the carrier must submit a filing to the Division supporting that its formulary has the required number of drugs in each category to comply with the EHB requirement.
- F. A carrier offering individual or small group health benefit plans that provide EHBs shall not impose annual and lifetime dollar limits on those benefits.

Section 6 Preventive Services Requirements

- A. Carriers must provide coverage for any new preventive service receiving a USPSTF A or B recommendation, changes adopted by the ACIP, and/or changes published by the Health Resources and Services Administration (HRSA) no later than the plan year that begins on or after one (1) year after the date the recommendation or change is issued, adopted or published.
- B. The Division shall publish, by bulletin, the list of covered preventive services in accordance with:
 1. The "USPSTF A and B Recommendations," published by the United States Preventive Services Task Force (USPSTF);
 2. The preventive services mandated by Colorado statute; and

3. The women's preventive service guidelines published by the Health Resources and Services Administration (HRSA) in the U.S. Department of Health and Human Services.
- C. The Division shall review this bulletin no less frequently than annually to determine if amendments are required. If it is determined that amendments are required, any changes made to the list of covered preventive services will be incorporated to include:
1. New preventive services added to Colorado statute;
 2. New A or B recommendations or changes to existing preventive service recommendations adopted by the USPSTF; and/or
 3. New guidelines or changes to existing guidelines published by HRSA.

Section 7 Incorporation by Reference-

The age-appropriate immunization and vaccine schedules as recommended by the Advisory Committee on Immunization Practices, as published by the Advisory Committee on Immunization Practices shall mean age-appropriate immunization and vaccine schedules as published on the effective date of this regulation and do not include later amendments to, or editions of, the age-appropriate immunization and vaccine schedules. The age-appropriate immunization and vaccine schedules as recommended by the Advisory Committee on Immunization Practices may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202 or by visiting the Advisory Committee on Immunization Practices website at <http://www.cdc.gov/vaccines/schedules/hcp/index.html>. Certified copies of the age-appropriate immunization and vaccine schedules as recommended by the Advisory Committee on Immunization Practices are available from the Colorado Division of Insurance for a fee.

Section 8 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 9 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 10 Effective Date

This regulation shall become effective on March 15, 2015.

Section 11 History

Regulation effective October 1, 2013.
Amended regulation effective March 15, 2015.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-01253

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance**

on 01/22/2015

3 CCR 702-4 Series 4-2

LIFE, ACCIDENT AND HEALTH, Series 4-2

The above-referenced rules were submitted to this office on 01/23/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light gray rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 28, 2015 10:14:34

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-6

Rule title

3 CCR 702-4 Series 4-6 LIFE, ACCIDENT AND HEALTH, Series 4-6 1 - eff 03/15/2015

Effective date

03/15/2015

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Amended Regulation 4-6-13

QUARTERLY RATE FILING REQUIREMENTS FOR SMALL GROUP HEALTH BENEFIT PLANS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Rules
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1), 10-16-107 and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish rules concerning the quarterly filing of rates for small group health benefit plans.

Section 3 Applicability

This regulation applies to all carriers offering small group health benefit plans subject to the small group laws of Colorado. This regulation does not apply to grandfathered small group health benefit plans.

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- C. "Index rate" shall have the same meaning as found at § 10-16-102(39), C.R.S.
- D. "Off-cycle" means, for the purposes of this regulation, the quarterly filing of small group health benefit plans that do not coincide with the annual rate and form filing dates for small group health

benefit plans. Small group health benefit plans filed for effective dates other than January 1 are considered off-cycle filings.

- E. "Premium" shall have the same meaning as found at § 10-16-102(51), C.R.S.
- F. "Rate" means, for the purposes of this regulation, the amount of money a carrier charges as a condition of providing health coverage. The rate charged normally reflects such factors as the carrier's expectation of the insured's future claim costs; the insured's share of the carrier's claim settlement; operational and administrative expenses; and the cost of capital. This amount is net of any adjustments, discounts, allowances or other inducements permitted by the contract. Rates for all small group health benefit plans must be filed with the Division.
- F. "Rating period" shall have the same meaning as found at § 10-16-102(58), C.R.S.
- G. "SERFF" means, for the purposes of this regulation, System for Electronic Rate and Form Filings.

Section 5 Rules

- A. For plans to be issued or renewed on or after October 1, 2014, carriers offering small group health benefit plans may file rates for those plans no more frequently than quarterly.
- B. Quarterly rate filings for existing small group health benefit plans may include:
 - 1. Changes to the index rate;
 - 2. Changes to the quarterly trend;
 - 3. Changes to the premium base rate; and
 - 4. Changes to the allowed rating factors.
- C. New small group health benefit plans filed off-cycle.
 - 1. Notwithstanding the requirements of other Colorado Insurance Regulations, if a carrier files a new small group health benefit plan as a quarterly rate filing that was not filed as a new product during the annual individual and small group filing cycle, when selling that plan:
 - a. The carrier shall not impose any minimum group participation requirements; and
 - b. The carrier shall not impose any minimum employer contribution requirements.
 - 2. If a carrier files a new small group health benefit plan as a quarterly rate filing that was not filed as a new product during the annual individual and small group filing cycle, that plan must comply with the form filing requirements found in Colorado Insurance Regulation 4-2-41.
 - 3. If a carrier files a new small group health benefit plan during the annual small group filing cycle, when selling that plan the carrier may impose:
 - a. Minimum group participation requirements; and
 - b. Minimum employer contribution requirements.
- D. Carriers must submit all quarterly rate filings through SERFF.

- E. A small group health benefit plan that has been filed as a new plan shall only become effective upon the first day of a quarter: January 1; April 1; July 1; or October 1.
- F. Carriers must comply with all rate filing requirements found in Colorado Insurance Regulation 4-2-39.
- G. Carriers must submit quarterly rate filings such that each filing complies with the timetables for quarterly rate submissions, both for new and existing plans, and to provide sufficient time for plan validation processes through SERFF. Quarterly rate filings must be filed with the Division at least sixty (60) days prior to the proposed implementation or effective date specified in the rate filing. Additionally, if there is a filing timeframe due to federal requirements, such as a Health Insurance Oversight System (HIOS) filing, carriers must comply with the federal filing requirements, due to the nature of dual state and federal rate review.
- H. Index rate: Each carrier offering a health benefit plan to small employers in Colorado shall develop a single index rate for all small group plans it offers. It should be calculated using the experience for all small group plans. The premium rate charged during a rating period, applicable to all small employers, shall be based upon this index rate, adjusted for case characteristics and coverage. Quarterly rate filings must comply with the single index rate.
- I. Carriers making quarterly rate filings which modify plans or issue new plans will need to submit a compliant binder filing, form filing, network adequacy filing and if applicable reasonable modification filing through SERFF.

Section 6 Severability

If any provision of this regulation or the application thereof to any other person or circumstance is for any reason held to be invalid, the remainder of the regulation shall not be affected thereby.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall become effective on March 15, 2015.

Section 9 History

New regulation effective August 15, 2014.

Amended regulation effective March 15, 2015

John W. Suthers

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-01206

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance**

on 01/09/2015

3 CCR 702-4 Series 4-6

LIFE, ACCIDENT AND HEALTH, Series 4-6

The above-referenced rules were submitted to this office on 01/12/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 28, 2015 10:12:12

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Real Estate

CCR number

4 CCR 725-3

Rule title

4 CCR 725-3 MORTGAGE LOAN ORIGINATORS AND MORTGAGE COMPANIES 1 -
eff 03/17/2015

Effective date

03/17/2015

[THIS PAGE NOT FOR PUBLICATION]

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
MORTGAGE LOAN ORIGINATORS AND MORTGAGE COMPANIES
4 CCR 725-3**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
November 19, 2014**

CHAPTER 5: PROFESSIONAL STANDARDS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Mortgage Loan Originators (the "Board") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Board.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Board of Mortgage Loan Originators is Part 9 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes of the Mortgage Loan Originator Licensing and Mortgage Company Registration Act.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to clarify advertising requirements of mortgage loan originators and companies.

Proposed New, Amended and Repealed Rules

[Deleted material shown ~~struck through~~, new material shown ALL CAPS. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dora.state.co.us/real-estate/.

CHAPTER 5: PROFESSIONAL STANDARDS

5.1 Advertising

Any advertisement of a residential mortgage loan product or rate offered by a mortgage loan originator as that term is defined in § 12-61-902(6), C.R.S., or mortgage company as that term is defined in § 12-61-902(5), C.R.S., shall conform to the following requirements:

- A. An advertisement shall be made only for such products and terms as are actually available at the time they are offered and, if their availability is subject to any material requirements or limitations, the advertisement shall specify those requirements or limitations;
- B. The advertisement shall contain the following, each of which must be clearly and conspicuously included in the advertisement;
 - 1. At least one (1) responsible party. The responsible party must be an individual person or a mortgage company. The responsible party must include their registration number that is approved on the Nationwide Mortgage Licensing System and Registry (NMLS);
 - 2. The mortgage company name; and
 - 3. The business phone number of the responsible party.
- C. The advertisement shall not appear to be offered by a government agency, a quasi-government agency or the perspective borrower's current lender and/or loan servicer;
- D. An advertisement shall not make or omit any statement the result of which would be to present a misleading or deceptive impression to consumers;
- E. An advertisement shall otherwise comply with all applicable state and federal disclosure requirements;
- F. Advertisements shall incorporate applicable provisions of the final *Interagency Guidance on Nontraditional Mortgage Product Risks* ("Interagency Guidance") released on September 29, 2006, incorporated by reference in compliance with Section 24-4-103(12.5), C.R.S., and does not include any later amendments or editions of the final guidance. A certified copy of the Interagency Guidance is readily available for public inspection at the offices of the Board of Mortgage Loan Originators at 1560 Broadway, Suite 925, Denver, Colorado. The Interagency Guidance released by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift supervision, and the National Credit Union Administration can be examined at the internet website of the federal register (volume 71, number 192, page 58609-58618) at www.federalregister.gov. Reference copies of the federal register publications may also be found at the Colorado Supreme Court, located at 101 w. Colfax, Denver, Colorado 80202 or by telephone at (303) 837-3720; and
- G. The responsible party must retain copies of all advertisements for a period of four (4) years, and provide said copies for inspection by an authorized representative of the Board upon request.

5.2 The requirements set forth in Rule 5.1(b), Subsections one (1) through three (3) shall not apply to:

- A. Any advertisement which indirectly promotes a credit transaction and which contains only the name of the mortgage company, the name and title of the mortgage loan originator, the contact information for the mortgage company or the mortgage loan originator, a mortgage company logo, or any license or registration numbers, such as the inscription on a coffee mug, pen, pencil, youth league jersey, sign, business card, or other promotional item; or
- B. Any rate sheet, pricing sheet, or similar proprietary information provided to real estate brokers, builders, and other commercial entities that is not intended for distribution to consumers.

[THIS PAGE NOT FOR PUBLICATION]

A hearing on the above subject matter will be held on Wednesday, November 19, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 110-D, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



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**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-01220

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Real Estate**

on 01/14/2015

4 CCR 725-3

MORTGAGE LOAN ORIGINATORS AND MORTGAGE COMPANIES

The above-referenced rules were submitted to this office on 01/14/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 23, 2015 08:55:01

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - Office of Private Investigator Licensing

CCR number

4 CCR 750-1

Rule title

4 CCR 750-1 Office of Private Investigator Licensing 1 - eff 03/02/2015

Effective date

03/02/2015

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations Office of Private Investigator Licensing

4 CCR 750-1

PRIVATE INVESTIGATOR LICENSURE RULES AND REGULATIONS

Authority

Basis: The registration and regulation of Private Investigators is found in Title 12 ("Professions and Occupations"), Article 58.5 ("Private Investigators") of the Colorado Revised Statutes. These rules are promulgated pursuant to C.R.S. §§ 12-58.5-106(1)(b)(II), 107, 108(2)(a), and 109(2).

Scope and purpose

These rules are promulgated in order to carry out the powers and duties of the Director of the Division of Professions and Occupations, Department of Regulatory Agencies ("Director") pursuant to Article 58.5 of Title 12, C.R.S. These Rules shall be binding on every person authorized to practice, offering to practice, or performing private investigation services in Colorado. All persons licensed Article 58.5 of Title 12, C.R.S., are charged with having knowledge of the existence of these rules and shall be deemed to be familiar with their provisions and to understand the rules.

These Rules are severable. If one rule or portion of a rule is found to be invalid, all other rules or portions of rules that can be enforced without the invalid rules shall be enforced and shall remain valid.

Rule 1 - Definitions

Purpose: The purpose of this rule is to define terms used in the Private Investigator rules and statutes.

- A. "Applicant" means a person who applies for an initial or renewal license as a private investigator.
- B. "Cause analysis" or "Failure analysis," means an investigation conducted by a licensed professional engineer acting within the scope of the practice of engineering.
- C. "Certified fraud examiner" means a person certified by the Association of Certified Fraud Examiners, or its successor organization, as a Certified Fraud Examiner ("CFE").
- D. "Claims adjustment or claims investigation" means an investigation undertaken to determine the validity of an insurance claim.
- E. "Client" means any person who engages the services of a private investigator or private detective.
- F. "Director" means the Director of the Division of Professions and Occupations, or the Director's Designee.

- G. "Division" means the Division of Professions and Occupations in the Colorado Department of Regulatory Agencies.
- H. "Employee" means a person who is hired for a wage, salary, fee, or payment to perform work for an employer, and to whom the employer provides or will provide Internal Revenue Service Form W-2 for work performed.
- I. "Independent contractor" means a person who performs work for another, but who is not an employee.
- J. "Internal investigation" means an investigation undertaken within a company or organization to uncover the truth about alleged misconduct within the organization or company, conducted by an employee of and on behalf of the company or organization.
- K. "Genealogist" means a person who traces or studies the descent of persons or families.
- L. "Journalist" means a person who investigates and reports events, issues, and trends to audiences in print, broadcast, and/or online media.
- M. "Level I Private Investigator" means a private investigator licensed as such by the Director.
- N. "Level II Private Investigator" means a private investigator licensed as such by the Director.
- O. "Licensee" means a private investigator licensed by the Director as a Level I or Level II Private Investigator.
- P. "Person" means an individual, firm, company, association, organization, partnership, or corporation.
- Q. "Private Investigation" means undertaking an investigation for the purpose of obtaining information for others pertaining to:
 - 1. A crime, wrongful act, or threat against the United States or any State or Territory of the United States;
 - 2. The identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of a person, group of persons, or organization;
 - 3. The credibility of witnesses or other persons;
 - 4. The whereabouts of missing persons;
 - 5. The determination of the owners of abandoned property;
 - 6. The causes and origin of, or responsibility for, libel, slander, a loss, an accident, damage, or an injury to a person or to real or personal property;
 - 7. The business of securing evidence to be used before an investigatory committee, board of award or arbitration, administrative body, or officer or in the preparation for or in a civil or criminal trial;

8. The business of locating persons who have become delinquent in their lawful debts, when the private investigator locating the debtor is hired by an individual or collection agency;
 9. The location or recovery of lost or stolen property;
 10. The affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association or with any official, representative, or member of an organization, society, or association;
 11. The conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, contractors, or subcontractors; or
 12. The identity of persons suspected of crimes or misdemeanors.
- R. "Private Investigator" or "Private Detective" means a natural person who, for a fee, reward, compensation, or other consideration, engages in a business or accepts employment to conduct private investigations.
- S. "Service of process" means the delivery of legal papers to a person required to respond to them.

Rule 2 - Jurisdiction for Regulation of Private Investigators

Purpose: The purpose of this rule is to specify what parties are subject to these rules as required by C.R.S. § 12-58.5-104 as well as to clarify what activities or professions are exempted from these rules, as required in C.R.S. § 12-58.5-105.

- A. A Private Investigator must be licensed in Colorado if he or she is conducting private investigations in Colorado.
- B. Exemptions from Licensure: Licensure as a Private Investigator is not required for the following:
 1. A collection agency or consumer reporting agency as defined in C.R.S. § 12-14-103(2) and (4.5), respectively.
 2. A person conducting an investigation on the person's own behalf, or an employee of any employer conducting an internal investigation on behalf of his or her employer.
 3. An attorney licensed to practice law in Colorado, an employee of a licensed attorney, or a person under contract to perform paralegal services for a licensed attorney;
 4. A certified peace officer of a law enforcement agency operating in his or her official capacity;
 5. A certified public accountant authorized to provide accounting services in Colorado pursuant to Title 12, Article 2 of the Colorado Revised Statutes;
 6. An employee of a certified public accountant;

7. An employee or affiliate of an accounting firm registered pursuant to C.R.S. §12-2-117;
8. A person who conducts forensic accounting, fraud investigations, or other related analysis of financial transactions based on information that is either publicly available or provided by clients or other third parties and who is:
 - a. An accountant or public accountant who is not regulated in the State of Colorado;
 - b. A certified fraud examiner; or
 - c. An employee or independent contractor under the guidance of an accountant, public accountant, or certified fraud examiner.
9. A person who aggregates public records and charges a fee for accessing the aggregated public records data;
10. A person employed by an insurance company who is conducting claims adjustment or claims investigation for the purposes of an insurance claim;
11. An investigator employed or contracted by a public or governmental agency;
12. A journalist or genealogist;
13. A person serving process within Colorado, performing his or her duties in compliance with the Colorado or Federal Rules of Civil Procedure or in accordance with applicable foreign state court rules or laws pertaining to service of foreign process within this state, or performing any task associated with effecting service of process, all of which includes inquiries related to effective proper service of process and resulting supporting proofs, declarations, affidavits of service, or declarations or affidavits of due diligence to support alternative methods of service of process; except that a process server who performs private investigations outside the efforts to effect service of process is not exempt from the license requirements and must obtain a license as a private investigator in order to perform those private investigations;
14. A person attempting to recover a fugitive when that person is a bail bonding agent or cash-bonding agent qualified to write bail bonds pursuant to Title 10, Article 23 of the Colorado Revised Statutes, or is acting pursuant to a contract with or at the request of a qualified bail bonding agent or cash-bonding agent;
15. An owner, employee, or independent contractor of an agency conducting an investigation to determine the origin and cause of a fire or explosion;
16. An owner, employee, or independent contractor of an agency conducting an investigation for cause analysis or failure analysis where the investigation is conducted by an engineer licensed pursuant to Title 12, Article 25 of the Colorado Revised Statutes acting within his or her area of expertise and within the scope of the practice of engineering;
17. Any other person holding a license issued by the authority of Title 12 of the Colorado Revised Statutes and practicing within the scope of his or her practice.

Rule 3– Application for Licensure

Purpose: The purpose of this rule is to specify the form and manner of an application for private investigator licensure, as required in C.R.S § 12-58.5-106(1) and C.R.S § 12-58.5-107.

- A. An applicant for a Level I Private Investigator License shall meet the following requirements:
 - 1. Apply in a manner determined by the Director, submitting the appropriate fee determined by the Director;
 - 2. Be at least twenty-one (21) years of age;
 - 3. Be lawfully present in the United States;
 - 4. Take and pass a jurisprudence examination developed and approved by the Director to demonstrate knowledge and understanding of the laws and rules affecting the ethics and activities of private investigators;
 - 5. Undergo a state and national fingerprint-based criminal history record check utilizing records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. The applicant, at his or her own expense, shall have his or her fingerprints taken by a local law enforcement agency for submission to the Colorado Bureau of Investigation; and
 - 6. Attest that the applicant will post and maintain, or be covered by, a surety bond as described in Rule 4.
- B. An applicant for a Level II Private Investigator License shall meet the following requirements:
 - 1. Apply in a manner determined by the Director, submitting the appropriate fee determined by the Director;
 - 2. Be at least twenty-one (21) years of age;
 - 3. Be lawfully present in the United States;
 - 4. Take and pass a jurisprudence examination developed and approved by the Director to demonstrate knowledge and understanding of the laws and rules affecting the ethics and activities of private investigators;
 - 5. Undergo a state and national fingerprint-based criminal history record check utilizing records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. The applicant, at his or her own expense, shall have his or her fingerprints taken by a local law enforcement agency for submission to the Colorado Bureau of Investigation;
 - 6. Attest that the applicant will post and maintain, or be covered by, a surety bond as described in Rule 4; and
 - 7. Attest, in a manner approved by the Director, of at least 4,000 hours of applicable experience in any of the following:
 - a. As a private investigator or private detective.

- b. Conducting investigations with a local, state, or federal law enforcement agency.
 - c. Any degree conferred by a college or university counts for experience in the following manner:
 - i. A two-year degree will satisfy 1,000 hours of the 4,000 hour experience requirement.
 - ii. A baccalaureate degree will satisfy 2,000 hours of the 4,000 hour experience requirement.
 - iii. A master's or juris doctorate degree will satisfy 3,000 hours of the 4,000 hour experience requirement.
 - d. Pursuant to C.R.S. § 24-34-102(8.5), investigative experience gained in military education, training, or service.
 - e. Upon selection for a compliance audit with this Rule 3, it is the applicant's responsibility to provide timely and complete evidence for the Director's review and consideration. The applicant must submit documentation supporting the assertion that the applicant meets the applicable licensing requirements attested to within 30 days of the audit notice. Failure to do so is grounds for discipline.
- C. An application is deemed received on the date that it is date-stamped as received by the Division of Professions and Occupations ("application receipt date"). An application for a license submitted without all required fees and documentation will be considered incomplete. Incomplete applications will be retained for one (1) year from the application receipt date, after which applicants shall be required to begin the application process again including payment of the application fee. The Director will not consider or review an incomplete application.
- D. Any use of fraud, misrepresentation or deceit in applying for or attempting to apply for a license is subject to discipline.

Rule 4 – Surety Bond

Purpose: The purpose of this rule is to specify the form and manner whereby private investigators must post and maintain, or be covered by, a surety bond, as required in C.R.S § 12-58.5-107.

- A. All Level I and Level II Private Investigators may not engage in private investigation activities unless the licensee posts and maintains, or is covered by, a surety bond in the amount of at least ten thousand dollars (\$10,000).
- B. Each licensee shall maintain this surety bond for the duration of time he or she is licensed and actively engaged in private investigation activities as a Level I or Level II Private Investigator. The licensee may change surety bond providers but there shall be no gap in coverage.
- C. Any failure to maintain or be covered by a complying surety bond shall be grounds for discipline under C.R.S. § 12-58.5-109.

Rule 5 - Duty to report change of contact information to the Director's office

Purpose: The purpose of this rule is to establish and clarify the requirements for licensees to notify the Director of a change in contact information, as required for the administration of the program under C.R.S. § 12-58.5-108(2).

- A. Licensees shall notify the Director of any name, address, telephone, or email change within 30 days of the change in a manner prescribed by the Director. The Director will not change the licensee's information without explicit notification in the manner prescribed by the Director.
- B. One or more of the following forms of documentation is necessary to change a name or correct a social security number:
 - 1. Marriage license;
 - 2. Divorce decree;
 - 3. Court order; or
 - 4. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director.

Rule 6 - Declaratory orders

Purpose: The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedure Act at C.R.S. § 24-4-105(11).

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, in the Director's discretion and without notice to petitioner, whether to rule upon any such petition. The Director shall promptly notify the petitioner of the Director's action and state the reasons for such action.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties.
 - 2. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more of the petitioners.
 - 3. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.

4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:
1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 58.5.
 2. The statute, rule or order to which the petition relates.
 3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- E. If the Director determines to rule on the petition, the following procedure shall apply:
1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Director may take administrative notice of facts pursuant to the State Administrative procedures Act §24-4-105(8), C.R.S., and may utilize available experience, technical competence and specialized knowledge in the disposition of the petition.
 2. If the Director rules upon the petition without a hearing, the Director shall promptly notify the petitioner of the decision.
 3. The Director may, in the Director's discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting forth such hearing shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts

stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as required in D of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute final agency action subject to judicial review pursuant to § 24-4-106, C.R.S.

Rule 7 – Renewal and Reinstatement

Purpose: The purpose of this rule is to describe the form and manner of renewing and reinstating a Private Investigator license, as required in C.R.S § 12-58.5-106(3).

- A. Renewal: Licensees shall renew their license as determined by the Director.
 - 1. A licensee shall have a sixty (60) day grace period after license expiration to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period, a delinquency fee shall be charged for late renewal.
 - 2. A licensee or registrant who does not renew such license or registration within the sixty (60) day grace period shall be deemed as having an expired license and shall be ineligible to practice until such license is reinstated. If the licensee practices with an expired license, the Director may impose discipline.
- B. A Private Investigator applying for reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee in the manner approved by the Director.
- C. If the license has been expired for more than two (2) years from the date of receipt of the reinstatement application, an applicant shall:
 - 1. Establish competency to practice as follows:
 - i. Verification of license in good standing from another state along with proof of active practice in that state for the year previous to the date of receipt of the reinstatement application;
 - ii. Retaking and achieving a passing score on the Private Investigator jurisprudence examination; or
 - iii. By any other means approved by the Director.
 - 2. Undergo a state and national fingerprint-based criminal history record check utilizing records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. The applicant, at his or her own expense, shall have his or her

fingerprints taken by a local law enforcement agency for submission to the Colorado Bureau of Investigation.

- D. An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of C.R.S. § 12-58.5-104(1)(a) and C.R.S. § 12-58.5-104(1)(b) is subject to denial of application, disciplinary action, and/or other penalties in accordance with C.R.S. § 24-34-102 et seq.

Rule 8 – Standards of Practice

Purpose: The purpose of this rule is to list and define generally accepted standards of practice in the Private Investigator profession, as specified in C.R.S. § 12-58.5-108(2)(a)(III).

A. Contracts

1. A licensee shall enter into written contract with each client, except as detailed in this rule. A licensee is deemed to have entered into a written contract if the licensee's employer has entered into a contract that complies with the requirements of this Rule 8(A).
2. The contract must include, at minimum, the following:
 - a. The date of the contract;
 - b. The parties to the contract;
 - c. A description of the services to be provided;
 - d. A description of the fees required for the services to be provided;
 - e. A description of how or when the contract will terminate or may be terminated by one or both parties;
 - f. A statement indicating that the client has the right to receive both an oral and written report; and
 - g. A statement indicating the number of days after a client's request by which a licensee must provide a written report to the client.
3. A copy of the contract shall be furnished to the client.
4. Nothing in this Rule 8(A) requires a contract to be executed for each assignment or investigation. A licensee's contract with a client may cover numerous assignments or investigations.
5. A written contract is not required under any of the following circumstances:
 - a. In an emergency situation when the services of the licensee are required and there is no time to enter into a written contract before conducting the services;
 - b. When providing services to an attorney;

- c. When providing services to another licensee; or
- d. When providing services to an insurance company.

B. Conflicts of Interest

1. A licensee shall not represent more than one party in an investigation unless the licensee fully discloses such relationship to the parties involved.
2. The licensee shall not accept compensation, financial or otherwise, from more than one party for services on or relating to the same investigation, set of circumstances, court case, or issues unless all interested parties consent in writing after full disclosure by the licensee.
3. The licensee shall avoid all known conflicts of interest with his or her employer or client, and shall promptly inform his or her employer or client of any business association, interest, or circumstance which could influence his or her judgment or the quality of his or her services. When such a conflict is unavoidable, the licensee shall forthwith disclose the circumstances to his or her employer or client. A conflict exists when a private investigator, because of some personal interest, finds it difficult to devote himself or herself with loyalty and singleness of purpose to the best interest of his or her client or employer.
4. The licensee shall take reasonable steps to ascertain the existence of potential conflicts of interest among his or her employers or clients.

C. Confidentiality

1. Except as required by state or federal law, the licensee shall keep all information obtained in all cases confidential and for the use of the client only.
2. This rule shall not be construed to:
 - a. Limit a client's ability to waive confidentiality;
 - b. Affect in any way the licensee's obligation to comply with a validly issued and enforceable subpoena or summons;
 - c. Prohibit review of a licensee's professional practice by the Director; or
 - d. Prohibit a licensee from utilizing any such relevant information in the defense of a claim asserted against a licensee.

D. Recordkeeping

1. Licensees shall keep separate and distinct files for each client. These files shall be kept for a minimum of seven (7) years from the date the investigation is completed.
2. All records of each licensee must be kept in a reasonably secure manner to prevent access by unauthorized parties. Each record must contain at least the following:
 - a. All contracts and written agreements with the client;

- b. Date investigative activities began;
 - c. Any final written report;
 - d. Accurate accounting of time spent;
 - e. Accurate accounting of activities conducted; and
 - f. Accurate accounting of expenses incurred by the licensee during the course of the investigation.
- 3. Records must be preserved in a manner that they are reasonably safe from intentional or accidental destruction and degradation.
 - 4. Records shall be stored in a readily accessible manner. "Readily accessible" means in a form that can be produced within ten (10) days of demand, under ordinary business conditions.
 - 5. Record destruction shall occur in a manner that ensures the records cannot be reconstructed.

E. Advertising

- 1. No licensee shall publish or cause to be published any advertisement, letterhead, circular, statement, or phrase of any sort which suggests that the licensee is an official law enforcement or investigative agency.
- 2. Any vehicle used by the licensee that is marked in any manner by the use of painted signs, decals, or other means shall not be of a design so similar to those of local, state, federal, or military authorities as to create confusion.
- 3. A licensee shall not falsify or permit misrepresentation of his or her academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments.
- 4. In the course of business as a private investigator, a licensee shall not wear, use, or display a badge, shield, or star that substantially resembles a badge, shield, or star used by a local, state, or federal law enforcement agency.
- 5. A licensee must not use false, misleading, or deceptive advertising.

F. Business Standards and Compliance with Laws

- 1. A licensee shall obtain all necessary permits to conduct his or her business, included those to carry firearms, as applicable.
- 2. If carrying a concealed firearm, the licensee must have the permit on his or her person.
- 3. A licensee must not pretend to be a law enforcement officer or a peace officer including, but not limited to:
 - a. Operating a motor vehicle with flashing red or blue lights;

- b. Wearing a uniform that closely resembles in style, color, accessories, or insignia the uniforms of law enforcement in whose jurisdiction the licensee conducts business.
- 4. A licensee must not advise any person to engage in an illegal act or course of conduct.
- 5. A licensee must not violate state or federal laws, rules or regulations related to the care, handling or use of firearms or other dangerous weapons.
- 6. A licensee must not neglect, fail, or refuse to render professional services to any person solely because of that person's age, race, color, disability, sex, sexual orientation, religion, creed, national origin, marital status, lawful source of income, or ancestry.
- 7. A licensee shall not fraudulently bill or charge a client. A licensee must provide clients with a complete and comprehensive itemized statement of services and expenses within seven (7) business days after having been requested to do so by the client.
- 8. A licensee must not obtain or attempt to obtain anything of value from a client without the client's consent.
- 9. In providing private investigator services, the licensee shall take into account all applicable laws and regulations and not knowingly provide services resulting in the violation of such laws and regulations.
- 10. The licensee shall be accurate and truthful in all professional reports, statements or testimony. He or she shall include all relevant and pertinent information on such reports, statement, or testimony.
- 11. No licensee shall knowingly associate with, or permit the use of his or her name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- 12. A licensee may not knowingly violate a court order or injunction in the course of business as an investigator.
- 13. Licensees shall obey all applicable federal, state, and local laws, including but not limited to criminal laws. "Criminal laws" include the penal ordinances and regulations of a political subdivision of a state or the agencies of the federal government. These criminal laws include but are not limited to those that involve stalking, harassment, invasion of privacy, wiretapping, credit reporting, and those that involve protection orders against defendants.
- 14. A licensee shall not knowingly disclose the location of a person covered by a protection order to any party against whom the protection order has been issued.
- G. Other Generally Accepted Standards of Practice. A licensee shall not engage in the practice of private investigation incompetently or in any other manner that is outside the generally accepted standards of practice of the licensed private investigations industry, as determined by the Director.

Rule 9 – Duty to Report

Purpose: C.R.S. § 12-58.5-109(1)(d) provides the Director the authority to discipline a licensee for failing to report the conviction or plea to a crime. The purpose of this rule is to specify the requirement to self-report violations and to provide the manner of reporting violations.

- A. Licensees shall promptly report to the Director any person who appears to be practicing the profession without the required license.
- B. A Licensee shall notify the Director, in a manner prescribed by the Director, within 30 days of any of the following events:
 - 1. The conviction of the licensee under the laws of any state, territory, or insular possession of the United States and the District of Columbia, or of the United States or any foreign jurisdiction, of: a felony; or any offense, the underlying factual basis of which has been found by the court to involve unlawful sexual behavior, domestic violence, stalking, or violation of a protection order. For the purposes of these rules a guilty verdict, a plea of guilty, including a deferred judgment and sentence, or a plea of nolo contendere accepted by the court is considered a conviction.
 - 2. Imposition of discipline upon the licensee by another jurisdiction that regulates private investigators. Such discipline includes, but is not limited to, a citation, fine, sanction, probation, civil penalty, or a denial, suspension, revocation, relinquishment, failure to renew in lieu or avoidance of discipline, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date.
 - 3. The notice to the Director shall include the following information:
 - a. If the event is an action by a governmental entity: (1) the name of the entity; (2) its jurisdiction; (3) the case name; (4) the docket, proceeding, or case number by which the matter is designated; (5) a description of the matter or a copy of the document initiating the action or proceeding, and (6) if the matter has been decided or settled, a copy of the consent decree, order or decision;
 - b. If the event is a felony conviction or other offense adjudicated by a court: (1) the court; (2) its jurisdiction; (3) the case name; (4) the case number; (5) a copy of the indictment or charges; and (6) any plea or verdict entered by the court;
 - c. The licensee shall also provide to the Director a copy of the imposition of sentence related to the felony or other offense.
 - d. The licensee shall provide the Director a copy of court documents showing completion of all terms of any sentence imposed within 90 days of such completion.
 - e. The licensee providing notification to the Director pursuant to this rule may also submit a written explanatory statement with the notice to be included with the licensee's records.

Rule 10 – Imposition of Fines

Purpose: C.R.S. § 12-58.5-109(2) provides authority for the Director to establish fines that may be imposed upon a licensee. The purpose of this rule is to establish a fine structure and the circumstances under which fines may be imposed by the Director.

- A. The Director may impose a fine in lieu of or in addition to any other disciplinary sanction.
- B. The Director may impose a separate fine for each violation of Article 58.5 of Title 12, C.R.S., any rule adopted by the Director, or any Order issued by the Director.
- C. The Director may impose fines consistent with the following structure:
 - 1. For a licensee's first violation, a fine of no less than two hundred fifty dollars (\$250.00) and no more than three thousand dollars (\$3,000.00).
 - 2. For a licensee's second violation, a fine of no less than five hundred dollars (\$500.00) and no more than three thousand dollars (\$3,000.00).
 - 3. For a licensee's third and any additional violations, a fine of no less than one thousand dollars (\$1,000.00) and no more than three thousand dollars (\$3,000.00).
- D. The Director may, in his or her discretion, consider aggravating and mitigating factors when deciding the fine to be assessed.
- E. A licensee who fails to pay a fine required pursuant to a Final Agency Order or Stipulation is subject to additional disciplinary action as set forth in C.R.S § 12-85.5-109, including suspension or revocation of his or her Private Investigator license.
- F. Payment of a fine does not exempt the licensee from compliance with the statutes and rules governing the practice of Private Investigators in Colorado.

John W. Suthers

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-01203

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Professions and Occupations - Office of Private Investigator Licensing

on 01/09/2015

4 CCR 750-1

Office of Private Investigator Licensing

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 29, 2015 11:25:32

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-32

Rule title

5 CCR 1002-32 REGULATION NO. 32 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR ARKANSAS RIVER BASIN 1 - eff 06/30/2015

Effective date

06/30/2015

32.54 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended.

Temporary modifications of standards on twelve segments were reviewed. The Commission took no action on the temporary modifications on the following segments.

Temporary modification of the selenium (type i) and sulfate (type i) standards: The City of Pueblo presented evidence indicating progress is being made on resolving the uncertainty regarding the underlying acute and chronic selenium and sulfate standards on Lower Arkansas segment 1a and chronic selenium on Lower Arkansas segment 1b. The Commission made no change to the expiration date of 6/30/2016 as the original time allotment was deemed adequate.

Temporary modification of the temperature standard (type B) for various segments in the Purgatoire Basin: The Commission made no change to the expiration date of 6/30/2016 as the original time allotment was deemed adequate to resolve the uncertainty for the following Lower Arkansas River Segments: 3a, 3b, 4b, 5b, 5c, 6a, 6b, 15, 16 and 17.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00788

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)

on 01/12/2015

5 CCR 1002-32

REGULATION NO. 32 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS
RIVER BASIN

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:10:58

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-33

Rule title

5 CCR 1002-33 REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER
(PLANNING REGION 12) 1 - eff 06/30/2015

Effective date

06/30/2015

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 12		Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN:Blue RIVER				PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description										
14. Mainstem of Tenmile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listing in Segment 16.			Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-I)°C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml Chla=150 mg/m ² °C	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS P=110 ug/l (tot) ^C	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=210(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS Zn(ch)=TVS(sc)	Temporary modification: As(ch)=hybrid Expiration date of 12/31/21. Temporary modification: Mo(ch)=""current conditions" Expiration date of 12/31/16.

REGION: 12	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: Yampa River			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.	UP	Aq Life Warm 2 Recreation N Agriculture	T=TVS(WS-II)°C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH3(ac/ch)=TVS Cl2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO2=0.05 NO3=100 P=170 ug/l (tot)	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification. Fe(ch): "current conditions" for Little Grassy Creek. Expiration date of 12/31/17. Temporary modification: Se(ch): "current conditions" Expiration date of 12/31/18. See section 33.6(4) for iron assessment locations.

33.52 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on two segments were reviewed.

No action: The Commission took no action on the temporary modification of the chronic molybdenum standard for Blue River segment 14: Climax Molybdenum has presented evidence of an adequate plan for eliminating the need for the temporary modification and progress is being made on resolving the uncertainty regarding the underlying molybdenum standards on Blue River segment 14. The Commission made no change to the expiration date of 12/31/2016 as the original time allotment was deemed adequate.

Extension: The Commission reviewed the definitive temporary modification implementation plan submitted by Seneca Coal Company and Peabody-Sage Creek Mining, LLC ("Peabody"). Based on the existence of that plan, as modified at the hearing, the Commission extended the temporary modification to the iron standard for Yampa River Segment 13i to December 31, 2017. The Commission expects that Peabody will meet with the Division, CPW and EPA in the spring and fall of 2015 regarding the reference site approach and progress on its plan. Progress on the Plan will be reviewed by the Commission in December 2015.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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Office of the Attorney General

Tracking number: 2014-00789

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)

on 01/12/2015

5 CCR 1002-33

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER
COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:11:17

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-34

Rule title

5 CCR 1002-34 REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR SAN JUAN AND DOLORES RIVER BASINS 1 - eff 06/30/2015

Effective date

06/30/2015

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 9	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: LA PLATA RIVER, MANCOS RIVER, McELMO CREEK, AND SAN JUAN RIVER IN MONTEZUMA COUNTY AND DOLORES COUNTY			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
7a. Mainstem of McElmo Creek from the source to the Colorado/Utah border, except for the specific listings in Segment 7b. Mainstem of Yellow Jacket Creek, including all tributaries and wetlands, from the source to the confluence with McElmo Creek.		Aq Life Warm 1 Recreation E Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₅ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=2200(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modifications: NH ₅ (ac)=old TVS, NH ₅ (ch)=0.06(type A) Expiration date of 6/30/2016.
8c. Unnamed tributary to Ritter Draw (confluence at 37.40216,-108.54582).	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-III) °C D.O. = 5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₅ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=1000(Trec) Mn(ac/ch)=TVS Pb(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modification: NH ₅ =current conditions Type A Expiration date 6/30/2016.

34.43 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on 2 segments were reviewed.

Extension: The Commission extended the expiration date of ammonia temporary modifications on the following segments.

La Plata, etc. segments 7a and 8c

Temporary modifications of the ammonia standards for these segments, due to expire on 6/30/2015, were extended to 6/30/2016. The Division is working with small domestic dischargers on these segments to explore the possibility of proposing discharger specific variances. Progress continues to be made to improve water treatment for these segments.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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**State of Colorado
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Office of the Attorney General

Tracking number: 2014-00790

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)**

on 01/12/2015

5 CCR 1002-34

**REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR SAN JUAN AND
DOLORES RIVER BASINS**

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:11:37

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-35

Rule title

5 CCR 1002-35 REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR GUNNISON AND LOWER DOLORES RIVER BASINS 1 - eff
06/30/2015

Effective date

06/30/2015

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: UPPER GUNNISON RIVER BASIN			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
12. Mainstem of Coal Creek, including all tributaries and wetlands from a point immediately below the Crested Butte Water Supply intake which is above the confluence with the Mount Emmons/Red Lady Basin drainage to the confluence with the Slate River, with the exception of Wildcat Creek.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-I) °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)= 0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=191(dis) Hg(ch)=0.01(tot) Mo(ch)=160(Trec) Ni(ac/ch)=TVS Se(ac/ch)=TVS	Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary Modifications: Type B Cd(ch)= 2.1 Cu(ch)=current conditions Zn(ch)= 440 Expiration date June 30, 2016 As(ch)=hybrid Expiration date of 12/31/21
20. Mainstem of Indian Creek, including all tributaries, from the source to the confluence with Marshall Creek.		Aq Life Cold 1 Recreation E Agriculture	T=TVS(CS-I) °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) U(ac)= lowest practical level U(ch)= lowest practical level Zn(ac/ch)=TVS	Temporary Modification at sampling site SW-33 (38.399519, -106.308190 WGS84) Type B June-July U(ac)=1515(tot) U(ch)=1349(tot) Aug-May U(ac)=1144(tot) U(ch)=1080(tot) Expiration date June 30, 2015
REGION: 10	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: SAN MIGUEL RIVER			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
3b. Mainstem of the San Miguel River from a point immediately above the confluence of Marshall Creek to a point immediately above the confluence of the South Fork San Miguel River.		Aq Life Cold 1 Recreation E Water Supply Agriculture	April-May T _(DM) =14.0 °C T _(MWAT) =9.0 °C June-Sept T _(DM) =21.7 °C T _(MWAT) =17.0 °C Oct T _(DM) =13.9 °C T _(MWAT) =9.0 °C Nov-March T _(DM) =13.0 °C T _(MWAT) =9.0 °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)= 0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(tot) Mo(ch)=160(Trec) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ch)=190	Temporary Modifications: As(ch)=hybrid Expiration date of 12/31/21.

REGION: 10 BASIN: UNCOMPAHGRE RIVER	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
3b. Mainstem of the Uncompahgre River from a point immediately above the confluence with Cascade Creek to a point immediately above the confluence with Dexter Creek.		Aq Life Cold 1 Recreation E Water Supply Agriculture	June-Oct 15 T _(DM) =21.7 °C T _(MWAT) =17.0 °C Oct 16-May T _(DM) =13.0 °C T _(MWAT) =9.0 °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=.005	S=0.002 B=0.75 NO ₃ =0.05 NO ₂ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)= 0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=WS(dis) Fe(ch)= 4067(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary Modifications: As(ch)=hybrid Expiration date of 12/31/21.

35.40 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on 2 segments were reviewed.

No Action: The Commission took no action on the temporary modifications for the following segments.

Upper Gunnison River segment 12, metals standards (type B): The Commission took no action on the existing Type B Temporary Modifications for cadmium, copper, and zinc, which were adopted for Upper Gunnison River Basin Segment 12 during the December 10, 2012 Rulemaking. These temporary modifications are scheduled to expire on June 30, 2016. U.S. Energy presented evidence that sufficient progress is being made on implementation of the Study Plan to Evaluate Metals Loading in the Coal Creek Watershed in the Vicinity of the Keystone Mine (the "Study Plan"). The Study Plan, as approved by the Commission, is intended to identify and quantify sources of cadmium, copper, and zinc that may be affecting water quality in Segment 12, including groundwater downgradient of the flooded Keystone Mine workings. U.S. Energy also informed the Commission of certain modifications to the sampling approach set forth in the Study Plan. Changes include: (1) adding three sampling locations to better capture additional loading sources that had not been identified at the time the Study Plan was prepared; (2) discontinuing sampling at five locations where access is restricted or prior sampling showed that metals loading is not significant; (3) eliminating one of the two low flow annual sampling events at several sampling locations, because results from the two events in September and November 2013 were similar at many locations; and (4) revising the approach for monitoring groundwater quality within and downgradient of the historic Keystone Mine flooded mine workings. The Commission does not believe these modifications will materially affect U.S. Energy's ability to assess the extent to which existing water quality in Segment 12 is the result of natural or irreversible human-induced conditions or to collect the information needed to support adoption of site-specific water quality standards. These temporary modifications will be reviewed again at the annual temporary modification hearing in December 2015.

Upper Gunnison River segment 20, acute and chronic uranium standards (type B): Homestake Mining Company is currently conducting reclamation of the Pitch Uranium Mine in Saguache County and evidence was presented indicating progress is being made toward resolving uncertainty regarding the underlying standard in Upper Gunnison River segment 20. The Commission made no change to the expiration date of 6/30/2015 because the original time allotment was deemed adequate.

New Temporary Modifications: To remain consistent with the Commission's decisions regarding arsenic at 35.36, arsenic temporary modifications were added to the following two segments, which had an existing chronic arsenic standard of 0.02 ug/l and a permitted discharger with a predicted water quality-based effluent limit compliance problem:

San Miguel segment 3a
Uncompahgre segment 3b

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00791

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)

on 01/12/2015

5 CCR 1002-35

REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR GUNNISON AND
LOWER DOLORES RIVER BASINS

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:11:56

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-36

Rule title

5 CCR 1002-36 REGULATION NO. 36 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR RIO GRANDE BASIN 1 - eff 06/30/2015

Effective date

06/30/2015

36.36 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on one segment were reviewed.

No Action: The Commission took no action on the temporary modifications of the metals (Type B) standards on Rio Grande segment 4a. Rio Grande Silver provided evidence that it is making progress on resolving uncertainty regarding the underlying chronic cadmium, lead and zinc standards on the mainstem of the Rio Grande below the confluence with Willow Creeek. The Commission made no change to the expiration date of 12/31/2016 as the original time allotment was deemed adequate.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

John W. Suthers

Attorney General

Cynthia H. Coffman

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Solicitor General



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Phone 720-508-6000

**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-00792

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)**

on 01/12/2015

5 CCR 1002-36

**REGULATION NO. 36 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE
BASIN**

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:12:15

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-37

Rule title

5 CCR 1002-37 REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR LOWER COLORADO RIVER BASIN 1 - eff 06/30/2015

Effective date

06/30/2015

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 11	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: Lower Colorado River			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.	UP	Aq Life Cold 2 Recreation N Agriculture	T=TVS(CS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =100 P=110 ug/l ^c	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modifications: Cu(ac/ch)= current conditions Expiration 6/30/2017 Fe(ch)= current conditions Expiration 12/31/2017

37.34 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modification of a standard on one segment was reviewed.

Lower Colorado segment 4e, extend the temporary modification of the iron standard: The Commission reviewed the plan to resolve uncertainty about the iron standards for Dry Creek (Lower Colorado River Segment 4e) submitted by Tri-State Generation and Transmission Association, Inc. The Commission approved Tri-State's implementation plan as modified in the hearing and extended the temporary modification to December 31, 2017. Progress on the plan will be reviewed by the Commission in December 2015.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority
4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00793

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)

on 01/12/2015

5 CCR 1002-37

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER
COLORADO RIVER BASIN

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:12:34

A handwritten signature in black ink, appearing to read "JWS", is written over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-38

Rule title

5 CCR 1002-38 REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC
STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN
RIVER BASIN SMOKY HILL RIVER BASIN 1 - eff 06/30/2015

Effective date

06/30/2015

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: UPPER SOUTH PLATTE RIVER			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
Stream Segment Description				mg/l		µg/l			
3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-I) °C D.O.= 5.0 mg/l pH = 6.5-9.0 E. Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis)	Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: NH ₃ (ac/ch) = current condition below the Florissant Wastewater Treatment Facility outfall. Expiration date of 12/31/2017. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C D.O.= 5.0 mg/l pH = 6.5-9.0 E. Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis)	Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Cu (ac/ch) = current condition on East Plum Creek and Plum Creek below the Plum Creek Wastewater Authority Discharge. (Type iii). Expiration date of 12/31/2018. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
14. Mainstem of the South Platte River from the outlet of Chatfield Reservoir to the Burlington Ditch diversion in Denver, Colorado.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C summer=14 Feb- Nov D.O.=5.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS Fe(ch)=WS(dis)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=190(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Cu(ac/ch)=TVSx2.7 (Type iii). Applies below the confluence with Marcy Gulch. Expiration date of 12/31/2015. T=current conditions (Type iii). Expiration date of 12/31/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
15. Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado, to a point immediately below the confluence with Big Dry Creek.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C D.O.* pH = 6.5-9.0** E. Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =1.0 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS Fe(ch)=WS(dis)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=400(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	*See attached table for site-specific Dissolved Oxygen and Ammonia standards. **pH=6.0-9.0 from 64 th Ave. downstream 2 miles. Temporary modifications: NH ₃ (ac)=TVS(old); NH ₃ (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2014. Cu(ac/ch)=TVSx2.3 (Type iii). Expiration date of 12/31/2015. T=current conditions (Type iii). Expiration date of 12/31/2015.
16g. Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac)=21 Se(ch)=13 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Cu (ac/ch) = TVSx2.4 below the Centennial Wastewater Treatment Facility outfall. (Type iii). Expiration date of 12/31/2015. T=current conditions (Type iii). Expiration date of 12/31/2015. Selenium: see assessment locations at 38.6(4)(g).
16i. Mainstem of Sand Creek from the confluence with		Aq Life Warm 2	T=TVS(WS-II) °C	NH ₃ (ac/ch)=TVS	S=0.002	As(ac)=340	Fe(ch)=1000(Trec)	Upper:*	* See section 38.6(4)(f) for

Toll Gate Creek to the confluence with the South Platte River.		Recreation E Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	B=0.75 NO ₂ =0.5 NO ₃ =100	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ch)=38.2 Se(ac)=45.1 Lower:* Se(ch)=9.0 Se(ac)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	selenium assessment locations Temporary Modifications: Cu (ac/ch) = TVSx2.6 below the Sand Creek Water Reuse Facility outfall. (Type iii). Expiration date of 12/31/2015. Hg(ch)=current condition, Expiration date of 6/30/2017
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REGION: 3 AND 4 BASIN: BEAR CREEK	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS µg/l			
Stream Segment Description									
1c. Bear Creek Reservoir.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CLL) °C April-Dec T _(WAT) =23.3°C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml Mean chlorophyll = 10 µg/l and mean total phosphorus = 32 µg/l measured through collection of samples that are representative of the mixed layer during summer months (July, August, September) and with an exceedance frequency of once in five years.	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Chlorophyll and total phosphorus equal to existing conditions (Type iii). Expiration date of 12/31/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

REGION: 3 AND 4	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: CLEAR CREEK			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
Stream Segment Description				mg/l			µg/l		
2a. Mainstem of Clear Creek, including all tributaries and wetlands, from the I-70 bridge above Silver Plume to a point just above the confluence with West Fork Clear Creek,except for specific listings in Segments 3a and 3b.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 SO ₄ =WS Cl=250	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch) = TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Zn(ac)= 0.978e ^{(0.8537[ln(hardness)]+1.9467)} Zn(ch)= 0.986e ^{(0.8537[ln(hardness)]+1.8032)}	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr)	Temporary modifications: Zn(ch)=353 µg/l (dis), Zn(ac)=586 µg/l (dis), (Type i) Expiration date of 7/01/2020 Cd(ch)=1.54(dis) (type iii) Expiration date of 7/01/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
2c. Mainstem of Clear Creek, including all tributaries and wetlands, from a point just below the confluence with Mill Creek to a point just above the Argo Tunnel discharge, except for specific listings in Segments 9a, 9b, and 10.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C D.O.=6.0 mg/l D.O. (sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 SO ₄ =WS Cl=250	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS (tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch) = TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Zn(ac)= 0.978e ^{(0.8537[ln(hardness)]+1.9467)} Zn(ch)= 0.986e ^{(0.8537[ln(hardness)]+1.8032)}	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr)	Temporary modifications: Cu(ch)=11.4 µg/l (dis), (Type iii) Expiration date of 7/01/2020. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
9a. Mainstem of the Fall River, including all tributaries and wetlands, from the source to the confluence with Clear Creek.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Cu(ch)=9.6 µg/l (dis), (type iii) Expiration date of 7/01/2015.
11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.	UP	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ch)=17	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Zn(ac)= 0.978e ^{(0.8537[ln(hardness)]+1.9467)} Zn(ch)= 0.986e ^{(0.8537[ln(hardness)]+1.8032)}	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr)	Temporary modification: Cd(ch)=1.42 µg/l (dis), (type iii) Expiration date of 7/01/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21
14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.	UP	Aq Life Warm 2 Recreation N Water Supply Agriculture	T=TVS (WS-II)°C D.O.= 5.0 mg/l pH = 6.5-9.0 E.Coli=630/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac)=TVS Mn(ch)=244 Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx1.57*	Temporary modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (type iii) Expiration date of 12/31/2015.
14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS (WS-II)°C D.O.= 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac)=TVS Mn(ch)=244 Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx1.57*	Temporary modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (type iii) Expiration date of 12/31/2015.

REGION: 3 AND 4		DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: CLEAR CREEK				PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
Stream Segment Description					mg/l		µg/l			
15.	Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II)°C D.O.=5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx1.57*	Aquatic life warm 1 goal qualifier. Temporary Modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (Type iii) Expiration date of 12/31/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

REGION: 3 AND 4	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: BOULDER CREEK			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
Stream Segment Description				mg/l		µg/l			
8. All tributaries to South Boulder Creek, including all wetlands from South Boulder Road to the confluence with Boulder Creek and all tributaries to Coal Creek, including all wetlands from Highway 93 to the confluence with Boulder Creek.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100 Cl=250 SO ₄ =250	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=12.2 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
9. Mainstem of Boulder Creek from a point immediately above the confluence with South Boulder Creek to the confluence with Coal Creek.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS Fe(ch)=WS(dis)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Cu (ac/ch)=Current Condition. (Type iii). Expiration date of 12/31/2015. Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

REGION: 3 AND 4 BASIN: ST. VRAIN CREEK	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
	Stream Segment Description			mg/l		µg/l			
2b. Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the eastern boundary of Roosevelt National Forest to Hygiene Road.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-II) °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Cu(ch)=6.0 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
6. All tributaries to St. Vrain Creek, including wetlands from Hygiene Road to the confluence with the South Platte River, except for specific listings in the Boulder Creek subbasin and in Segments 4a, 4b, 4c and 5.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=100 Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=6.6µg/l (dis). (Type iii). Expiration date of 12/31/2015.

REGION: 3 AND 4	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: MIDDLE SOUTH PLATTE RIVER			PHYSICAL and BIOLOGICAL	INORGANIC	METALS				
Stream Segment Description				mg/l	µg/l				
1a. Mainstem of the South Platte River from a point immediately below the confluence with Big Dry Creek to the confluence with St. Vrain Creek.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.* pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVSx2.2	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	*See attached table for site-specific Dissolved Oxygen and Ammonia standards. Temporary modifications: Se(ch)=6.9 µg/l (dis). (Type iii). Expiration date of 12/31/2015. NH ₃ (ac)=TVS(old) NH ₃ (ch)=0.10 (Type i). Expiration date of 12/31/2014.
4. Barr Lake and Milton Reservoir.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WL) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Standards Temporary modification: pH= existing quality (Type iii). Expiration date of 12/31/2015.

REGION: 3 AND 4	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: BIG THOMPSON RIVER			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
Stream Segment Description				mg/l		µg/l			
2. Mainstem of the Big Thompson River, including all tributaries and wetlands from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion, except for the specific listing in Segment 7; mainstem of Black Canyon Creek and Glacier Creek below Estes Park water treatment plant.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-II) °C D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.05 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS*	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	*Cu(ac)=11µg/l Cu(ch)=7.5 µg/l from immediately above the Upper Thompson Sanitation District's wastewater treatment plant outfall to the Home Supply Canal Diversion. Temporary modifications: D.O., <i>E. coli</i> , NH ₃ , NO ₃ , B, Cd, Pb, Hg, Ni, Se, Ag, Zn = current condition. Wapiti Meadow wetlands at the toe of Lake Estes Dam (Type iii). Expiration date of 12/31/2015. As(ch)=hybrid Expiration date of 12/31/21.
4b. Mainstem of the Big Thompson from the Greeley-Loveland Canal diversion to County Road 11H.		Aq Life Warm 2 Agriculture 5/1 – 10/15 Recreation E 10/16 – 4/30 Recreation N	T=TVS(WS-I) °C D.O. = 5.0 mg/l pH = 6.5-9.0 5/1 – 10/15 E.Coli=126/100ml 10/16 – 4/30 E.Coli=630/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)-TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Standards Temporary modification: Se(ch)=5.5µg/l (dis). (type iii) Expiration date of 12/31/2015.
5. Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.		Aq Life Warm 2 Agriculture 5/1 – 10/15 Recreation P 10/16 – 4/30 Recreation N	T=TVS(WS-I) °C D.O. = 5.0 mg/l pH = 6.5-9.0 5/1 – 10/15 E.Coli=205/100ml 10/16 – 4/30 E.Coli=630/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=5.7 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
9. Mainstem of the Little Thompson River from the Culver Ditch diversion to the confluence with the Big Thompson River.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=13.1 µg/l (dis). (Type iii). Expiration date of 12/31/2015.

REGION: 3 AND 4		DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: CACHE LA POUFRE RIVER				PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS µg/l			
Stream Segment Description										
11.	Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to a point immediately above the confluence with Boxelder Creek.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =2.7 NO ₃ =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Nitrite as a 30 day average. Fish Ingestion Standards Temporary Modifications: Se(ch)=5.4 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
12.	Mainstem of the Cache La Poudre River from a point immediately above the confluence with Boxelder Creek to the confluence with the South Platte River.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =2.7 NO ₃ =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Nitrite as a 30 day average. Fish Ingestion Standards Temporary modifications: Se(ch)=7.1 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
13b.	Mainstem of Boxelder Creek from its source to the confluence with the Cache La Poudre River.		Aq Life Warm 2 5/15-9/15 Recreation P 9/16-5/14 Recreation N Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 5/15-9/15 E.Coli=205/100ml 9/16-5/14 E.Coli=630/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=13.0 µg/l (dis). (Type iii). Expiration date of 12/31/2015.

REGION: 3 AND 4 BASIN: LOWER SOUTH PLATTE RIVER	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC		METALS				
	Stream Segment Description			mg/l		µg/l				
1. Mainstem of the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border.		Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH ₃ (ac/ch)=TVS Cl ₂ (ac)=0.019 Cl ₂ (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO ₂ =0.5 NO ₃ =10 Cl=250 SO ₄ =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification Se(ch)=12.3 µg/l (dis). (Type iii). Expiration date of 12/31/2015.	

38.89 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 8, 2014 RULEMAKING; FINAL ACTION JANUARY 12, 2015; EFFECTIVE DATE JUNE 30, 2015

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications scheduled to expire before December 31, 2016, to determine whether the temporary modification should be modified, eliminated or extended.

No action: The Commission took no action on the temporary modifications on the following segments. Unless otherwise noted, these temporary modifications will expire 12/31/2015. The basin-wide review hearing is scheduled for June 2015 and it is anticipated that any remaining issues will be resolved in that hearing process.

Upper South Platte River segment 10a, copper
Upper South Platte River segment 14, copper, temperature
Upper South Platte River segment 15, ammonia, copper, temperature
Upper South Platte River segment 16g, copper, temperature
Upper South Platte River segment 16i, copper

Bear Creek Basin segment 1c, chlorophyll, total phosphorus

Clear Creek Basin segment 2a, zinc, copper (expiration date of 7/01/2015)
Clear Creek Basin segment 2c, copper (expiration date of 7/01/2015)
Clear Creek Basin segment 9a, copper (expiration date of 7/01/2015)
Clear Creek Basin segment 11, copper (expiration date of 7/01/2015)
Clear Creek Basin segment 14a, copper, temperature
Clear Creek Basin segment 14b, copper, temperature
Clear Creek Basin segment 15, copper, temperature

Boulder Creek Basin segment 8, selenium (expiration date of 7/01/2015)
Boulder Creek Basin segment 9, Copper (expiration date of 7/01/2015)

St.Vrain Creek Basin segment 2b, copper
St.Vrain Creek Basin segment 6, selenium

Middle South Platte Basin segment 1a, selenium, ammonia
Middle South Platte Basin segment 4, Barr Lake and Milton Reservoirs, pH

Big Thompson River Basin segment 2, DO, E.coli, ammonia, nitrate, boron, cadmium, copper
lead, mercury, nickel, selenium, silver, and zinc
Big Thompson River Basin segment 4b, selenium
Big Thompson River Basin segment 5, selenium
Big Thompson River Basin segment 9, selenium

Cache La Poudre River segment 11, selenium
Cache La Poudre River segment 12, selenium
Cache La Poudre River segment 13b, selenium

Lower South Platte River Basin segment 1, selenium

Extension of Temporary Modification: Site-specific copper standards for Upper South Platte segment 10a based on the Biotic Ligand Model were proposed by Plum Creek Water Reclamation Authority (PCWRA). During the course of the hearing process and discussion with the Division, EPA and other parties, PCWRA modified its proposal. The Commission adopted PCWRA's modified proposal to extend the temporary modification to 12/31/2018 and change the statement of the temporary modification to "current condition". The Commission expects that PCWRA will participate in discussions in 2015 with the WQCD and other stakeholders about the FMB application of the BLM.

The Commission extended until July 1, 2020, the temporary modifications for Clear Creek Segment 2a zinc and for Segment 2c copper. The Commission found that: these segments are not currently meeting the respective standards; the Georgetown Wastewater Treatment Facility anticipates problems meeting the zinc standard; the Central Clear Creek Sanitation District Wastewater Treatment Facility anticipates problems meeting the copper standard, and; there are additional ongoing and future remedial activities for metals that could significantly contribute to achieving either or both of these standards. The extent of remedial activities by EPA and CDPHE under CERCLA and by other stakeholders is a key consideration in resolving the uncertainty as to appropriate water quality standards. The extension until July 1, 2020 is intended to allow review of these temporary modifications after the next (2019) CERCLA Five-Year Review is completed.

New Temporary Modification: The Commission adopted a new temporary modification of the ammonia standard in a portion of Upper South Platte segment 3, below the Florissant Water and Sanitation District wastewater treatment facility. Evidence was presented that the discharger has a compliance problem and there is significant uncertainty regarding whether there are feasible treatment options. This temporary modification will expire on December 31, 2017 and will be reviewed in the December 2015 annual review.

New Site-Specific Standards: The Commission adopted site-specific copper standards based on an investigation of the copper bioavailability of Segment 2 below the Upper Thompson Sanitation District's wastewater treatment plant outfall location that employed the Biotic Ligand Model (BLM) and the Fixed Monitoring Benchmark (FMB) methodologies. The original proposal introduced by UTSD was withdrawn and replaced with a compromise proposal offered by the Division. The compromise addressed some of the Division's technical concerns while UTSD avoided the added cost of preparing for another hearing and greatly reduced uncertainty about facility planning.

Based on a review of actual water chemistry and comparison of BLM results at several stations, the Commission elected to base its decision on analysis of data from Station M50, which is immediately downstream of the WWTP discharge. Stations further downstream showed less sensitivity to copper (higher FMB values), so basing the standard on Station M50 protects the downstream uses.

The data record at Station M50 included 115 sampling events from 2004 through 2014. Copper data did not meet the distributional assumption (lognormal) implicit in the BLM, but some additional processing ("trimming") yielded defensible values.

The BLM/FMB analysis resulted in acute and chronic water quality criteria for copper of 11µg/L and 7.5 µg/L, respectively, for the portion of segment 2 below the wastewater treatment plant. The Commission anticipates that these standards will be reviewed as a part of the basin hearing in June 2015, and the values may be modified based on additional technical guidance for analysis and interpretation of data supporting use of the BLM.

PARTIES TO THE RULEMAKING HEARING

1. Pioneer Natural Resources USA, Inc. and XTO Energy, Inc.
2. U.S. Energy Corp.
3. Plum Creek Water Reclamation Authority

4. Upper Clear Creek Watershed Association
5. Upper Thompson Sanitation District
6. Colorado Parks and Wildlife
7. U.S. Environmental Protection Agency
8. High Country Conservation Advocates
9. Metro Wastewater Reclamation District
10. Climax Molybdenum Company
11. Rio Grande Silver, Inc.
12. City of Pueblo
13. Tri-State Generation and Transmission, Inc.
14. Centennial Water and Sanitation District
15. Xcel Energy
16. MillerCoors
17. Seneca Coal Company
18. Peabody-Sage Creek Mining, LLC
19. City of Boulder

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00794

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission (1002 Series)

on 01/12/2015

5 CCR 1002-38

**REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER
BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN**

The above-referenced rules were submitted to this office on 01/13/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:12:53

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Labor and Employment

Agency

Division of Oil and Public Safety

CCR number

7 CCR 1101-9

Rule title

7 CCR 1101-9 EXPLOSIVES REGULATIONS 1 - eff 03/10/2015

Effective date

03/10/2015

**COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT**

DIVISION OF OIL AND PUBLIC SAFETY

EXPLOSIVES REGULATIONS

7 C.C.R. 1101-9

Effective: March 10, 2015



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ARTICLE 1 GENERAL PROVISIONS

Section 1-1 Basis and Purpose

These regulations are promulgated to establish rules for the use, manufacture, possession, sale, storage, transport, or disposal of explosives materials or blasting agents in the interest of the life, health, and safety of employees and the general public, as well as the protection of property.

To this end, a procedure for the granting of explosives permits is contained herein whereby the opportunity to use, manufacture, possess, sell, store, transport, or dispose of explosives materials is restricted to such permittees and conditioned upon satisfactory continued compliance with these rules and regulations. Failure to comply with these rules and regulations subjects the permittee to suspension, denial, or revocation of the permit.

Adoption of these rules and regulations is intended to greatly clarify the Division of Oil and Public Safety requirements pertaining to the use of explosive materials, to ease the burden on the permittee where interpretation has been necessary, and to better incorporate the numerous requirements from other governmental agencies. These rules and regulations provide for uniformity of compliance and elimination of numerous areas of confusion and duplication in an effort to better serve and protect the public.

Section 1-2 Statutory Authority

The amendments to these regulations are created pursuant to Section 9-7-105, C.R.S. (2004) of the Colorado Revised Statutes. All prior rules for explosive materials are hereby repealed.

Section 1-3 Effective Date

These amended regulations shall be effective on March 10, 2015. The previous version of these regulations was effective January 1, 2009.

Section 1-4 Scope

These rules and regulations shall apply to the use, manufacture, purchase, possession, sale, storage, transportation, and disposal of explosive materials in the State of Colorado by any individual, corporation, company, firm, partnership, association, or state or local government agency.

These rules and regulations shall not apply to:

- (A) The shipment, transportation, and handling of military explosives by the Armed Forces of the United States or the State Militia.
- (B) The normal and emergency operations of any government law enforcement agency including all departments, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties and functions.
- (C) Explosives in the forms prescribed by the official United States Pharmacopoeia or the National Formulary and used in medicines and medicinal agents.
- (D) Explosive materials while in the course of transportation by for-hire commercial carriers via railroad, water, highway, or air when the explosive materials are moving under the jurisdiction of, and in conformity with, regulations adopted by any Federal Department or Agency.
- (E) The components for hand loading rifle, pistol, and shotgun ammunition and/or rifle, pistol, and shotgun ammunition.

- (F) The manufacture, sale and use (public display) of pyrotechnics commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes.
- (G) Gasoline, fertilizers, installed propellant/powder-actuated safety devices or propellant/powder-actuated power tools.
- (H) The use and storage of model rocket motors containing a propellant weight of 62.5 grams or less and which produce less than 17.92 pound seconds of total impulse.

No permit shall be required for the occasional purchase of explosives by a person for normal agricultural purposes where such person is known by the seller of such explosives, and a record is kept of such transactions by the seller, including the specific purpose for which such explosives will be used, the location of the purposed use, the signature of the purchaser, and the certification of the seller as to his personal knowledge of the purchaser. Violation of this record requirement shall cause the seller's permit to be canceled. A permit is required for any manufacturing, storage, dealing, or non-agricultural use of explosives as outlined in Article 3 of this regulation.

No person, firm, partnership, or corporation whose possession of explosive materials is for the purpose of underground mining, surface or underground metal mining, or surface or underground coal mining and whose use and storage is subject to regulation by the provisions of 30 Code of Federal Regulations (CFR) - Parts 56, 57, 75 or 77 shall be subject to the provisions of the Explosives Act, Sections 9-7-101, et seq., Colorado Revised Statutes (C.R.S.).

No person, firm, partnership, or corporation whose possession, use, or storage of explosive materials is subject to regulation by the provisions of Colorado Mining Law, Sections 34-21-104 and 34-21-110, C.R.S. shall be subject to the provisions of the Explosives Act, Sections 9-7-101, et seq., C.R.S.

A permit issued by the Division of Oil and Public Safety shall be required for the possession, use, or storage of explosives in mining operations whose use and storage is not subject to the provisions of 30 CFR - Parts 56, 57, 75 or 77 or Colorado Mining Law, Sections 34-21-104 and 34-21-110, C.R.S.

Except as noted in the foregoing, the Division of Oil and Public Safety may approve or disapprove the location for, and limit the quantity of, explosives or blasting agents which may be loaded, unloaded, reloaded, stored, or temporarily retained at any facility within the State of Colorado.

The Division of Oil and Public Safety may issue an explosive permit for continued use for a period of time not to exceed 36 months.

Section 1-5 Definitions

The following publications and codes are hereby incorporated by this reference:

- Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice, Publication ATF P 5400.7, ATF- Explosives Law and Regulations (2012)
- Title 49 CFR - Parts 100-177 (inclusive) Parts 390-397 U.S. Department of Transportation (Revised September 27, 2012)
- National Electric Code, 2011 Edition, National Fire Protection Association
- Institute of Makers of Explosives Safety Library Publication No. 22 (February 2007)
- Institute Of Makers Of Explosives Safety Library Publication No. 20 (December 2011)
- The Avalanche Artillery Users of North America Committee (AAUNAC) Training Standard (Revised May 16, 2012)

These rules incorporate the editions and revisions specified. Subsequent editions and revisions have not been incorporated by this reference. The publications incorporated by this reference may be examined and a copy of them may be obtained upon request and payment of the cost of reproduction during regular business hours from the Colorado Department of Labor and Employment, Division of Oil and Public Safety, 633 17th Street, Suite 500, Denver, CO 80202, and may also be inspected at the state depository libraries.

The following words when used in these rules and regulations shall mean:

ACTIVE STATUS: The status of a valid Type I permit when the permittee is authorized to possess and control explosives by a Type II permittee.

AIR OVERPRESSURE, OVERPRESSURE: The airborne shock wave or acoustic transient generated by an explosive.

AMERICAN TABLE OF DISTANCES: A quantity-distance table prepared and approved by the Institute of the Makers of Explosives, for the storage of explosive materials to determine the safe distances from inhabited buildings, public highways, passenger railways, and other stored explosive materials. See Section 4.6 of these regulations.

AMMONIUM NITRATE: The ammonium salt of nitric acid represented by the formula NH_4NO_3 .

APPROVED STORAGE FACILITY (APPROVED MAGAZINE): A facility for the storage of explosives materials conforming to the requirements of these rules and regulations.

ATTEND(ED): The physical presence of an authorized person within the field of vision of explosives or the use of explosives.

AUTHORIZED, APPROVED, OR APPROVAL: Terms which mean approved, approval, or authorized by the Division.

AUTHORIZED PERSON: A person approved or assigned by the management to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

ARMED CHARGE: An explosive cartridge that contains a detonator.

ARTIFICIAL BARRICADE: An artificial mound, berm, or wall of earth of a minimum thickness of 3 feet, or any other approved barricade that offers equivalent protection.

AVALAUNCHER: A compressed gas explosives delivery system designed for avalanche hazard mitigation.

BARRICADED: The effective screening of a building or magazine containing explosive materials from another magazine or building, railway, or highway by a natural or artificial barrier. A straight line from the top of any sidewall of the building or magazine containing explosives materials to the eave line of any magazine or building or to a point 12 feet above the center of a railway or highway shall pass through the barrier.

BINARY (TWO-COMPONENT) EXPLOSIVE: A blasting explosive formed by the mixing or combining of 2 phosphoric materials, (e.g., ammonium nitrate and nitromethane).

BLACK POWDER: A deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal and an alkali nitrate (usually potassium or sodium nitrate).

BLAST AREA: Area of the blast within the influence of flying rock missiles, gases, vibration, and concussion.

BLASTER: A Type I permitted individual who is permitted by the Division to possess and control the use of explosives.

BLASTER IN CHARGE: A Type I permittee who is in charge of and responsible for the loading or preparing of the explosives charges, and either physically initiates the charge or is physically present when the charge is initiated at a specific job site. This individual is in charge of the planning of the blast at a specific job site, the supervision of all persons assisting on the blast and all persons in training, and is responsible for the inventory, inventory records, and blast records for the blast.

BLASTING AGENT: An explosive material which meets prescribed criteria for insensitivity to initiation.

For storage, Title 27, CFR, Section 55.11, defines a blasting agent as any material or mixture consisting of fuel and oxidizer intended for blasting, not otherwise defined as an explosive provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 Blasting Cap when unconfined (Bureau of Alcohol, Tobacco, Firearms, and Explosives Regulation).

For transportation, Title 49 CFR defines a blasting agent as a material designed for blasting which has been tested and found to be so insensitive that there is very little probability of accidental initiation to explosion or transition from deflagration to detonation (US Department of Transportation Regulation).

BLASTING MAT: A mat of woven steel, wire, rope, scrap tires, or other suitable material or construction to cover blast holes for the purpose of preventing flying rock missiles.

BLAST PATTERN, DRILL PATTERN: The plan of the drill holes laid out for blasting; an expression of the burden distance and their relationship to each other.

BLAST SITE: Area where explosive material is handled during blasting operations, including the perimeter of blast holes and a distance of 50 feet in all directions from explosive charges, loaded boreholes or boreholes to be loaded.

BOOSTER: An explosive charge, usually of high detonation velocity and detonation pressure, designed to be used in the initiation sequence between an initiator or primer and the main charge.

BOREHOLE, BLAST HOLE, DRILL HOLE: A hole drilled in the material to be blasted, for the purpose of containing an explosive charge.

BULK MIX: A mass of explosive material prepared for use in bulk form without packaging.

BULK MIX DELIVERY EQUIPMENT: Equipment (usually a motor vehicle with or without a mechanical delivery device) which transports explosive material in bulk form for mixing and/or loading directly into blast holes.

BULLET-RESISTANT: Magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2,700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door.

When a magazine ceiling or roof is required to be bullet-resistant, the ceiling or roof shall be constructed of materials comparable to the side walls or of other materials which will withstand penetration of the bullet described above when fired at an angle of 45 degrees from perpendicular.

Tests to determine bullet resistance shall be conducted on test panels or empty magazines which shall resist penetration of 5 out of 5 shots placed independently of each other in an area of at

least 3 feet by 3 feet. Examples of construction that meet this definition are given in Article 4 as alternate construction standards for Type 1 and Type 2 magazines.

BULLET-SENSITIVE EXPLOSIVE MATERIAL: Explosive material that can be detonated by 150 grain M2 ball ammunition having a nominal muzzle velocity of 2,700 feet per second when the bullet is fired from a .30 caliber rifle at a distance of not more than 100 feet and the test material, at a temperature of 70-75 degrees Fahrenheit, is placed against a backing material of 2 inch steel plate.

BURDEN: The distance from the borehole and the nearest free face, or the distance between boreholes measured perpendicular to the spacing. Also, the total amount to be blasted by a given hole, which is usually measured in cubic yards or tons.

BUS WIRE: Expendable heavy gauge bare copper wire used to connect detonators or series of detonators in parallel.

CHARGE-PER-DELAY: Any charges firing within any 8-millisecond time period are considered to have a cumulative effect on vibration and air over-pressure effects. Therefore, the maximum charge-per-delay (w) is the maximum weight of all charges firing within any 8-millisecond time period from the time a blast starts until the time it ends. For example, if two 10-lb charges fire at 100 ms and one 15-lb charge fires at 105 ms, the maximum charge-per-delay (w) for this time period would be 35 lbs.

COLLAR: The mouth or opening of a borehole.

CONNECTING WIRE: Wire used to extend the firing line or leg wires in the electric blasting circuit.

CONTROL: To directly exercise authority or dominating influence over the use, manufacture, acquisition, purchase, sale, distribution, storage, transportation, or disposal of explosive materials.

CORNICE: An overhanging mass of windblown snow or ice, usually located near a sharp terrain break.

DAY BOX: A portable magazine for the temporary and attended storage of explosives. Day boxes shall meet construction requirements of a Type 3 magazine.

DEALER: Any person engaged in the business of distributing explosive material at wholesale or retail.

DECK: An explosive charge that is separated from other charges in the blast hole by stemming or an air cushion.

DETONATING CORD: A flexible cord containing a center core of high explosives which may be used to initiate other high explosives.

DETONATOR: Any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, electronic detonators, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires.

DIVISION: The Director of the Division of Oil and Public Safety of the Department of Labor and Employment or any designees thereof which may include certain employees of the Division of Oil and Public Safety or other persons.

DOWN LINE: A line of detonating cord or plastic tubing in a blast hole which transmits detonation from the trunkline or surface delay system down the hole to the primer.

ELECTRIC DETONATOR: A detonator designed for and capable of initiation by means of an electric current.

ELECTRONIC DETONATORS: A detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module and that provides initiation energy for firing the base charge.

EMULSION: An explosive material containing substantial amounts of oxidizers dissolved in water droplets surrounded by an immiscible fuel, or droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

EXPLOSIVE: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

EXPLOSIVE MATERIALS: These include explosives, blasting agents, and detonators. The term includes but is not limited to dynamite and other high explosives; slurries, emulsions, and water gels, black powder, initiating explosives, propellant rockbreaking cartridges (such as Rockrackers™), detonators (blasting caps), safety fuses, squibs, detonating cord, igniter cord, and igniters. Binary explosives (such as Kinepak™ or Execon™), sold in two or more components, are considered an explosive material requiring a Division explosives permit.

EXPLOSIVE OILS: Liquid explosive sensitizers for explosive materials (.e.g., nitroglycerin, ethylene glycol dinitrate and metriol trinitrate).

EXTRANEIOUS ELECTRICITY: Electrical energy, other than actual firing current or the test current from a blasting galvanometer, that is present at a blast site and that could enter a blasting circuit. It includes stray current, static electricity, electromagnetic waves, and time varying electric and magnetic fields.

FIRE EXTINGUISHER RATING: A rating set forth in the National Fire Code which may be identified on an extinguisher by a number (5, 20, 70, etc.) indicating relative effectiveness, followed by a letter (A, B, C, etc.) indicating the class or classes of fires for which the extinguisher has been found to be effective.

FIRE-RESISTANT: Construction designed to provide reasonable protection against fire. For exterior walls or magazine constructed of wood, this shall mean fire resistance equivalency provided by sheet metal of not less than #26 gauge.

FLYROCK: Dirt, mud, stone, fragmented rock or other material that is propelled from the blast site by the force of an explosion.

FREE FACE: A rock surface exposed to air or water which provides room for expansion upon fragmentation.

FUSE (SAFETY): A flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to a cut end. A fuse detonator is usually attached to that end, although safety fuse may be used without a detonator to ignite material such as deflagrating explosives.

FUSE DETONATOR, BLASTING CAP: A detonator which is initiated by a safety fuse or used in an avalauncher round; also referred to as an ordinary blasting cap. Also see detonator.

FUSE LIGHTERS: Pyrotechnic devices for the rapid and certain lighting of safety fuse.

FUEL: A substance which may react with oxygen to produce combustion.

HARDWOOD: Red Oak, White Oak, Hard Maple, Ash, or Hickory, free from loose knots, wind shakes, or similar defects.

HIGH EXPLOSIVES: Explosives which are characterized by a very high rate of reaction, high pressure development and the presence of a detonation wave, including, but not limited to, dynamite, detonating cord, cast boosters, detonators, cap-sensitive slurry, emulsion, or water gels, and mixed binaries.

HOWITZER: A military cannon that delivers projectiles at medium muzzle velocity at low or high trajectories.

INACTIVE STATUS: The status of a valid Type I permit when the Type I permittee is no longer authorized to possess and control explosives by a Type II permittee.

INHABITED AREA OR BUILDING: A building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage, and use of explosive materials.

INSPECTOR: An Inspector of the Division.

INITIATION: The start of deflagration or detonation in an explosive material.

INITIATION SYSTEM: Combination of explosive devices and accessories (detonators, wire, cord, etc.) designed to convey a signal and initiate an explosive charge.

LAWFUL POSSESSOR: A Type II permittee who has legally purchased or acquired explosive materials.

LOW EXPLOSIVES: Explosives which are characterized by deflagration or a low rate of reaction and the development of low pressure.

MAGAZINE: Any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

MAGAZINE DISTANCE: Shall mean the minimum distance permitted between any two storage magazines which is expected to prevent propagation of an explosion from one magazine to another from a blast.

MAKE-UP ROOM: A room located inside an uninhabited building which shall be used for the assembly of cap and fuse or for the arming of explosive charges used in avalanche control work.

MANUFACTURER: Any individual, corporation, company, firm, partnership, association, or state or local government agency engaged in the business of manufacturing explosive materials for the purpose of sale, distribution or for his own use.

MASS DETONATION: When a unit or any part or quantity of explosive material explodes and causes all or a substantial part of the remaining material to detonate or explode.

MISFIRE: A blast that fails to detonate completely after an attempt at initiation. This term is also used to describe the explosive material itself that has failed to detonate as planned.

MOTOR VEHICLE: A vehicle, machine, tractor, semi-trailer or other conveyance propelled or drawn by mechanical power. Does not include vehicles operated exclusively on rail.

NATURAL BARRICADE: Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NON-ELECTRIC DETONATOR: A detonator that does not require the use of electric energy to function.

OXIDIZER OR OXIDIZING MATERIAL: A substance, such as nitrite, that readily yields oxygen or other oxidizing substances to promote the combustion of organic matter or other fuel.

PERMANENT STORAGE MAGAZINE: Type 1 magazines or Type 2, Type 4, or Type 5 magazines that have been at the same location for longer than 90 days.

PARTICLE BOARD: A composition board made of small pieces of wood that have been bonded together.

PERMITTEE: Any user, purchaser, manufacturer, dealer, storer, disposer, or transporter of explosives for a lawful purpose, who has obtained a permit from the Division.

PERSON: Any individual, corporation, company, firm, partnership, association, or state or local government agency.

PLACARDS: Division of Transportation Approved Title 49 CFR signs placed on vehicles transporting hazardous materials (including explosive materials) indicating the nature of the cargo.

PLYWOOD: Exterior construction-grade plywood.

POSSESS: The physical possession of explosives on one's person, or in the person's vehicle, magazine or building.

POWDER: A common synonym for explosive materials.

POWDER FACTOR: The amount of explosives used per unit of blasted material.

PRIMER: A unit, package, or cartridge of explosives used to initiate other explosives or blasting agents, which contains either a detonator or a detonating cord to which a detonator designed to initiate the detonating cord is attached.

PROPELLANT/POWDER-ACTUATED POWER DEVICE: Any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

PUBLIC CONVEYANCE: Any railroad car, streetcar, ferry, cab, bus, aircraft, or other vehicle carrying passengers for hire.

PUBLIC HIGHWAY: Shall mean any public street, alley, or road.

PUBLIC HIGHWAY DISTANCE: Shall mean the minimum distance permitted between a public highway and an explosives magazine.

PUBLIC PLACE: A place which the public or a substantial number of the public has access, and includes but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.

PURCHASER: A Type II permittee who acquires explosives.

PYROTECHNICS, FIREWORKS: Any combustible or explosive compositions or manufactured articles

designed and prepared for the purpose of producing audible or visible effects.

RAILWAY: Any steam, electric, or other type of railroad or railway.

RESPONSIBLE PERSON: A Type I permitted individual who is directly responsible for a Type II permittee's compliance with the provisions of the Explosives Act, 9-7, C.R.S., and any rules and regulations promulgated thereunder.

SAFETY FUSE: A flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to a cut end. A fuse detonator is usually attached to that end, although safety fuse may be used without a detonator to ignite material such as deflagrating explosives.

SCALED DISTANCE (D_s): A factor relating similar blast effects from various weight charges of explosive material at various distances. Scaled Distance is obtained by dividing the distance of concern by a fractional power of the charge weight per delay of the explosive materials.

SECURED STORAGE: An area which is protected from weather and is theft-resistant and in compliance with the uniform fire code.

SEMI-CONDUCTIVE HOSE: A hose used for pneumatic conveying of explosive materials, having an electrical resistance high enough to limit flow of stray electric currents to safe levels yet not so high as to prevent drainage of static electric charges to ground. A hose of not more than 2 megohms resistance over its entire length and of not less than 1,000 ohms per foot (3280 ohms per meter) meets this requirement.

SENSITIVITY: A physical characteristic of an explosive material, classifying its ability to be initiated upon receiving an external impulse such as impact, shock, flame, or other influence which can cause explosive decomposition.

SHALL: Means that the rule establishes a minimum standard which is mandatory.

SHOCK TUBE: A small diameter plastic tube containing reactive material used for initiating detonators. It contains only a limited amount of reactive material such that the energy that is transmitted through the tube by means of a detonation wave is guided through and confined within the walls of the tube.

SITE: Area where active blasting is taking place or the location of explosives storage magazines.

SLURRY/WATER GEL: An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

SMALL ARMS AMMUNITION: Any cartridge for a shotgun, rifle, pistol, or revolver, and cartridges for propellant-actuated power device and industrial guns. Military-type ammunition containing explosive bursting charges, or any incendiary, tracer, spotting, or pyrotechnic projectile is excluded from this definition.

SOFTWOOD: Douglas Fir, or other wood of equal bullet-resistance, free of loose knots, wind shakes, or similar defects.

SPACING: The distance between boreholes. In bench blasting, the distance is measured parallel to the free face and perpendicular to the burden.

STATIC ELECTRICITY: Electric charge at rest on a person or object. It is most often produced by the contact and separation of dissimilar insulating materials.

STEMMING: Inert material placed in a borehole on top of or between separate charges of explosive material, used for the purpose of confining explosive materials or to separate charges of explosive material in the same borehole.

STEEL: General purpose (hot or cold rolled) low carbon steel, such as specification ASTM A366 or equivalent.

STORAGE: The safekeeping of explosives in unattended magazines.

TEMPORARY STORAGE MAGAZINE: A Type 1, Type 2, Type 4, or Type 5 magazine that is at a location for a period not to exceed ninety (90) days.

THEFT-RESISTANT: Construction designed to deter illegal entry into facilities used for the storage of explosive material.

TWO-COMPONENT: See binary explosive.

TRANSPORTATION: The conveyance or carrying of explosives from one place to another by means of a motorized vehicle or device.

TYPE I EXPLOSIVES PERMIT: A permit issued by the Division to individuals who possess and control explosive materials during the use, manufacture, acquisition, purchase, sale, distribution, storage, transportation, or disposal of explosives materials.

TYPE II EXPLOSIVES PERMIT: A permit issued by the Division to corporations, companies, partnerships, firms, individuals operating a business, associations, or state or local government agencies involved in the use, purchase, sale, manufacture, transportation, acquisition, distribution or disposal of explosives materials.

TYPE III EXPLOSIVES PERMIT: A permit issued by the Division to corporations, companies, partnerships, firms, individuals operating a business, associations, or state or local government agencies for the storage of explosives in approved magazines.

WEATHER-RESISTANT: Construction designed to offer reasonable protection against weather.

U.S. DEPARTMENT OF TRANSPORTATION EXPLOSIVE CLASSIFICATIONS FOR THE TRANSPORTATION OF EXPLOSIVES:

Division 1.1: Explosives that have a mass explosion hazard

Division 1.2: Explosives that have a projection hazard but not a mass explosion hazard

Division 1.3: Explosives that have a fire hazard and either a minor blast hazard or minor projection hazard or both, but not a mass explosion hazard

Division 1.4: Explosives that present minor explosion hazard

Division 1.5: Very insensitive explosives that have a mass explosion hazard, but are so insensitive that there is little probability of initiation or of transition from burning to detonation under normal conditions of transport (Blasting Agents)

ARTICLE 2 GENERAL REQUIREMENTS

Section 2-1 Miscellaneous Requirements

- (A) No person shall sell, display, or expose for sale an explosive or blasting agent on any public way or public place.
- (B) No person shall sell, deliver, or give possession and control of explosives materials to any person not in possession of a valid permit except an authorized for-hire commercial carrier transporting between two valid permittees.
- (C) No person shall sell, store, transport, use or otherwise possess or control any explosive material without the authorization of the lawful possessor of the explosive material. The lawful possessor shall file a written list of authorized Type I permittees with the Division and shall notify the Division of any changes in writing.
- (D) Any theft or loss of explosives or blasting agents, whether from a storage magazine or area, a vehicle in which they are being transported, or from a site where they are being used, or from any other location, shall immediately (but in no event later than 24 hours) be reported by the person having control of such explosives or blasting agents to the local sheriff or local police, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the Division.
- (E) All individuals, corporations, companies, firms, partnerships, associations, or state or local government agencies conducting an operation or activity requiring the use, possession, purchase, sale, manufacturing, storage, acquisition, distribution, transportation or disposal of any explosive materials shall:
 - (1) Obtain a permit from the Division prior to conducting such operation or activity and shall be responsible for the results and any other consequences of any loading and firing of the explosive materials; and
 - (2) NOT delegate either performance of the blast or accountability for such performance to another person(s).
- (F) The Division, Public Safety Section and local law enforcement authority shall be notified immediately by the permittee of any accident, explosion, fire, or misuse of explosives which occurs in connection with the use, manufacture, possession, sale, transportation, storage or disposal of explosives that results in the loss of life, personal injury, or damage to any property.
- (G) The Division may inspect the site where any accident, explosion, fire, misuse, theft or loss of explosives occurred.
- (H) A Division representative may enter during normal business hours, without advance notice, the premises of any permittee, including places of storage or use, for the purpose of inspecting or examining any records or documents required under these regulations and any explosives material used or stored at the premises.
- (I) All corporations, companies, partnerships, firms, individuals operating a business, associations, or state or local government agencies conducting blasting operations shall have a certificate of liability insurance, be named as an also insured on another liability insurance policy, or shall have obtained a signed release of liability for damages from blasting operations from all parties who may be potentially affected by blasting operations.

ARTICLE 3 EXPLOSIVES PERMIT

Section 3-1 Basic Legal Obligations

- (A) Except as specifically allowed by these regulations, it is unlawful for any person to use, possess and control, manufacture, purchase, sell, store, transport, or dispose of any explosive material without possessing a valid permit from the Division (18-12-109 (2) and 9-7-101, et seq., C.R.S.).

Section 3-2 General Requirements

- (A) Permits issued under these rules and regulations shall be dated and numbered. Each permit will indicate class of permit, and shall be valid for up to 36 months after the date of issue unless revoked or suspended by the Division, and shall be renewed on or before the expiration date. The application for renewal of permits shall be made to the Division prior to the renewal date to avoid possible lapse of said permit. The Division shall send a notice a minimum of 60 days prior to the expiration date. The failure of the permittee to receive timely notice from the Division shall not excuse the permittee's requirement to submit a renewal application not less than 30 days prior to the expiration date.
- (B) Upon notice from the Director of the Division or any law enforcement agency having jurisdiction, a person using, manufacturing, purchasing, selling, storing, transporting, disposing, or otherwise in possession and control of any explosives without a permit shall immediately surrender any and all such explosives to the Division or to the law enforcement agency designated by the Division.
- (C) The Division shall require, as a condition precedent to the original issuance of any explosives permit, fingerprinting and criminal history record checks for every individual applicant. Fingerprints shall be submitted on forms provided to the applicant by the Division. If a Type I permit holder submits a complete application for renewal, fingerprint cards are not required unless requested by the Division. As a condition precedent to renewal of any explosives permit for an individual, a criminal background check is required.
- (D) No person shall withhold information or make any false statement or fictitious oral or written statement or furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining or retaining an explosives permit.
- (E) No person shall knowingly make any false entry in any record that a permittee is required to keep pursuant to these regulations.
- (F) When a permit has expired and has not been renewed, the applicable County Sheriff's Department shall be notified by the Division, and the Type II permittee must turn over any remaining explosives which the permittee is in possession of directly to the Division or the law enforcement agency designated by the Division, or in the presence of the Division or the law enforcement agency designated by the Division, surrender control of all remaining explosives which the permittee is in possession of to a valid Type II permittee.
- (G) All permittees shall take every reasonable precaution to protect their permits from loss, theft, defacement, destruction, or unauthorized duplication. The loss or theft of any permit shall be reported immediately to the local law enforcement agency and to the Division.

Section 3-3 Revocation, Suspension, or Denial of Explosives Permits

- (A) The Division shall not issue a permit to any person who:
 - (1) Is under 21 years of age;

- (2) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;
 - (3) Is currently charged with, or has a charge pending for a crime punishable by imprisonment for a term exceeding 1 year;
 - (4) Is a fugitive from justice;
 - (5) Has been convicted of a crime involving the illegal distribution of marijuana, any depressant or stimulant drug, or narcotic drug, perjury, fraud, false swearing, or bomb threats;
 - (6) Has been adjudicated developmentally disabled, mentally unstable, mentally ill or insane, or to be incompetent due to any mental disability or disease;
 - (7) Has been discharged from the armed forces under dishonorable conditions;
 - (8) Is an alien, other than an alien who is lawfully admitted for permanent residence or an alien who has obtained either a letter of clearance or letter of restoration of explosives privileges from the Federal Bureau Of Alcohol, Tobacco, Firearms and Explosives; or
 - (9) Having been a citizen of the United States, has renounced citizenship.
- (B) The Division shall deny or revoke and not renew the permit of any person who is currently charged with, has a charge pending or has been convicted of any of the following offenses:
- (1) A crime punishable by imprisonment for a term exceeding 1 year;
 - (2) A crime involving the illegal distribution of marijuana, any depressant or stimulant drug, or narcotic drug, bomb threats, perjury, fraud, or false swearing, including making a false affidavit or statement under oath to the Division in an application or report; or
 - (3) A crime relating to use, manufacturing, sale, transportation, possession, or disposal of explosives.
- (C) The Division may revoke and not renew the permit of any person when the violation of any law or regulation relating to explosive material or the misuse of explosive materials results in loss of life or serious injury to any person.
- (D) A permit may be denied, suspended, or revoked by the Division because of, but not limited to the following:
- (1) Unlawful use of, or addiction to, alcohol, narcotics or illegal drugs;
 - (2) Failure to exercise reasonable safeguards resulting in hazard to life, health, or property;
 - (3) Failure to show legitimate use for a permit;
 - (4) Failure to show sufficient proof of training or prior experience with explosives;
 - (5) Non-compliance with an order issued by the Division within the time specified in such order;
 - (6) Proof that the permittee or applicant advocates, or knowingly belongs to any organization or group that advocates the violent overthrow of, or violent action against any federal, state, or local government or institution;
 - (7) Failure to comply with the Colorado Explosives Act, these regulations, federal, state and/or

local explosives laws and regulations;

- (8) Giving false information or a misrepresentation being willfully made to the Division and its investigators or inspectors to obtain or maintain a permit;
 - (9) Making a false affidavit or statement under oath to the Division in an application or report; or
 - (10) Other factors which, at the discretion of the Division, indicate an unfitness to hold an explosive permit in compliance with state and federal law and these regulations.
- (E) The Division shall revoke the permit of any person adjudicated to be mentally unstable, mentally ill or insane, or to be incompetent due to any mental disability or disease. The Director shall not renew the permit until the person has been legally restored to competency.

Section 3-4 Procedure on Revocation, Suspension, or Denial of Explosives Permit

- (A) In any case where the Division denies, suspends, or revokes a permit, the Division shall notify the applicant or permittee in writing. Said notice shall state the reason for denial, suspension, or revocation and state that, upon receiving a written request, a hearing shall be scheduled.
- (B) Upon notice of the revocation or suspension of any permit, the former permittee shall immediately surrender to the Division the permit and all copies thereof. In addition, the former permittee must surrender control of all explosive material in his/her possession to the Division or the law enforcement agency designated by the Division, or in the presence of the Division or the law enforcement agency designated by the Division surrender control of all explosive material in his/her possession to a valid Type II permittee until a final determination on the charges is made.
- (C) The period of denial, suspension, or revocation shall be within the sound discretion of the Division.
- (D) Any person whose permit has been denied, suspended, or revoked under Section 3.3 may apply to the Division for a hearing in order to seek relief.
- (1) The hearing shall be conducted by the Division or an Administrative Law Judge with the Division of Administrative Hearings on behalf of the Division in accordance with the procedures of 24-4-105 C.R.S.
 - (2) The Division may grant the relief requested in the hearing if the Division determines that
 - i. The applicant is in compliance with all federal regulations; and
 - ii. The circumstances regarding the denial, suspension, or revocation, and the applicant's record and reputation are such that the granting of such relief is not contrary to public safety.
- (E) Any person aggrieved by a decision or order of the Division may seek judicial review pursuant to the provisions of 24-4-106 C.R.S.
- (F) Any person who has been denied a permit may not reapply to the Division for an explosives permit within one year of the decision, unless exception is made by the Division and the applicant establishes a substantial change in circumstances to indicate fitness to hold an explosive permit in accordance with the requirements of these regulations, State and Federal law.
- (G) In case of revocation or suspension of a permit, the Division shall notify all vendors of explosives of such revocation or suspension (24-4-104 C.R.S.).

Section 3-5 Permit Types and Classifications

Permits are separated according to type. A permit may have more than one designated classification; however, for each and every classification requested, the applicant must show legitimate use and qualifications.

3-5-1 Type I Explosives Permit

- (A) All individuals who possess and control explosive materials shall have a valid Type I Explosives Permit issued by the Division.
- (B) The requirements of permitting a Type I permittee shall be:
 - (1) An individual who possesses and controls explosive materials during the use, transportation, storage, distribution, manufacturing, sale, acquisition, or purchase of explosive materials.
 - (2) An individual who makes any or all of the following decisions:
 - (i) Decides total quantity of explosives used;
 - (ii) Decides borehole size, spacing, or depth;
 - (iii) Decides quantity of explosives in each borehole or charge;
 - (iv) Decides initiation system to be used;
 - (v) Decides timing delays to be used.
 - (3) An individual who directly supervises all personnel assisting in the use of explosives and supervises all personnel in training.
 - (4) An individual who shall also be physically present during the use of explosives, at the point of initiation when a charge is detonated and either initiates the detonation or gives the order to initiate the detonation of the charge.
- (C) The classification of permits the applicant may apply for shall be:
 - (1) Construction
 - (i) Applicant must also apply for a Type I transporter permit, or provide to the Division a written plan documenting the manner in which explosives shall be legally transported to and from construction sites.
 - (2) Construction Limited
 - (i) Applicant may use or possess class 1.4 or 1.5 explosives or binary products only.
 - (3) Quarry Operations
 - (4) Avalanche Control
 - (5) Geophysical Research
 - (6) Transporter
 - (i) Applicant must submit a copy of his/her Commercial Driver's License with the

Hazardous Material Endorsement included on it.

- (ii) Required for the transportation of explosive materials and blasting agents in quantities required to be placarded across or over roads within the state.
 - (7) Special (special use or possession and control as described on the permit including, but not limited to, fabrication, research and development, manufacturing technician, demolition, law enforcement, unexploded ordnance disposal, purchasing agent, well perforation, or sales agent etc.)
- (D) Type I permittee qualifications
- (1) The Type I permittee shall be able to understand and give written and oral orders.
 - (2) The Type I permittee shall be qualified by reason of training, knowledge, and experience in the field of using, transporting, possessing, storing and handling of explosives, and have a working knowledge of state, federal and local laws and regulations which pertain to explosives.
 - (3) The Type I permit applicant shall be required to submit proof of not less than one year of explosives experience or on the job training in explosives specific to at least one classification of permit. Avalanche control applicants must meet training requirements as defined in Section 7-2.
 - (4) The Type I permit applicant shall be required to submit proof of not less than six months of explosive experience or on-the-job training in explosives specific to each additional classification of permit applied for.
 - (5) The Type I permittee shall be knowledgeable and competent in the use of each type of blasting method and initiation system used.
 - (6) A Type I permit applicant for a transportation classification permit only shall have a valid commercial driver's license with a hazardous materials endorsement and experience in the transportation of explosive materials for a period of not less than ninety days.
 - (7) The Type I permit applicant shall include the name(s) of the valid Type II permittee the applicant is employed by or associated with, and for whom the applicant will possess and control explosive materials.
 - (8) The Division will issue a Type I permit card with the permittee's photograph which shall state the classifications of the permit, the name(s) of the valid Type II permittee the applicant is employed by or associated with, and for whom the applicant will possess and control explosive materials.
- (E) Type I permit limitations
- (1) A Type I permit shall be limited to possession and control of explosives while authorized by the Type II permittee(s) for whom the Type I permittee is employed or otherwise associated.
 - (2) The Type I permit shall be placed on inactive status by the Division upon notification in accordance with Section 3-9(D) that the Type I permittee is no longer authorized to possess and control explosives for a Type II permittee.
 - (3) Upon receipt of written notification by a Type II permittee of authorization and the return of the original Type I permit card, the Division shall return the Type I permit to active status and issue an updated permit card reflecting the change in employment or association.

- (4) An active status Type I permit card shall be carried by the Type I permittee at all times when using, transporting, or possessing explosives.

3-5-2 Type II Explosives Permit

- (A) Corporations, companies, partnerships, firms, individuals operating a business, associations, or state or local government agencies involved in the use, purchase, sale, manufacture, transportation, or disposal of explosives shall have a valid Type II Explosives Permit.
- (B) Only one Type II permit shall be required of any corporation, company, partnership, firm, individual operating a business, association, or state or local government agency, and may be issued for all or any of the following classifications:
 - (1) CLASSIFICATION AS A MANUFACTURER OF EXPLOSIVES authorizes the possession, manufacture, and purchase of materials required in the process of manufacturing the finished product. A corporation, company, partnership, firm, individual operating a business, association, or state or local government agency that combines compounds to manufacture an explosive is engaged in the business of manufacturing explosives and shall be responsible for compliance with the provisions of 9-6-105 C.R.S., the Explosives Act, 9-7-101, et seq. C.R.S., and any rules and regulations promulgated thereunder.
 - (2) CLASSIFICATION AS A DEALER OF EXPLOSIVES authorizes the purchase, possession, and resale of explosives or blasting agents. A dealer permit is required of jobbers, wholesalers, distributors, dealers, and retailers, whether or not they physically handle, store, or have possession of the explosives or blasting agents. This permit is also required for all nonresidents who desire to sell explosives within the State of Colorado.
 - (3) CLASSIFICATION AS A PURCHASER OF EXPLOSIVES authorizes the purchase or acquisition and possession of explosives and blasting agents.
 - (4) CLASSIFICATION AS A PURCHASER LIMITED authorizes the purchase or acquisition and possession of 1.4 and 1.5 classes of explosives and binary products.
 - (5) CLASSIFICATION AS A USER OF EXPLOSIVES authorizes the possession and use of explosives and blasting agents by a corporation, company, partnership, firm, individual operating a business, association, or state or local government agency conducting an operation or activity which requires the use of such materials. User permits shall be issued for the following types of operations:
 - (i) Construction
 - (a) Applicant must also apply for a Type II transportation permit, or provide to the Division a written plan documenting the manner in which explosives shall be legally transported to and from construction sites.
 - (ii) Construction Limited
 - (a) Applicant's use and possession of explosives is limited to 1.4 and 1.5 classes of explosives and binary products.
 - (iii) Quarry Operations
 - (iv) Avalanche Control
 - (v) Geophysical Research

- (vi) Special (special use or possession and control as described on the permit including, but not limited to, fabrication, research and development, manufacturing technician, demolition, law enforcement, unexploded ordnance disposal, purchasing agent, well perforation, or sales agent, etc.)
- (6) A TRANSPORTATION permit authorizes the transportation of explosive materials and blasting agents in quantities that are required to be placarded across or over roads within the state when such transportation is in compliance with federal, state and local transportation laws and regulations.
 - (i) A copy of a Hazardous Materials Transport Permit issued by the Public Utilities Commission (PUC) shall be submitted with the application.

3-5-3 Type III Storage Permit

- (A) Corporations, companies, partnerships, firms, individuals operating a business, associations, or state or local government agencies that store explosives shall have a valid Type III permit.
- (B) Storage permits shall be issued to those persons who have approved storage magazine sites.
- (C) Approval by the Division of a permanent storage magazine site shall include a site inspection by a Division representative. Written notification of the location of the permanent storage magazine site shall be made to the applicable fire district or department.
- (D) Approval by the Division of temporary magazine sites shall be made for a period not to exceed ninety (90) days upon written notification to the Division as to the location of the magazine site, the type(s) and supplier of the magazines being utilized, the type and quantity of explosives being stored and proof of written notification of the location of the storage magazine to the applicable fire district or department and county sheriff.
- (E) An inspection shall be required at each permanent storage magazine site, including any added permanent storage magazine sites, prior to the renewal of the Type III permit.

Section 3-6 Permit Application

- (A) Application for each type of original permit or renewal shall be made on forms available from the Division and shall provide the following information:
 - (1) The name and address of the applicant
 - (2) The reason for desiring to use, purchase, sell, store, manufacture, transport, or dispose of explosives
 - (3) The applicant's citizenship, if the applicant is an individual
 - (4) If the Type II applicant is a partnership, the names and addresses of the Type I permitted partners and their citizenship
 - (5) If the Type II or Type III permit applicant is a corporation, company, firm, association, or state or local government agency, the names and addresses of the Type I permitted owner(s), manager(s), or other designated individual thereof, and their citizenship
 - (6) Where application for a Type II explosives permit is made in the name of a corporation, company, partnership, association, state or local government agency, or firm, the application shall be signed by the permitted owner(s), partner(s), manager(s), or other designated

individual(s) who will have access to explosive materials and be directly responsible for compliance with the provisions of the Explosives Act, 9-7-101, et seq. C.R.S., and any rules and regulations promulgated thereunder

- (7) The name(s) of the valid Type II permittee the Type I permit applicant is employed by or associated with, and for whom the applicant will possess and control explosive materials
 - (8) Evidence that the Type I applicant is sufficiently trained and experienced in the use, transportation, storage, purchase, sale, disposal or manufacturing of explosives
 - (9) Such other pertinent information as the Division shall require to effectuate the purpose of these regulations
- (B) Application forms may be obtained from the Division.
- (C) The submission of an application shall be a certification by the Type I permit applicant that the applicant, or Type I permittee acting as the responsible person for the Type II or Type III permit applicant, has read, understands, and accepts these regulations and shall comply with all requirements of these regulations.
- (D) Payment of the application fee for a period of 36 months, according to the following list, must accompany each application for a permit.
- | | |
|-----------------------------|----------|
| Type I Explosives Permit: | \$110.00 |
| Type II Explosives Permit: | \$225.00 |
| Type III Explosives Permit: | \$375.00 |
- (E) A check or money order for the fee shall be made payable to the Division and submitted to the address provided on the application.
- (F) The applicant may be asked to supply additional information requested by the Division in order to verify statements in an application or in order to facilitate a Division inquiry prior to the issuance or renewal of a permit.
- (G) Each Type II application for a manufacturer or dealer permit shall be accompanied by a copy of the applicant's current federal license issued by The Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (H) The Type II application for a manufacturer or dealer permit shall list the location(s) in Colorado where explosives will be manufactured or from where explosives will be sold. This shall not be required for the manufacturers of binary explosives.
- (I) A valid Type I permit shall be held by at least one of the individual owners, partners, managers or other designated individual for each classification of use requested on the Type II Explosives Permit application.
- (J) Each application for an original Type II permit or a renewal permit shall be accompanied by a list of valid Type I permittees authorized to possess and control explosives on behalf of the Type II permittee. The Division shall be notified of any changes of such Type I permittees.
- (K) An application for a Type III storage permit shall include the location of all storage facilities and types of magazines to be utilized.
- (L) Each application for a Type II permit to purchase shall have a list of Type I permittees authorized to order and receive explosives on behalf of the purchaser. The list of Type I permittees

authorized to order and receive explosives on behalf of the purchaser shall be provided to dealers prior to the purchase of explosives.

- (M) In addition to the application form, all new Type I applicants, all Type I applicants requesting a change in classification of their permit, and all Type I applicants who have not renewed their permit within 60 days after expiration will be required to obtain a score of not less than 90% on a written examination prepared and administered by the Division. A Type I applicant failing the examination may retake the examination at any time. A Type I applicant failing the examination a second time must wait for a period of at least 14 days before retaking the exam.
- (N) All Type I applicants renewing their permits are required to obtain a score of not less than 90% on a written examination prepared and administered by the Division every 3 years or provide proof of 16 hours attendance during the previous 3 years in a training course approved by the Division.
- (O) The Division shall obtain a photograph of Type I permit applicants.
- (P) Upon receipt of an incomplete application or an application requiring additional information, the applicant will be notified of the deficiency or additional requirements. If the deficiency is not corrected or if the Division does not receive the additional information within 180 days following the date of notification, the application shall be considered abandoned and the Division shall not retain the application.
- (Q) Upon receipt of a completed Type I application the applicant will be sent an exam notification. If the Type I permit applicant fails to complete the exam within 180 days of the exam notification, the application shall be considered abandoned and the Division shall not retain the application.
- (R) A Type I renewal applicant must complete the exam, if required, within 180 days of the date of the renewal notification letter sent by the Division. Should the renewal applicant fail to complete the exam within 180 days of the date of the renewal letter, the application shall be considered abandoned and the Division shall not retain the application.

Section 3-7 Protection and Exhibition of Permits

Permittees shall take every reasonable precaution to protect their permits from loss, theft, defacement, destruction, or unauthorized duplication.

The loss or theft of any permit shall be reported immediately to the local law enforcement agency and to the Division.

Permits, or copies thereof, shall be exhibited in conformity with the following provisions:

- (A) Manufacturer - the permit shall be posted at the facility where explosives or blasting agents are manufactured. Manufacturing permits for bulk mix trucks shall be posted in the office of the permittee.
- (B) Dealer- the permit shall be posted in the office at the location where explosives or blasting agents are sold.
- (C) Purchaser - the permit or a copy of the permit must be displayed at magazine/warehouse where explosives or blasting agents are received and stored.
- (D) User - the permit shall be posted in the main office of explosives operations.
- (E) Storage - a copy of the permit must be displayed at the office, warehouse, or in at least one magazine where explosives or blasting agents are received for storage.

- (F) A Type I permit card shall be carried by the Type I permittee at all times when using, transporting, or possessing explosives and presented to representatives of the Division and law enforcement officials, upon request, along with valid personal identification.

Section 3-8 Records of Transactions

All permittees shall keep a complete record of all transactions in, or operations involving explosives for five years following the year in which the transactions or operations involving explosives or blasting agents occurred. The permittees must retain copies thereof and furnish such copies to the Division during normal business hours upon request. When the permittee is employed by another person who holds a valid permit, the records of the employer shall be deemed to satisfy these record-keeping requirements.

3-8-1 Manufacturer

The records of a person having a permit to manufacture explosives or blasting agents shall include the following information:

- (A) Amount and kinds manufactured.
- (B) Amounts and kinds acquired for manufacture.
- (C) Names and addresses of the persons from whom acquired and dates on which acquired.
- (D) Amount and kinds sold or otherwise disposed of.
- (E) Names, addresses, and permit numbers of persons to whom sold or otherwise disposed of and dates of the sales or other dispositions.
- (F) Amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.
- (G) The records kept in accordance with Section 6-1(U) shall meet the record requirements for the manufacture of binary products.

3-8-2 Dealer

The records of a person having a permit for dealer shall include the following information:

- (A) Amounts and kinds acquired.
- (B) Names and addresses of persons from whom acquired and dates on which acquired.
- (C) Amounts and kinds sold or otherwise disposed of.
- (D) Names, addresses, and permit numbers of persons to whom sold or otherwise disposed of and the dates of sales or other dispositions. This requirement shall not apply to the sale of smokeless powder.

3-8-3 Type II Permit

A person holding a Type II permit to use explosives or blasting agents shall maintain a record of all explosive material transactions including a daily inventory record of all explosives received, removed from, or returned to each storage magazine in accordance with Section 4-1(F)(6) of these regulations, and records completed by Type I permittees in accordance with Section 6-1(U) and Section 7-4(B)(11).

3-8-4 Type I Permit

Type I permittees shall complete and sign records of explosives used in accordance with Section 6-1(U) or Section 7-4(B)(11) of these regulations.

Section 3-9 Permit Changes

The Division shall be notified immediately when:

- (A) There is a change in the permittee's permanent address.
- (B) There is a change in the name of a permittee, or a change in the Type I permitted owner(s), manager(s), or other designated individual(s) acting as the responsible person of any Type II or Type III permittee.
- (C) The location of an explosives storage facility is changed or added and the address of the new location shall be provided.
- (D) There is a change in the Type II permitted employer or association for whom the Type I permittee will possess and control explosive materials.
- (E) There is a change in the Type I permitted individuals authorized to possess and control explosives on behalf of a Type II permittee.

Section 3-10 Explosives Sales to Permittees

- (A) When an order for explosives is placed by a purchaser, the dealer shall request proper authorization and identification from the purchaser and shall record the purchaser's permit number on the sales record.
- (B) The purchaser shall provide to the dealer a list of Type I permittees authorized to order and receive explosives on behalf of the purchaser. A dealer shall not distribute explosive materials to a company or individual on the order of a person who does not appear on the most current list of authorized Type I permittees, and if the person does appear on the list, the dealer shall verify the identity of such person.
- (C) The authorized Type I permittee who physically receives the purchased explosives shall present his permit and proper identification to the dealer. The receiver of the explosives shall sign a receipt documenting the explosives received with his legal signature and permit number.
- (D) All such receipts shall be retained by the dealer for not less than 5 years from the date of purchase.
- (E) The dealer shall keep a record of all explosives purchased and sold as required by federal regulations.
- (F) Any package containing any explosive or blasting agent that is sold or is delivered for shipment by a dealer shall be properly labeled in accordance with 9-6-105 C.R.S. to indicate its explosive classification.

ARTICLE 4 STORAGE OF EXPLOSIVE MATERIALS

Section 4-1 General Requirements

- (A) All explosive materials, special industrial explosive materials, and any newly developed and unclassified explosive materials shall be kept in magazines which meet the requirements as defined in these regulations, unless they are in the process of manufacture, being physically handled in the operating process, being used, or being transported to a place of storage or use. Refer to Section 4-3 for a summary of storage requirements.
- (B) High explosives shall not be stored unattended outdoors, or in any building or structure, except in a Type 1 or Type 2 magazine.
- (C) Detonators that will not mass detonate (1.4s and 1.4b classification) and are in the original and closed shipping container may also be stored in a Type 4 magazine.
- (D) The requirements for the storage of binary explosives shall be:
 - (1) Storage of the flammable liquid component of a binary explosive shall be in secure storage that complies with the uniform fire code.
 - (2) Storage of the powder component of a binary explosive shall be in secure storage.
 - (3) Liquid and powder components shall not be stored together.
- (E) Detonators shall not be stored in the same magazine in which other explosives are kept or stored except under the following circumstances:
 - (1) In a Type 1 or Type 2 magazine, detonators may be stored with delay devices, electric squibs, safety fuse, igniters, and igniter cord.
 - (2) In a Type 4 magazine, detonators that will not mass detonate (1.4s and 1.4b classification) may be stored with electric squibs, safety fuse, igniters, and igniter cord.
- (F) Inventory and Responsibility
 - (1) Magazines shall be in the charge of a valid permittee at all times who shall be held responsible for the enforcement of all safety precautions.
 - (2) All explosives shall be accounted for at all times.
 - (3) Explosives not being used shall be kept in a locked magazine and the keys or combinations to the locks shall be unavailable to persons not holding a valid Type I permit.
 - (4) The Type II permittee shall maintain an inventory and use record of all explosive materials.
 - (5) Type I permittees shall record any receipt, removal, or return of explosives materials on inventory records within the magazine.
 - (6) The inventory records shall be maintained on forms approved by the Division and shall include:
 - (i) Type of explosive material product
 - (ii) Manufacturer's name or brand name,

- (iii) Identifying or date shift code
 - (iv) Amounts received, removed from or returned to the magazine
 - (v) The signature of the permittee receiving, removing or returning explosive materials
 - (vi) Total quantity remaining on hand
- (7) Explosive materials shall be physically counted at least monthly.
- (8) Explosive materials sold and received in individual unit quantities shall be inventoried as individual units.
- (9) Explosive materials sold and received as pounds shall be inventoried as pounds when in unopened cases, and as individual cartridges or units when in opened cases.
- (10) The Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the Division, and local law enforcement agencies shall be notified immediately of any loss, theft, or unauthorized entry into a magazine.
- (G) Surrounding Area
 - (1) The land surrounding a magazine shall be kept clear of trash, dried grass, leaves or trees (except for live trees more than 10 feet tall) for a distance of at least 25 feet. Living foliage used to stabilize the earthen coverings of a magazine need not be removed.
 - (2) Any other combustible materials shall not be stored within 50 feet of magazines.
 - (3) Smoking, matches or an open flame shall not be permitted:
 - (i) In any magazine;
 - (ii) Within 50 feet of any outdoor magazine; or
 - (iii) Within any room containing an indoor magazine.
 - (4) Firearms shall not be permitted inside of, or within 50 feet of magazines.
 - (5) The premises on which all outdoor magazines are located shall be posted with signs with the words "DANGER—KEEP OUT" in letters at least 3 inches high. Signs shall be posted to warn any person approaching the magazine of the hazard, but shall be located so that a bullet passing through the sign will not strike the magazines.
 - (6) All normal access routes to outdoor explosives storage sites shall be posted with a sign with the words "DANGER- NEVER FIGHT FIRES ON THIS SITE. CALL _____" in letters at least 2 inches high. An emergency contact number shall be written on the sign.
 - (7) Indoor magazines shall be visibly marked with the words "DANGER – KEEP FIRE AWAY."
- (H) Temporary storage at a site for blasting operations shall be located away from neighboring inhabited buildings, railways, highways, and other magazines in accordance with the American Table of Distances (see Section 4-5).
- (I) Storage Within Magazines
 - (1) Packages of explosive materials shall be laid flat with top side up. Corresponding grades

and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be stacked in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest of that particular kind shall always be taken first.

- (2) Packages of explosives requiring impact or potentially spark producing methods to open or to close shall not be opened or closed in a magazine, nor within 50 feet of a magazine or in close proximity to other explosive materials.
- (3) Tools used for opening packages of explosives shall be constructed of non-sparking materials.
- (4) Opened packages of explosives shall be securely closed before being returned to a magazine.
- (5) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives; however, this restriction shall not apply to the storage of blasting agents and non-metal blasting supplies.
- (6) Magazine floors shall be regularly swept, kept clean, dry, and free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions of the manufacturer.
- (7) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosives shall immediately proceed to destroy such explosives in accordance with the instructions of the manufacturer. Only Type I permittees experienced in the destruction of explosive materials shall be allowed to do the work of destroying explosives.
- (8) When magazines need inside repairs, all explosives shall be removed and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine in order for repair shall either be placed in another class appropriate magazine, or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, at which time they shall be returned to the magazine.
- (9) Explosive materials within a magazine are not to be placed against the interior walls and must be stored so as not to interfere with ventilation when required.
- (10) Any person storing explosive materials shall open and inspect the magazine at least every 7 days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazine, or unauthorized removal of the contents.
- (11) Flammables, such as the liquid components of binary products, shall not be stored with other explosives.

(J) Lighting Within Magazines

- (1) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines.
- (2) Electric lighting, including wiring and fixtures, used in any explosives storage magazine must meet the standards prescribed by the National Electrical Code for the conditions present in the magazine at any time. All electrical switches are to be located outside of the magazine

and also meet the standards prescribed by the National Electrical Code.

- (3) Light fixtures shall be enclosed to prevent sparks or hot metal from falling on the floor or on materials stored in the magazine.
- (4) Interior magazine lights shall be turned off when the magazine is unattended.
- (5) Copies of invoices, work orders or similar documents which indicate that the lighting complies with the National Electrical Code must be available for inspection by the Division.

Section 4-2 Classes of Explosive Materials and Examples

For the purposes of this article, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

- (A) High Explosives - Explosive materials which can be caused to detonate by means of a detonator when unconfined. Examples include:
 - (1) Dynamite and detonators;
 - (2) Detonator-sensitive slurry/water gels and emulsions; and
 - (3) Mixed binaries.
- (B) Low Explosives - Explosive materials which can be caused to deflagrate when confined. Examples include:
 - (1) Black powder;
 - (2) Pull wire igniters; and
 - (3) Safety fuse.
- (C) Blasting Agents - Explosives materials consisting of fuel and oxidizer which cannot be detonated by means of a number 8 test detonator when unconfined. Examples include:
 - (1) Ammonium Nitrate/Fuel Oil mixture (ANFO); and
 - (2) Non detonator-sensitive slurry/water gels and emulsion products.

Section 4-3 Summary of Storage Requirements

Table 4-3	Summary of Storage Requirements	
	Storage Type	Classes of Explosive Materials Which May Be Stored Therein
	Type 1 (Permanent)	High Explosives, Low Explosives, Blasting Agents
	Type 2 (Portable, Mobile or Fixed)	High Explosives, Low Explosives, Blasting Agents
	Type 3 ("Day Box" for Temporary Storage)	High Explosives, Low Explosives, Blasting Agents
	Type 4 (Portable, Mobile or Fixed)	Blasting Agents, Low Explosives, Detonators (Original, Closed Cartons of 1.4b, 1.4c And 1.4s)
	Type 5 (Portable, Mobile or Fixed)	Blasting Agents

Section 4-4 Storage Magazine Construction by Type

Table 4-4	Storage Magazine Construction By Type				
Construction Features	Type 1	Type 2	Type 3	Type 4	Type 5
Permanent	X			X	X
Portable or Mobile		X	X	X	X
Bullet-Resistant	X	X			
Fire-Resistant	X	X	X	X	X ⁽¹⁾
Theft-Resistant	X	X	X	X	X
Weather-Resistant	X	X	X	X	X
Ventilated	X	X		X	

⁽¹⁾ Over the road trucks or semi-trailers used as Type 5 magazines for temporary storage need not be fire resistant.

4-4-1 Type 1 Storage

A Type 1 magazine shall be a permanent structure, e.g., a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

- (A) Buildings: All building-type magazines shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. The ground around building magazines shall slope away for drainage or other adequate drainage shall be provided.
- (B) Masonry Wall Construction: Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 8 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least 1 part cement + 8 parts of sand with enough water to dampen the mixture while tamping in place). Interior walls shall be constructed of, or covered with, a non-sparking material.
- (C) Fabricated Metal Wall Construction: Metal wall construction shall consist of sectional sheets of steel or aluminum, not less than #14 gauge, securely fastened to a metal framework. Metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches thick, or shall have at least a 6-inch sand-fill between interior and exterior walls. Interior walls shall be constructed of, or covered with, a non-sparking material.
- (D) Wood Frame Wall Construction: The exterior of outer wood walls shall be covered with steel or aluminum not less than #26 gauge. An inner wall of, or covered with, non-sparking material shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls. The space shall be filled with coarse, dry sand or weak concrete.
- (E) Floors: Floors shall be constructed of, or covered with, a non-sparking material and shall be strong enough to bear the weight of the maximum quantity materials to be stored. Use of pallets covered with a non-sparking material is considered equivalent to a floor constructed of, or covered with, a non-sparking material.
- (F) Foundations: Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

- (G) Roof: Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than #26 gauge steel or aluminum fastened to 7/8-inch sheathing.
- (H) Bullet-Resistant Ceilings on Roofs: Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosives within, the magazine shall be protected by one of following methods:
- (1) A sand tray with a layer of building paper, plastic, or other nonporous material filled with not less than 4 inches of coarse, dry sand, shall be located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.
 - (2) A fabricated metal roof shall be constructed of 3/16-inch thick plate steel lined with 4 inches of hardwood. For each additional 1/16-inch of plate steel, the hardwood lining may be decreased by 1 inch.
- (I) Doors: All doors shall be constructed of 1/4-inch plate steel and lined with 3 inches of hardwood. Hinges and hasps shall be attached to the doors by welding, riveting, or bolting (with nuts on the inside of the door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.
- (J) Locks: Each door shall be equipped with at least one of the following types of locks:
- (1) Two mortise locks
 - (2) Two padlocks fastened in separate hasps and staples
 - (3) A combination of a mortise lock and a padlock
 - (4) A mortise lock that requires two keys to open
 - (5) A three-point lock.
- Padlocks shall have at least 5 tumblers and a case-hardened shackle of at least 3/8-inch in diameter. Padlocks shall be protected with 1/4-inch sheet hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements shall not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.
- (K) Ventilation: Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilation openings shall be screened to prevent the entrance of sparks. Ventilation openings in sidewalls and foundations shall be offset or shielded for bullet-resistance purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling shall have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.
- (L) Exposed Metal: No sparking material shall be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and sidewalls which might be exposed to contact with explosive materials shall be blind-nailed, countersunk, or covered with a non-sparking latticework or other non-sparking material.
- (M) Igloos, Army-Type Structures, Tunnels, & Dugouts: Igloo, army-type structure, tunnel, and dugout magazines shall be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They shall have an earth mound covering of not less than 24 inches on the top, sides, and rear unless the ceiling or roof meets the bullet-resistant ceiling or roof requirements of this section. Interior walls shall be constructed of, or covered with, a non-sparking material.

Magazines of this type shall also be constructed in conformity with the requirements of the floors, doors, locks, ventilation, and exposed metal portions outlined in this section.

4-4-2 Type 2 Storage

A Type 2 magazine shall be a portable or mobile structure such as a box, skid-magazine, trailer, or semi-trailer.

4-4-2-1 Outdoor Type 2 Magazines

Outdoor Type 2 magazines shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. They shall be supported to prevent direct contact with the ground and, if less than one cubic yard in size, shall be securely fastened to a fixed object. The ground around outdoor magazines shall slope away for drainage or other adequate drainage shall be provided. When unattended, vehicular magazines shall have wheels removed or shall otherwise be effectively immobilized by methods approved by the Division.

- (A) Exterior Construction: The exterior and covers or doors shall be constructed of 1/4-inch steel and shall be lined with 2 inches of hardwood. Magazines with top openings shall have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.
- (B) Hinges & Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (with nuts on the inside of the door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with at least one of the following types of locks:
 - (1) Two mortise locks
 - (2) Two padlocks fastened in separate hasps and staples
 - (3) A combination of a mortise lock and a padlock
 - (4) A mortise lock that requires two keys to open
 - (5) A three-point lock.

Padlocks shall have at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

- (D) Ventilation: Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilation openings shall be screened to prevent the entrance of sparks. Ventilation openings in sidewalls shall be offset or shielded for bullet-resistance purposes. Packages of explosive materials shall not be stacked against the side walls and block the air circulation.

4-4-2-2 Indoor Type 2 Magazines

Indoor Type 2 magazines shall be fire-resistant and theft-resistant if the buildings in which they are stored provide protection from the weather and from bullet penetration. No indoor magazine may be located in a residence or dwelling. The indoor storage of high explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of all explosive materials stored does not exceed 50 pounds. Detonators shall be stored in separate magazines.

- (A) Exterior Construction: Indoor magazines shall be constructed of wood or metal according to one of the following specifications:
- (1) Indoor magazines constructed of wood shall have sides, bottoms, and lids or doors constructed of two-inch wood and shall be well-braced at the corners. The magazines shall be covered on the exterior with sheet metal of not less than #26-gauge. Nails exposed to the interior of magazines shall be countersunk.
 - (2) Indoor magazines constructed of metal shall have sides, bottom, and lids or doors constructed of at least #12-gauge metal and shall be lined inside with a non-sparking material. Edges of metal covers shall overlap sides at least one inch.
- (B) Hinges & Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (with nuts on the inside of the door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with at least one of the following types of locks:
- (1) Two mortise locks
 - (2) Two padlocks fastened in separate hasps and staples
 - (3) A combination of a mortise lock and a padlock
 - (4) A mortise lock that requires two keys to open
 - (5) A three-point lock.

Padlocks shall have at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms, that are locked as provided in this paragraph, may have each door or opening locked with 1 steel padlock (which need not be protected by a steel hood) having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter, if the lock hinges and hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

4-4-3 Alternate Construction Standards for Storage Facilities

It has been determined that a wide range of construction criteria meet the bullet-resistant requirements of ATF Rule 76-18 as published in Bureau Of Alcohol, Tobacco, Firearms, and Explosives, Department Of The Treasury, Publication ATF p 5400.7 (2012) for the construction of storage facilities for explosive materials.

In order to promote standards of safety and security in the storage of explosive materials while allowing the industry a wide latitude in the selection of construction materials, it is held that storage facilities (magazines) that are constructed according to the following minimum specifications are bullet-resistant and meet the requirements of the regulations as set forth in 27 CFR Part 55 (all steel and wood dimensions are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturers' represented thicknesses may be used).

- (A) Exterior of 5/8-inch steel, lined with an interior of any type of nonsparking material.
- (B) Exterior of 1/2-inch steel, lined with an interior of not less than 3/8-inch plywood.

- (C) Exterior of 3/8-inch steel, lined with an interior of 2 inches of hardwood.
- (D) Exterior of 3/8-inch steel, lined with an interior of 3 inches of softwood or 2¼ inches of plywood.
- (E) Exterior of 1/4-inch steel, lined with an interior of 3 inches of hardwood.
- (F) Exterior of 1/4-inch steel, lined with an interior of 5 inches of softwood or 5¼ inches of plywood.
- (G) Exterior of 1/4-inch steel, lined with an intermediate layer of 2 inches of hardwood and an interior lining of 1½ inches of plywood.
- (H) Exterior of 3/16-inch steel, lined with an interior of 4 inches of hardwood.
- (I) Exterior of 3/16-inch steel, lined with an interior of 7 inches of softwood or 6¾ inches of plywood.
- (J) Exterior of 3/16-inch steel, lined with an intermediate layer of 3 inches of hardwood and an interior lining of 3/4-inch of plywood.
- (K) Exterior of 1/8-inch steel, lined with an interior of 5 inches of hardwood.
- (L) Exterior of 1/8-inch steel, lined with an interior of 9 inches of softwood.
- (M) Exterior of 1/8-inch steel, lined with an intermediate layer of 4 inches of hardwood and an interior lining of 3/4-inch plywood.
- (N) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of 4 inches of solid concrete block, or 4 inches of solid brick or 4 inches of solid concrete; and, an interior lining of 1/2-inch plywood placed securely against the masonry lining.
- (O) Standard 8-inch concrete block with voids filled with well-tamped sand/cement mixture.
- (P) Standard 8-inch solid brick.
- (Q) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate 6-inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.
- (R) Exterior of 1/8-inch steel, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3½ inches of well-tamped dry sand or sand/cement mixture and an interior lining of 3/4-inch plywood.
- (S) Second intermediate layer of 3½ inches well tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch plywood, and a fourth intermediate layer of two inches of hardwood or #14 gauge steel and an interior lining of 3/4-inch plywood.
- (T) 8- inch thick solid concrete.

4-4-4 Type 3 Storage

A Type 3 magazine shall be a “day-box” or other portable magazine. It shall be fire-resistant, weather-resistant, and theft-resistant. A Type 3 magazine shall be constructed of #12-gauge metal lined with either 1/2-inch plywood or 1/2-inch Masonite-type hardboard. Doors shall overlap sides by at least 1 inch. Hinges and hasps shall be attached by welding, riveting or bolting (with nuts on the inside of the door). A single lock having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter shall be sufficient for locking purposes. Explosive materials may not be left unattended in Type 3 magazines, but must be removed to either a Type 1 or 2 magazine for unattended storage.

4-4-5 Type 4 Storage

A Type 4 magazine shall be a building, igloo or army-type structure, tunnel, dugout, box, trailer, or a semi-trailer or other mobile magazine.

4-4-5-1 Outdoor Type 4 Magazines

Outdoor Type 4 magazines shall be fire-resistant, weather-resistant, theft-resistant, ventilated and shall be at least 1 cubic yard in size, or securely fasted to a fixed object. The ground around outdoor magazines shall slope away for drainage or other adequate drainage shall be provided. When unattended, vehicular magazines shall have wheels removed or shall otherwise be effectively immobilized by other methods approved by the Division.

- (A) Construction: Outdoor magazines shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundation shall be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used in lieu of a continuous foundation, the space under the buildings shall be enclosed with fire-resistant material. The walls and floors shall be constructed of, or covered with, a non-sparking material or lattice work. The doors or covers shall be metal or solid wood covered with metal.
- (B) Hinges and Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with at least one of the following types of locks:
 - (1) 2 mortise locks
 - (2) 2 padlocks fastened in separate hasps and staples
 - (3) A combination of a mortise lock and a padlock
 - (4) A mortise lock that requires two keys to open
 - (5) A three-point lock.

Padlocks shall have at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or a bar that cannot be actuated from the outside.

- (D) Ventilation: Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilation openings shall be offset or shielded and screened to prevent the entrance of sparks. The packages of explosive materials shall not be stacked against the side walls and block the air circulation.

4-4-5-2 Indoor Type 4 Magazines

Indoor magazines shall be fire-resistant and theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine may be located in a residence or dwelling. The indoor storage of low explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of all explosive materials stored does not exceed 50 pounds. Detonators that will not mass detonate shall be stored in separate magazines and the total number of detonators may not exceed 5,000.

- (A) Construction: Indoor magazines shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors shall be constructed of, or covered with, a non-sparking material. The doors or covers shall be metal or solid wood covered with metal.
- (B) Hinges & Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (with nuts on the inside of the door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with at least one of the following types of locks:
 - (1) 2 mortise locks
 - (2) 2 padlocks fastened in separate hasps and staples
 - (3) A combination of a mortise lock and a padlock
 - (4) A mortise lock that requires two keys to open
 - (5) A three-point lock.

Padlocks shall have at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms, that are locked as provided in this paragraph, may have each door or opening locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter, if the lock hinges and hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

4-4-6 Type 5 Storage

A Type 5 magazine shall be a building, igloo or army-type structure, tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility.

4-4-6-1 Outdoor Type 5 Magazines

Outdoor Type 5 magazines shall be weather-resistant, fire-resistant and theft-resistant. Over-the-road trucks or semi-trailers used as Type 5 magazines for temporary storage need not be fire-resistant. The ground around magazines shall slope away for drainage or other adequate drainage shall be provided. When unattended, vehicular magazines shall have wheels removed or shall otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Division.

- (A) Construction: The doors or covers shall be constructed of solid wood or metal.
- (B) Hinges & Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (with nuts on the inside of the door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with 1 padlock having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter. Indoor magazines located in secure rooms, that are locked as provided in this paragraph, may have each door or opening locked with 1 steel padlock (which need not be protected by a steel hood) having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter, if the lock hinges and hasps are securely

fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

4-4-6-2 Indoor Type 5 Magazines

Indoor Type 5 magazines shall be theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine may be located in a residence or dwelling. Indoor magazines containing quantities of blasting agents in excess of 50 pounds shall be subject to the American Table of Distances in Section 4-5-1 of this subpart.

- (A) Construction: The doors or covers shall be constructed of wood or metal.
- (B) Hinges and Hasps: Hinges and hasps shall be attached to the covers or doors by welding, riveting, or bolting (with nuts on the inside of the door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.
- (C) Locks: Each door shall be equipped with 1 padlock having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter.

Indoor magazines located in secure rooms, that are locked as provided in this paragraph, may have each door or opening locked with 1 steel padlock (which need not be protected by a steel hood) having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter, if the lock hinges and hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

Section 4-5 Location of Magazines

- (A) Outdoor magazines in which high explosives are stored shall be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored than the minimum distances specified in the American Table of Distances for Storage of Explosive Materials in Table 4-5-1.
- (B) Outdoor magazines in which low explosives are stored shall be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosives are stored than the minimum distances specified in the American Table of Distances for Storage of Low Explosives in Table 4-5-2. The distances shown therein may not be reduced by the presence of barricades.
- (C) Outdoor magazines in which blasting agents are stored shall be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the American Table of Distances for Storage of Explosive Materials in Table 4-5-1.
- (D) Ammonium nitrate and magazines in which blasting agents are stored shall be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the American Table of Distances for the Separation of Ammonium Nitrate and Blasting Agents in Table 4-5-3. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc. may not be less than the distances specified in the American Table of Distances for Storage of Explosive Materials in Table 4-5-1.

Table 4-5-1		American Table of Distances for Storage of Explosive Materials							
Quantity of Explosive Materials ^(1,2,3,4)		Distances in Feet							
		Inhabited Buildings ⁽⁹⁾		Public Highways with Traffic Volume of less than 3,000 Vehicles/Day ⁽¹¹⁾		Passenger Railways-Public Highways with Traffic Volume of more than 3,000 Vehicles/Day ^(10, 11)		Separation of Magazines ⁽¹²⁾	
Pounds Over	Pounds Not Over	Barricaded ^(6,7,8)	Unbarricaded	Barricaded ^(6,7,8)	Unbarricaded	Barricaded ^(6,7,8)	Unbarricaded	Barricaded ^(6,7,8)	Unbarricaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Table: American Table of Distances for Storage of Explosive Materials as Revised and Approved by the Institute of Makers of Explosives – June 1991

Table 4-5-2		Table of Distance for the Storage of Low Explosives		
Quantity of Explosives (In Pounds)		Distance in Feet		
Over	Not Over	From Inhabited Buildings	From Public Railways and Highways	From Above Ground Magazine
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Table: Department of Defense Ammunition and Explosives Standards, Table 5–4.1 Extract; 4145.27 M, March 1969

Table 4-5-3		Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents ^{1,6}		
Donor Weight		Minimum Separation Distance of Acceptor when Barricaded ² (ft.)		
Pounds Over	Pounds Not Over	Ammonium Nitrate ³	Blasting Agent ⁴	Minimum Thickness of Artificial Barricades ⁵ (in.)
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Table: National Fire Protection Association (NFPA) Official Standard No. 492, 1968

**Explanatory Notes Essential to the Application of the American Table of Distances
for Storage of Explosive Materials**

- NOTE 1 “Explosive materials” means explosives, blasting agents and detonators.
- NOTE 2 “Explosives” means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.
- NOTE 3 “Blasting agents” means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive provided that the finished product as mixed for use or shipment, cannot be detonated by means of a No.8 test blasting cap when unconfined.
- NOTE 4 “Detonator” means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, electronic detonators, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No.8 cap should be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No.8 cap consult the manufacturer.
- NOTE 5 “Magazine” means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.
- NOTE 6 “Natural Barricade” means natural features of the ground such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.
- NOTE 7 “Artificial Barricade” means an artificial mound or wall of earth of a minimum thickness of three feet.
- NOTE 8 “Barricaded” means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.
- NOTE 9 “Inhabited Building” means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- NOTE 10 “Railway” means any steam, electric, or other railroad or railway which carries passengers for hire.
- NOTE 11 “Highway” means any public street, public alley, or public road.

- NOTE 12 When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.
- NOTE 13 Storage in excess of 300,000 lbs. of explosive materials, in one magazine is generally not required for commercial enterprises.
- NOTE 14 This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.
- NOTE 15 When a manufacturing building on an explosive materials plant site is designed to contain explosive materials, such building shall be located from inhabited buildings, public highways and passenger railways in accordance with the American Table of Distances based on the maximum quantity of explosive materials permitted to be in the building at one time.

American Table of Distances

The American Table of Distances applies to the manufacture and permanent storage of commercial explosive materials. The distances specified are those measured from the explosive materials storage facility to the inhabited building, highway or passenger railway, irrespective of property lines.

The American Table of Distances covers all commercial explosive materials, including, but not limited to, high explosives, blasting agents, detonators, initiating systems and explosives materials in process. The Table is not designed to be altered or adjusted to accommodate varying explosive characteristics such as blast effect, weight strength, density, bulk strength, detonation velocity, etc.

The American Table of Distances should not be used to determine safe distances for blasting work, the firing of explosive charges for testing or quality control work, or the open detonation of waste explosive materials. The American Table of Distances may be utilized as a guide for developing distances for the unconfined, open burning of waste explosive materials where the probability of transition from burning to high order detonation is improbable.

Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

- NOTE 1 Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If Stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.
- NOTE 2 When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines is recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances are not required.
- NOTE 3 The distances in the Table apply to ammonium nitrate and ammonium nitrate based materials that show "negative" (-) result in the UN Test Series 2 Gap Test and show "positive" (+) result in the UN Test Series 1 Gap Test. Ammonium nitrate and ammonium nitrate based materials that are DOT hazard Class 1 sensitive shall be stored at separation distances determined by the American Table of Distances.
- NOTE 4 These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation and the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.
- NOTE 5 Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.
- NOTE 6 For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the American Table of Distances for Storage of Explosives Materials on pages 58 and 59.

*For construction of bullet-resistant magazines see Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Publication ATF P 5400.7 (9/00), *ATF-Explosives Law and Regulations*.

ARTICLE 5 TRANSPORTATION OF EXPLOSIVES

Section 5-1 General Requirements

- (A) Transportation of explosives, blasting agents, and blasting supplies on public highways, railways, and airways shall be in accordance with the provisions of Title 42 Article 20 C.R.S. and any regulations promulgated pursuant thereto and Title 49 CFR Parts 171-179 and Parts 390-397, Motor Carriers.
- (B) Requirements for the transportation of explosives, blasting agents and blasting supplies by motorized vehicle or conveyance on job sites shall be:
 - (1) No person shall smoke, carry matches or any other flame-producing device, or carry firearms or loaded cartridges while in or near a motor vehicle or conveyance transporting explosives.
 - (2) No person shall drive, load, or unload a vehicle or conveyance transporting explosives in a careless or reckless manner.
 - (3) Vehicles or conveyances transporting explosives, blasting agents or blasting supplies shall not be taken inside a garage or shop for repairs or servicing.
 - (4) Vehicles or conveyances used for transporting explosives shall be equipped to carry the load without difficulty and shall be in good mechanical condition.
 - (5) A motor vehicle or conveyance used for transporting explosives shall be given the following inspection prior to the transportation to determine that it is in proper condition for the safe transportation of explosives:
 - (i) Fire extinguishers shall be filled and in proper working order;
 - (ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting;
 - (iii) Chassis, motor, pan, and underside of body shall be completely free of excess oil and grease;
 - (iv) Fuel tank and fuel line shall be secure and have no leaks;
 - (v) Brakes, lights, horn, windshield wipers and steering apparatus shall function properly;
 - (vi) Tires shall be checked for proper inflation and defects; and
 - (vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.
 - (6) All vehicles or conveyances used for transporting explosives shall have tight floors, and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives.
 - (7) Packages of explosives or blasting agents shall not be loaded above the sides of an open-body vehicle or conveyance.
 - (8) Explosives shall not be transported with other materials or cargoes in the same compartment. In no case shall flammable materials be carried on the same vehicle as explosives, with the exception of desensitizing agents.

- (9) Each vehicle or conveyance used for transportation of explosives shall be equipped with at least one charged fire extinguisher each with an extinguisher rating of at least 4-A: 10B:C. Extinguishers shall be located where they will be accessible for immediate use.
- (10) Explosives shall be transferred from a disabled vehicle or conveyance to another vehicle or conveyance only when proper and qualified supervision is provided. Local fire departments and police departments shall be notified if a transfer occurs in a congested area. In remote areas, they shall be notified if appropriate.
- (11) A motorized vehicle or conveyance which contains explosives or detonators shall not be parked under any of the following circumstances:
 - (i) On or within 5 feet of the traveled portion of a public street or highway; or
 - (ii) Within 300 feet of a bridge, tunnel, building, or place where people work, assemble, or congregate, except for brief periods when the necessities of operation require the vehicle or conveyance to be parked and make it impracticable to park the vehicle or conveyance in any other place.
- (12) A motorized vehicle or conveyance transporting explosives, detonators, or blasting agents shall not be left unattended.
- (13) A motorized vehicle or conveyance shall be deemed attended only when the driver or other attendant is physically on or in the vehicle or conveyance, or has the vehicle or conveyance within the driver or attendant's field of vision and can reach the vehicle or conveyance quickly and without any kind of interference; attended also means the driver or attendant is awake, alert, and not engaged in any other duties or activities which may divert his/her attention from the vehicle or conveyance.
- (14) Detonators may not be transported in the same vehicle or conveyance with other explosives unless:
 - (i) The detonators and explosives are placed in separate locked Type 2 magazines secured within the body of the vehicle or conveyance;
 - (ii) The detonators and explosives are placed in a suitable locked container and separated by 4 inches of hardwood and the detonators are totally enclosed or confined by the hardwood construction;
 - (iii) The detonators and explosives are placed in separate locked containers or container compartments constructed in accordance with the Institute of Makers of Explosives Safety Library Publication No. 22, "IME Standard for the Safe Transportation of Detonators in a Vehicle with Other Explosives"; or
 - (iv) The detonators and explosives are placed in separate locked Type 3 magazines.
- (C) Requirements for the transportation of explosives, blasting agents, and blasting supplies to blasting areas by non-motorized means shall be:
 - (1) Explosives and blasting agents shall be carried in day boxes, original containers or shall be placed in bags or containers that are water-resistant and constructed of non-sparking and nonconductive material.
 - (2) Detonators shall be wrapped in suitable padding and carried in separate bags or containers from other explosives.

ARTICLE 6 USE OF EXPLOSIVE MATERIALS

Section 6-1 General Requirements

- (A) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be within 50 feet of the blast site.
- (B) No person shall handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.
- (C) When blasting is done in populated or residential areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the following precautions shall be taken:
 - (1) The blast shall be covered, before firing, with a mat or material that is capable of preventing fragments from being thrown;
 - (2) The blast shall be loaded in compliance with the Table of Scaled Distance (Table 6-10) or be monitored by a seismograph; and
 - (3) All persons within the blast area shall be given reasonable notification prior to blasting operations and informed as to the type of warning signal that will be given prior to the blast.
- (D) Blasters conducting blasting operations shall take every reasonable precaution, including but not limited to warning signals, flags and barricades to insure the safety of the general public and workers.
- (E) Surface blasting operations shall be conducted during periods of daylight, when the blast area is clearly visible. Blasting operations conducted after periods of daylight shall be approved by the Division and local law enforcement agency prior to each blast. Approval shall only be granted if such approval serves the safety of the general public.
- (F) The blaster shall perform all required notification to and obtain all required permits from local jurisdictions or authorities, including, but not limited to, the County Sheriff, local fire districts and fire departments before beginning blasting operations.
- (G) Whenever blasting operations are subject to both state and local rules, the higher standard shall apply.
- (H) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, steam utilities, or transportation corridors, the blaster shall notify the appropriate transportation or utility representatives at least twenty-four hours in advance of blasting, specifying the location and intended time of such blasting.
- (I) The blaster shall suspend all blasting operations and remove all persons from the blast site during the approach and progress of an electrical storm.
- (J) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.
- (K) Detonators or other explosives shall never be carried in pockets of clothing.
- (L) Detonators shall not be inserted in explosive materials that do not have a cap well without first making a hole in the cartridge with a non-sparking punch of proper size, or the appropriate pointed handle of a cap crimper.

- (M) The detonator shall be secured within the primer so that no tension is placed on the leg wires, safety fuse, shock tube, plastic tubing or detonating cord at the point of entry into the detonator.
- (N) The detonator shall be fully inserted into the primer cartridge or booster and shall not protrude from the cartridge.
- (O) Cast primers and boosters shall not be used if the hole is too small for the detonator, and attempting to enlarge the hole in a cast primer or booster shall not be permissible.
- (P) Primers are not to be prepared in a magazine or near large quantities of explosive materials.
- (Q) Explosives and blasting agents shall be kept separated from detonators until the charge is placed.
- (R) Only non-sparking metallic slitters may be used for opening fiberboard cases.
- (S) Cartridges or packages of explosives showing signs of discoloration or deterioration must be carefully set aside and properly disposed of in accordance with manufacturer's recommendations.
- (T) No explosive material shall be abandoned or left in any location for any reason, nor left in such a manner that they may easily be obtained by children or other unauthorized persons. All unused explosives shall be returned to proper storage facilities.
- (U) A record of each blast shall be kept. All records, including seismograph reports, shall be retained at least five years, be available for inspection by the Division, and contain at least the following minimum data, as applicable:
 - (1) Person for whom blasting operations are conducted
 - (2) Name, permit number, and signature of the blaster
 - (3) Exact location or address of the blast, date and time of detonation
 - (4) Type of material blasted
 - (5) Number of holes, burden and spacing
 - (6) Diameter and depth of holes
 - (7) Types of explosives used
 - (8) Amount and type of explosive loaded in each borehole or used in each charge
 - (9) Total amount of each explosive used
 - (10) Maximum amount of explosives and holes detonated within 8 milliseconds
 - (11) Method of firing and type of circuit
 - (12) Direction, distance in feet, and identification of the nearest dwelling, house, public building, school, church, commercial or institutional building neither owned nor leased by the person or company conducting the blasting
 - (13) Weather conditions
 - (14) Type and height or length of stemming

- (15) A statement as to whether mats or protection against flyrock were used
- (16) Type of delay caps used and delay periods used
- (17) The person taking the seismograph reading shall accurately indicate exact location of the seismograph if used and shall show the distance of the seismograph from the blast
- (18) Seismograph records, where required, which shall include:
 - (i) Name of person and firm analyzing the seismograph record; and
 - (ii) Seismograph reading.
- (19) Sketch of blast pattern including number of holes, burden and spacing distance, delay pattern, and if decking is used, a hole profile.

Section 6-2 Drilling and Loading

- (A) Procedures that permit safe and efficient loading shall be established before the loading of explosive materials is started.
- (B) All boreholes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.
- (C) Tamping shall be done only with wooden rods or with approved plastic tamping poles without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.
- (D) No boreholes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosive materials shall be immediately returned to magazines or day boxes.
- (E) No explosives or blasting agents shall be left unattended on a blast site.
- (F) Drilling shall not be started until all remaining butts of old boreholes are examined for unexploded charges, and if any are found, they shall be refired or removed before work proceeds.
- (G) No person shall be allowed to deepen boreholes that have contained explosives or blasting agents.
- (H) Drilling shall not be conducted where there is a danger of intersecting a loaded borehole or misfired explosive material.
- (I) Equipment, machines and all tools not used for loading explosives into boreholes shall be removed from the immediate location of boreholes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded boreholes except when equipment is needed to add cover or mats.
- (J) Loaded boreholes shall not be left unattended.
- (K) The Type I permittee shall maintain an accurate, up-to-date record of explosives, blasting agents, and all blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.
- (L) Pneumatic loading of blasting agents into blast holes primed with electric detonators or other static-sensitive initiation systems shall conform to the following requirements:

- (1) A positive grounding device for the equipment shall be used to prevent the accumulation of static electricity.
- (2) A semi-conductive hose shall be used.
- (3) A qualified person shall evaluate all systems to assure that they will adequately dissipate static under potential field conditions.
- (M) Primers shall be made up immediately prior to placing the primer in the borehole.
- (N) Dropping or pushing a primer or any explosive with a lighted fuse attached into a borehole is prohibited.
- (O) Detonators shall not be loaded into a hot hole or exposed to temperatures above 1500° F unless specifically designed and approved by the manufacturer for higher temperatures.

Section 6-3 Electric Initiation of Blasts

- (A) Electric detonators may be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.
- (B) Electric detonator wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.
- (C) Signs shall be posted warning against the use of mobile radio transmitters on all adjacent highways and roads.
- (D) Mobile radio transmitters that are less than 100 feet away from electric detonators shall be de-energized and effectively locked when the detonators are not in the original containers.
- (E) Electric detonators shall be used in compliance with the recommendations of IME with regard to blasting in the vicinity of radio transmitters as stipulated in Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps), IME Safety Library Publication No. 20, December 2011.
- (F) Precautions in accordance with the recommendations of IME with regard to blasting in the vicinity of radio transmitters as stipulated in Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps), IME Safety Library Publication No. 20, December 2011 shall be taken to prevent accidental discharge of electric detonators from current induced by radar, cellular telephones, radio transmitters, battery contact, lightning, adjacent power lines, static electricity, dust storms, blowing snow or other sources of extraneous electricity.
- (G) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.
- (H) In any single blast using electric detonators, all detonators shall be of the same style or function and be of the same manufacture.
- (I) Electric blasting shall be carried out by using blasting circuits or power circuits, in accordance with the electric detonator manufacturer's recommendations.
- (J) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

- (K) The circuit, including all detonators, shall be tested with an approved testing device before being connected to the firing line.
- (L) When firing a circuit of electric detonators, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendation.
- (M) Connecting wires and lead wires shall be insulated single solid wires of sufficient current- carrying capacity and shall not be less than #20 gauge (American wire gauge) solid core insulated wire.
- (N) Firing line or leading wires shall be solid single wires of sufficient current carrying capacity, and shall be not less than #14 gauge (American wire gauge) solid core insulated wire. Bus wires depend on the size of the blast, but #14 gauge (American wire gauge) copper is recommended.
- (O) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the blaster.
- (P) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.
- (Q) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.
- (R) A power circuit used for firing electric detonators shall not be grounded.
- (S) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short- circuited when the switch is in the 'off' position. Keys to this switch shall be entrusted only to the blaster.
- (T) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.
- (U) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric detonators used.
- (V) The number of electric detonators connected to a blasting machine shall not be in excess of its rated capacity. A series or circuit shall contain no more detonators than the limits recommended by the manufacturer of the electric detonators in use.
- (W) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.
- (X) Blasters, when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.
- (Y) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the borehole back to the source of firing current, and the lead line wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.
- (Z) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

- (AA) When electric detonators have been used, workers shall not return to misfired holes for at least thirty minutes.

Section 6-4 Safety Fuse Initiation of Blasts

- (A) A safety fuse that is deteriorated or damaged in any way shall not be used.
- (B) The hanging of safety fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.
- (C) Before assembling fuse detonators and safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each fuse detonator.
- (D) Only cap crimpers specifically designed for the purpose of crimping caps shall be used for attaching fuse detonators to safety fuse. Crimpers shall be kept in good repair and accessible for use.
- (E) No fuse detonators and safety fuse shall be assembled, or primers made up, in any magazine or near any possible source of ignition or initiation.
- (F) The assembly of fuse detonators, safety fuse, and making of primers shall only be done in a place selected for this purpose and at least 100 feet away from any storage magazine.
- (G) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting.
- (H) New rolls of fuse shall be tested for burn rate prior to use and all partial rolls shall be tested at least every thirty days. A record of the burn rate shall be kept by the permittee.
- (I) The length of safety fuse shall be in accordance with the manufacturer's recommendations. In no case shall the length of fuse be less than 3 feet and shall not have a burn time of less than 120 seconds at the time of initiation.
- (J) Lighting of safety fuse shall be done with hot wire lighters, pull-wire lighters, thermalite connectors, or igniter cord and thermalite connectors.
- (K) Matches, cigarette lighters, cigarettes, pipes, cigars or other unsafe means shall not be used to ignite safety fuse.
- (L) Igniters shall be used in accordance with the manufacturer's recommendations and shall not be attached to a safety fuse until the charge is at the blast site and the crew is fully prepared to light the charge.
- (M) At least two persons shall be present when fuse detonator and safety fuse blasting is done by hand-lighting methods.
- (N) When blasting with safety fuses, consideration shall be given to the length and burning rate of the safety fuse and shall be used in accordance with the manufacturer's recommendations. A sufficient time of not less than 120 seconds, with a margin of safety, shall always be provided for the blaster to reach a place of safety.
- (O) Not more than 12 safety fuses shall be lit by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lit as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

- (P) Fuse detonators and safety fuse shall not be used for firing mud cap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.
- (Q) Only sufficient primers for one day's use shall be made up at one time.
- (R) Any loose cartridges of explosives, detonators, primers and assembled fuse detonators and safety fuse unused at the end of the shift shall be returned to their respective and separate magazines and locked up.
- (S) Safety fuse shall not be used in blasting operations in populated areas, public areas, on highways, or adjacent to roads open to traffic.
- (T) When the fuse lighter has been ignited, the blaster shall assume initiation of the safety fuse has occurred.
- (U) If the safety fuse does not show evidence of initiation, the blaster shall not attempt any further initiation and retreat to a safe location for at least one hour.
- (V) When safety fuse is used, workers shall not return to a misfire for at least one hour.
- (W) If explosives are suspected of burning, all persons in the endangered area shall move to a safe location and no one shall return to the area for at least one hour after signs of burning have ceased.

Section 6-5 Non-electric Initiation of Blasts

- (A) Blasters shall be familiar with and follow the manufacturer's warnings and instructions, especially hook-up and safety precautions.
- (B) Operations shall be discontinued during the approach and progress of electrical storms.
- (C) Non-electric leads shall not be held during firing.
- (D) Primary initiators shall not be attached to the round or shot until after all the connections have been made and the blasting area has been cleared.
- (E) Non-electric delay connectors shall not be exposed to excessive impact, friction, flame, electrical discharge, static electricity or lightning.
- (F) Delay detonators shall not be disassembled from the plastic connector block, nor shall the delay detonators be used without the block.
- (G) Shock tube connections shall be at right angles to detonating cord.
- (H) Connections with other initiation devices shall be secured in a manner that provides for uninterrupted propagation.
- (I) Factory made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions.
- (J) No tool shall be used to pry on any component containing a detonator, nor shall any tool be used to open, fasten or clean out any connector containing a detonating device.
- (K) Care shall be taken to ensure that a vehicle is not driven over the tubing, connectors, or any surface delay component.

- (L) In multiple row blasts, the initiation system shall not be connected from row to row until all drilling and loading has been completed. In single row blasts, the components shall not be connected from hole to hole until all drilling and loading has been completed.
- (M) A safety line consisting of trunkline or other non-electric tubing shall be connected to the last hole in each row and shall extend beyond the area of cover in a covered or matted blast and shall be used to check for complete detonation of each row.
- (N) Before firing the shot, the blaster shall visually inspect and verify that all connections in the initiation system are made in accordance with the manufacturer's recommendations.

Section 6-6 Use of Detonating Cord

- (A) Care shall be taken to select a detonating cord consistent with the type and physical condition of the borehole and stemming and the type of explosives used.
- (B) Detonating cord shall be handled and used with the same respect and care given other explosives.
- (C) If using a detonating type cord for blasting, the double-trunk line or loop systems shall be used.
- (D) In multiple-row blasts, the trunk line layout shall be designed so that the detonation can reach each blast hole from at least two directions.
- (E) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.
- (F) The line of detonating cord extending out of a borehole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.
- (G) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.
- (H) Detonating cord connections shall be made in accordance with the manufacturer's recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.
- (I) Detonating cord shall be cut with a sharp knife, razor blade, or cutters designed for use with detonating cord. Scissors or plier type cutters shall not be used.
- (J) All detonating cord trunk lines and branch lines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.
- (K) All detonating cord connections shall be inspected before firing the blast.
- (L) When detonating cord millisecond-delay connectors or short-interval-delay electric detonators are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.
- (M) When connecting a detonator to detonating cord, the detonator shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the detonator containing the explosive charge pointed in the direction in which the detonation is to proceed.
- (N) When initiating detonating cord with fuse detonators and safety fuse, two fuse detonators shall be required.

- (O) Detonators for firing the trunk line shall not be brought to the loading area nor attached to the detonating cord until the area has been cleared for the blast.

Section 6-7 Electronic Initiation of Blasts

- (A) Permittees shall be trained in the manufacturer's procedures for use of electronic detonators and shall follow the manufacturer's warnings and instructions, especially hook-up and safety precautions.
- (B) Test equipment and blasting machines designed for use with electric detonators shall not be used with electronic detonators.
- (C) Manufacturer's recommended practices shall be followed to protect electronic detonators from electromagnetic, radio frequency, or other electrical interference sources.
- (D) Electronic detonators shall only be fired with the equipment and procedures recommended by the manufacturer.
- (E) Electric detonators and electronic detonators shall not be used in the same blast, even when made by the same manufacturer, unless the manufacturer approves such use.
- (F) Test equipment and blasting machines that are designed for electronic detonators shall not be used with electric detonators.
- (G) Electronic detonator wires, connectors, coupling devices, shock tube, or other components shall be protected from mechanical abuse and damage.
- (H) Electronic detonators of different types and/or versions shall not be used in the same blast, even if made by the same manufacturer, unless such use is approved by the manufacturer.
- (I) Equipment or electronic detonators that appear to be damaged or poorly maintained shall not be used.
- (J) Only blasting machines, testers, or instruments that are specifically designed for the electronic detonator system shall be used.
- (K) Never mix or use electronic detonators and equipment made by different manufacturers.
- (L) The handling or use of electronic detonators shall be discontinued during the approach and progress of an electrical storm. Personnel must be withdrawn from the blast area and moved to a safe location.
- (M) Electronic detonator systems shall not be exposed to or used in operational temperature and pressure ranges outside those specified by the manufacturer.
- (N) Electronic detonators shall never be tested or programmed in a booster, cartridge, or other explosive component (primer assembly) before it has been deployed in the borehole or otherwise loaded for final use.
- (O) An electronic detonator shall not be held while it is being tested or programmed.

Section 6-8 Firing the Blast

- (A) It shall be the duty of the blaster to determine the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blaster's presence and approval.

- (B) All blasting in congested areas or in close proximity to a structure, railway, highway or any other installation where the blasting may cause injury or damage by flying rock shall be covered with blasting mats or other protective material before firing.
- (C) All persons within the blasting area shall be notified of the time of the blast and moved to a safe distance or under sufficient cover. Guards shall be posted to prevent entry into the blast area.
- (D) All surplus explosive materials shall be removed to a safe location before blasting.
- (E) Flaggers shall be safely posted on highways that pass through the danger zone so as to stop traffic during blasting operations.
- (F) Guards shall be posted around the perimeter of the blasting area to prevent unauthorized entry into the blast area. Either visual or verbal communication must be possible between guards.
- (G) Before the blast is fired, the warning signal shall be given by the blaster in charge or the individual designated by the blaster in charge.
- (H) An inspection of the blast area to determine if all charges have detonated shall be done by the blaster before guards and flaggers are cleared by the blaster to leave their posts.

Section 6-9 Misfires

- (A) The blaster shall provide proper safeguards for excluding all unauthorized persons from the danger zone if a misfire is found.
- (B) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.
- (C) Explosives shall not be extracted from a hole that has misfired unless it is impossible or hazardous to detonate any unexploded explosive materials by insertion of an additional primer.
- (D) If there are any misfires while using fuse detonators and safety fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting. All fuses shall be carefully traced and a search made for the unexploded charges.
- (E) When electric detonators have been used, workers shall not return to the blast area for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.
- (F) When a completely non-electric initiation system, other than safety fuse, has been used, all employees shall remain away from the blast area for at least 15 minutes. All shock tubes shall be traced and a search made for unexploded charges.
- (G) When electronic detonators have been used, workers shall not return to the blast area for at least 30 minutes unless the manufacturer recommends additional time before returning to the blast area.
- (H) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole for at least one hour after evidence of combustion ceases.
- (I) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the blaster in charge has approved that work can proceed.

- (J) Explosive materials recovered from misfires shall not be reused and shall be disposed of in the manner recommended by the manufacturer.

Section 6-10 Blasting Vibration and Air Over-Pressure Standards

- (A) In all blasting operations, blasters shall use one of the following methods to monitor or control the intensity of motion in the ground at the nearest dwelling, house, school, church, commercial or occupied building. These limits do not apply to property owned, leased, or contracted by the blaster's company or property on which the owner provides a voluntary written waiver from these restrictions.
- (1) Option 1 (Maximum allowable peak particle velocity (MAPV)) – the intensity of the ground motion, measured with a commercial seismograph, meeting the following standards shall not exceed the limits specified in MAPV column of Table 6-10.
- (i) Monitoring instruments shall have a flat frequency response between 2 and 250Hz for particle velocity.
 - (ii) The digitizing sampling rate for peak particle measurements shall be at least 1,024 samples per second.
 - (iii) Seismographs shall be capable of performing a self-test of velocity transducers and printed event records shall indicate whether or not the sensor test was successful.
 - (iv) Monitoring instruments shall be capable of recording particle velocities with intensities ranging from 0.02 to 5.0 inches per second.
 - (v) Monitoring systems shall be calibrated by a service center approved by the manufacturer within at least two years of the time of use. Certificates documenting date of calibration, issued by the approved service center, shall be kept by the user.
 - (vi) Monitoring systems shall be capable of printing hard-copy reports showing the date and time of monitoring, the maximum peak particle velocity (PPV) measurements, and plotted PPV-time waveform plots.
 - (vii) For all blasts with a scaled distance less than 100 ft/lb, seismographs monitoring motion shall be set to trigger at a level of 0.05 in/s.

The following equation shall be applied when calculating the scaled distance.

$$D_s = \frac{D}{\sqrt{W}}$$

Where:

Ds = Scaled distance (ft/lb)

D = Distance to the nearest structure (ft)

W = Weight of explosive detonated within any 8 millisecond window (lb)

- (viii) If a valid vibration record showing compliance with the MAPV limits shown in table 6-10 is not available for inspection, the maximum charge weight per delay (W) must conform to the scaled distance limitations as prescribed in Option 2.

- (2) Option 2 (Scaled Distance) – when seismic monitoring is not performed, the maximum weight of the explosive detonating within any 8-millisecond time period shall not exceed the amount allowed by a calculation using the scaled distance factors given in Scaled Distance column of Table 6-10.

The following equation shall be applied when utilizing the scaled distance calculations to control blast-induced vibration.

$$W = \left(\frac{D}{D_s} \right)^2$$

Where: Ds = Scaled distance (ft/lb)
 D = Distance to the nearest structure (ft)
 W = Weight of explosive detonated within any 8 millisecond window (lb)

Example Maximum Charge Weight per Delay (W) Calculation:

Given: Ds = 55 (ft/lb)
 D = 500 ft.
 therefore
 W = (500 / 55)² = 82.6 lb

Table 6-10	Blasting Vibration and Air Over-Pressure Standards	
Distance From Blast (Ft)	Option 1 MAPV (Maximum Allowable Particle Velocity) Measured As Inches/Second In Vertical, Transverse, or Longitudinal Directions	Option 2 Scaled Distance Factor Units Are Ft/Lb
0 to 300	2.00	50
301 to 5000	1.55	55
5001 and Greater	1.00	65

- (B) Air over-pressure (air blast) limitation: Air over-pressure at the nearest dwelling house, school, church, or otherwise occupied buildings shall not exceed 133 dB (0.0129 psi). Measuring air over-pressure is not required for all blasting operations. However, due to complaints or other circumstances, the Division may require blasters to monitor air over-pressure. All instruments used to measure air over-pressure compliance shall:
- (1) Employ linear microphones with a flat frequency response between 2 and 200 Hz
 - (2) Have a digital sampling rate of at least 1024 samples per second; and
 - (3) Be capable of measuring air over-pressure from 120 to 140 dB-Linear (0.0029 to 0.029 psi).

ARTICLE 7 AVALANCHE CONTROL

Section 7-1 General Requirements

- (A) The use of explosives and blasting agents for avalanche control shall comply with this article unless explosives are used in compliance with Article 6.
- (B) The requirements of this article shall only be applicable to the use of explosives for avalanche control. The use of explosives for other purposes such as, but not limited to, demolition, site clearing, or construction shall be in compliance with Article 6.
- (C) Explosives and blasting agents shall not be stored, kept, assembled, combined to form armed charges, or had in any inhabited areas, structures, or buildings except in compliance with this Article or Article 4.
- (D) Only blasters shall supervise the assembly, arming of explosive components, and detonation of explosive charges.
- (E) Each avalanche control blasting crew or team shall consist of a blaster and at least one trained assistant. The crew may consist of two blasters, but only one shall act as the blaster in charge.
- (F) Untrained personnel may accompany the blasting crew for training purposes but shall only participate in actual firing of charges for completion of training in accordance with Section 7-2(B)(1)(iii)(a)(3).
- (G) The blaster in charge of each crew or team shall be responsible for all decisions made regarding preparation and placement of charges.
- (H) Blasting operations shall be conducted during periods of daylight with personnel guarding the area, or when the area has been closed. Nighttime blasting operations shall be approved by the Division, and approval shall only be granted if such approval serves the safety of the general public.
- (I) The blaster in charge shall pre-plan the escape route and all crew members shall understand the plan before initiating the charge.
- (J) No person shall accept or be given a job assignment that is beyond the individual's ability, training, or qualifications.
- (K) Cold temperatures, high winds, and heavy snowfall are conditions that should be anticipated in avalanche control blasting. These conditions shall be considered in determining a person's physical ability, training, and qualifications for conducting safe blasting operations, and in the management of safe blasting operations.

Section 7-2 Training Requirements

- (A) Type II Avalanche Control permit applicants shall submit a training program for personnel involved in the use, storage and transportation of explosives to the Division. The Division shall approve the training program prior to issuance of the permit.
- (B) The training program shall include at least the following for each personnel type:
 - (1) Blaster in Training:
 - (i) A minimum of 8 hours of classroom education and a written examination to include

the following:

- (a) Explosives Regulations of the Division
 - (b) Explosives Regulations of the Division and federal requirements for the storage of explosives and magazine locations, inventory procedures, and magazine access
 - (c) Safety procedures for explosives and blasting agents used within the company, including the properties and classification of each type of explosive, and consequences of the unsafe use of explosives
 - (d) Explosives Regulations of the Division for preparing, handling, and using hand charges to include:
 - (1) Hand charge assembly procedures for both field arming and make-up room arming;
 - (2) Crimping procedures;
 - (3) Transportation to blast site by skiing or aerial tramways for both field armed charges and make-up room armed charges;
 - (4) Use of igniters and determining successful initiation of fuse;
 - (5) Misfire procedures;
 - (6) Procedures for clearing and guarding the blasting area; and
 - (7) Deployment of initiated hand charges.
 - (e) Hazard training for cornice control operations
 - (f) Hazard training for avalauncher operations
 - (g) Record keeping procedures, including:
 - (1) Records of transactions;
 - (2) Explosive inventory record keeping;
 - (3) Explosive use and route log record keeping; and
 - (4) Misfire documentation.
- (ii) Simulated Field Training for Hand Charges
- (a) During weather conditions typical to avalanche control and under the supervision of a blaster, the trainee shall:
 - (1) Attend demonstration with simulated components;
 - (2) Attach igniters to fuse without a detonator and successfully ignite fuse not less than 5 times;
 - (3) Attach igniters to fuse without a detonator and twice simulate an

unsuccessful attempt to light the fuse and follow the procedures for a misfire;

- (4) Attach igniters to fuse with a detonator and successfully ignite and deploy the detonator and fuse assembly not less than 5 times; and
- (5) When training occurs at operations not utilizing a pre-manufactured detonator and safety fuse assembly, assemble detonator and fuse, attach igniters to fuse with detonator, and successfully initiate and deploy the detonator and fuse assembly not less than 5 times.

(iii) Field Experience Training for Hand Charges

(a) Under the supervision of a blaster, the trainee shall:

- (1) Accompany a blasting crew on 5 routes or the deployment of not less than 20 charges as an observer;
- (2) Accompany a blaster, as an assistant only, for the initiation and deployment of not less than 20 charges; and
- (3) Accompany a blaster and initiate and deploy not less than 20 charges under the direct supervision of the blaster.

(iv) Avalauncher Operator

(a) Trainee shall complete 8 hours classroom and field training before becoming an avalauncher operator. This training shall include:

- (1) Operating instructions for each type of avalauncher used;
- (2) Procedures on performing preventive maintenance inspections;
- (3) Procedures on assembly of charges;
- (4) Procedures for checking the elevation, aiming, and pressure settings of the avalauncher;
- (5) Procedures for test firing the avalauncher;
- (6) Procedures for loading charges in the avalauncher;
- (7) Procedures for clearing and guarding the target area;
- (8) Emergency procedures; and
- (9) Requirements for securing the equipment.

(b) Qualifications for avalauncher operator shall be:

- (1) One year experience as a blaster in charge;
- (2) Must have assisted on the avalauncher crew not less than 5 times; and
- (3) Must load and fire the avalauncher under the supervision of a qualified operator not less than 10 times.

(2) Howitzer Operator

- (i) All Howitzer operations shall be conducted in accordance with the provisions of The Avalanche Artillery Users of North America Committee (AAUNAC) Standard (Revised May 16, 2012).

(3) Requirements for Annual Refresher Training

- (i) All blasters shall attend a minimum of 4 hours of refresher training at the beginning of each season.
 - (a) Classroom training shall include:
 - (1) Review of operation techniques such as throwing techniques, air blasting, dangling charges, cornice blasting, avalauncher and howitzer procedures;
 - (2) Review of assembly and transportation procedures; and
 - (3) Review of snow safety program.
 - (b) Field training shall include:
 - (1) Review of initiation techniques;
 - (2) Review of misfire procedures; and
 - (3) A walk through of storage and make-up facilities.
- (ii) Annual refresher training may count towards the 16 hour requirement of Section 3.6(N) of these rules when the refresher training program is specifically approved by the Division.

Section 7-3 Make-up Room Requirements

(A) Location of Make-up Rooms

- (1) Make-up rooms shall be located in accordance with the American Table of Distances for the Storage of Explosives (Table 4-5-1), and the quantity of explosives used to determine the distance shall be the maximum amount that will be allowed in the make-up room at any one time.
- (2) Make-up rooms shall not be located in buildings or structures that are at any time open to the public.

(B) Construction of Make-up Rooms

- (1) The interior of the make-up room shall be finished and equipped to the following minimum standards:
 - (i) Walls shall be constructed of, or covered with, a non-sparking material. Nails or screws shall be countersunk, blind nailed, or covered;
 - (ii) Floors shall be constructed of, or covered with, a non-sparking material;
 - (iii) The building and make-up room shall be well ventilated, and the ventilation system shall discharge to the outside from the make-up room;

- (iv) The make-up table shall be constructed of non-sparking, nonconductive material; and
 - (v) The make-up table shall be located away from the area where explosives are kept before and after assembly.
- (2) The building in which the make-up room is located shall be theft-resistant and secured by at least one steel padlock having at least 5 tumblers and a case hardened shackle at least 3/8-inch in diameter. The door shall have hinges and hasps attached so that they cannot be removed from the outside when in the closed position with the lock in place.
- (C) Make-up Room Restrictions
- (1) Heating units shall be explosion proof, dust-proof and not depend on a combustion process when properly designed and located. National Electric Code-rated explosion-proof and dust-proof heating units may be located inside make-up rooms.
 - (2) Temperature control devices must be sufficiently designed to prevent overheating of make-up rooms where explosives are stored.
 - (3) Lighting fixtures shall be National Electric Code explosion-proof rated fixtures and all wiring shall be in sealed conduit.
 - (4) Electric control switches shall be located outside the make-up room.
 - (5) Electrical outlet boxes are not permissible inside the make-up room.
 - (6) Smoking, matches, open flames, or flame or spark producing devices shall not be permitted inside the make-up room.
 - (7) Flammable liquids or flammable compressed gases shall not be stored or had in the make-up room.
 - (8) Occupancy of the make-up room shall be restricted to authorized and trained personnel when explosives are present.
 - (9) A make-up room shall not be used for the unattended storage of armed charges.
 - (10) Explosives stored inside the make-up room must be stored in at least a Type 2 storage magazine suitable for indoor storage.
- (D) Make-up Room Housekeeping
- (1) The make-up room shall be kept clean and orderly.
 - (2) Metal tools shall not be used or stored in the make-up room.
 - (3) Brooms used in the make-up room shall be made of non-sparking materials.
 - (4) Sweepings and empty explosive material containers shall be disposed of as recommended by the manufacturer.
 - (5) The make-up room shall be cleaned and all explosives materials shall be removed before any repairs are made to the make-up room.
 - (6) The make-up table or bench shall be cleaned regularly and shall be kept free of any materials or tools not used in the assembly of the charges.

Section 7-4 Use of Explosives

(A) General Requirements

- (1) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be within 50 feet of the blast site.
- (2) No person shall handle explosives while under the influence of intoxicating liquors, narcotics, or other controlled substances. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician, providing such use shall not influence the blaster's ability to conduct safe blasting operations.
- (3) Blasters conducting blasting operations shall take every reasonable precaution, including but not limited to warning signals, flags and barricades to insure the safety of the general public and workers.
- (4) The blaster shall suspend all blasting operations and remove all persons from the blast site during the approach and progress of an electrical storm.
- (5) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(B) Explosives

- (1) Explosives shall have a shelf life of at least 1 operating season in the storage facilities in which they will be stored.
- (2) Blasting caps must be at least a No. 6 cap and no larger than a No. 8 cap except when recommended by the explosives manufacturer for a particular explosive used within a specific application.
- (3) Detonator and safety fuse assemblies manufactured with thermalite connectors shall not be used for avalanche control operations.
- (4) Detonating cord used for initiating primers must be at least a 25-grain cord.
- (5) Explosive materials chosen must have excellent water resistance and be capable of detonation in cold temperatures.
- (6) Explosive materials that are damaged, show signs of deterioration, or have misfired shall not be used.
- (7) Detonators and other explosive materials, with the exception of fuse igniters, shall never be carried in pockets of clothing.
- (8) Should cartridges or packages of explosive materials show signs of discoloration or deterioration, such explosive materials must be carefully set aside and properly disposed of according to the manufacturer's recommendations.
- (9) Only non-sparking metallic slitters may be used for opening fiberboard cases.
- (10) No explosive material shall be abandoned or left in any location for any reason, nor left in such a manner that they may easily be obtained by children or other unauthorized persons. All unused explosives shall be returned to the proper storage facilities.
- (11) A record of each blast shall be completed and signed by the Type I permittee acting as the

blaster in charge. All records shall be retained at least five years, shall be available for inspection by the Division, and shall contain at least the following data:

- (i) Name of company or contractor;
- (ii) Date, time and location of route;
- (iii) Name, permit number and signature of blaster-in-charge of the route;
- (iv) Number of charges used on each route;
- (v) Names of employees on each route;
- (vi) Types of explosives used;
- (vii) Total amount of each explosive received and used;
- (viii) Method of initiation;
- (ix) Type of blasting (hand charge, cornice control, avalauncher);
- (x) Weather conditions; and
- (xi) Statement noting any misfires, the location of misfires, steps taken to recover or refire any misfires, and the date the misfire was found and disposed of.

(C) Hand Charges

(1) Safety Fuse

- (i) Safety fuse that is deteriorated or damaged in any way shall not be used.
- (ii) The hanging of safety fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.
- (iii) Pre-manufactured detonator and fuse assemblies shall be used in accordance with the manufacturer's requirements.
- (iv) Before assembling fuse detonators and safety fuse, a minimum of one inch shall be cut from the end of the supply reel so as to assure a fresh cut end in each fuse detonator.
- (v) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting.
- (vi) New rolls of safety fuse shall be tested for burn rate prior to use and all partial rolls shall be tested at least every 30 days. A record of the burn rate shall be kept by the Type II permittee.
- (vii) Only a bench or hand-held cap crimpers designed for the purpose of crimping fuse detonators shall be used for attaching fuse detonators to safety fuse. Crimpers shall be kept in good repair and accessible for use.
- (viii) No fuse detonators and fuse shall be assembled, or primers made up, in any magazine or near any possible source of initiation.

- (ix) Assembly of fuse detonators and safety fuse and pre-arming of charges shall only be done in a warm, dry, well-lit make-up room.
- (x) Any loose cartridges of explosives, detonators, and assembled fuse detonators and safety fuse unused at the end of the shift shall be returned to their respective and separate magazines and locked up.
- (xi) Detonators, fuse detonator and fuse assemblies, armed charges, or safety fuse igniters shall not be carried into nor stored in any magazine containing cartridge high explosives.
- (xii) Detonators shall not be inserted in the explosives without first making a hole in the cartridge of proper size using a tool designed for that purpose.

(2) Arming of Charges With Detonators

- (i) Cast primers and boosters shall not be used if the hole is too small for the detonator, and attempting to enlarge the hole in a cast primer or booster shall not be permissible.
- (ii) The detonator shall be secured within the primer so that no tension is placed on the safety fuse at the point of entry into the detonator.
- (iii) The detonator shall be fully inserted into the primer cartridge or booster and shall not protrude from the cartridge.
- (iv) After the fuse detonator and safety fuse assembly is inserted, the explosive contains a sensitive detonator and is then vulnerable to premature detonation, therefore delaying the arming of a charge until just before tossing the charge should be standard procedure when wind and/or temperatures are not severe.
- (v) When arming the charge at the blast site the blaster shall:
 - (a) Insure that the fuse detonator is installed on the correct length of fuse prior to transporting to blast sites;
 - (b) Place detonators in adequate protective padding or shields before placing in approved avalanche control packs;
 - (c) Place detonators and explosives in separate approved avalanche control packs while transporting to the blast site;
 - (d) Safety fuse igniters shall not be placed inside the pack when it contains explosives or detonators, but shall be carried in a separate pack;
 - (e) Insure that the detonator is secured to the charge before attaching fuse igniter.
- (vi) Depending on weather condition, the charges may be armed in a make-up room as follows:
 - (a) All fuse detonators shall be installed on the required length of safety fuse before the explosive cartridges or primers are brought to the make-up area;
 - (b) Fuse detonator and safety fuse assemblies shall be secured correctly to each type of explosive charge being used;
 - (c) Fuse detonator and safety fuse assemblies shall not be attached to explosive charges until just before the time of distribution to patrol personnel;

- (d) Each hand charge shall be placed in an area separate from the assembly area immediately after assembly is completed; and
- (e) Distribution of hand charges into approved control packs shall take place away from the assembly area.

(3) Initiation of Hand Charges

- (i) The length of safety fuse shall be in accordance with manufacturer's recommendations, and shall be 3 feet in length or have a burn time of not less 120 seconds at the time of initiation.
- (ii) The lighting of fuse shall be done with hot-wire lighters or pull-wire lighters.
- (iii) Matches, cigarette lighters, cigarettes, pipes, cigars or other unsafe means shall not be used to ignite fuse.
- (iv) Igniters shall be used in accordance with manufacturer's recommendations and shall not be attached to a safety fuse until the charge is at the blast site and the crew is fully prepared to initiate the charge.
- (v) At least 2 persons shall be present when fuse detonators and safety fuse blasting is done by hand lighting methods.
- (vi) When blasting with safety fuses, consideration shall be given to the length and burning rate of the safety fuse, and safety fuse shall be used in accordance with manufacturer's recommendations. A sufficient time of not less than 120 seconds, with a margin of safety, shall always be provided for the blaster to reach a place of safety.
- (vii) When the fuse lighter has been placed on the fuse, the blaster shall assume initiation of the safety fuse has occurred.
- (viii) If the safety fuse does not show evidence of initiation after the fuse lighter has been ignited, the blaster shall not attempt any further initiation of the charge but adequately mark the charge and retreat with the blasting crew to a safe distance for not less than 1 hour.
- (ix) After waiting at least 1 hour, the blaster shall:
 - (a) Determine that initiation failed and ignite the uninitiated charge; or
 - (b) Determine that the initiation was successful and dispose of the misfired explosive charge with a secondary charge.

(4) Use of Detonating Cord

- (i) Detonating cord shall be handled and used with the same respect and care given other explosives.
- (ii) All detonating cord knots shall be tight and all connections shall be kept at right angles.
- (iii) Detonating cord shall be handled and used with care to avoid damaging or severing the cord.
- (iv) Detonating cord connections shall be made in accordance with approved and

recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

- (v) Detonating cord shall be cut with a sharp knife, razor blade, or cutters designed for use with detonating cord. Scissors or plier type cutters shall not be used.
- (vi) All detonating cord connections shall be inspected before firing the blast.
- (vii) When connecting a detonator to detonating cord, the detonator shall be taped or otherwise attached securely along the side of the end of the detonating cord with the end of the detonator containing the explosive charge pointed in the direction in which the detonation is to proceed.
- (viii) Two fuse detonators shall be required for the initiation of detonating cord with fuse detonator and safety fuse.
- (ix) Detonators shall not be attached to the detonating cord until the area has been cleared for the blast.

(5) Avalanche Control Packs

- (i) Control packs shall be constructed of material that is water resistant, non-sparking and nonconductive.
- (ii) Control packs shall have sufficient individual compartments to separate hand charges or explosive components from tools or other equipment or supplies that may be carried in the pack.
- (iii) Tools or other equipment shall not be placed in compartments containing explosives.
- (iv) Each compartment used for hand charges or explosive components shall have an independent means of closure.
- (v) Control packs shall be inspected daily for holes, faulty compartments or closures, and explosive residue. Packs shall not be used until adequately repaired or cleaned.
- (vi) Control packs shall not be left unattended, or used for storing explosives. All explosive material shall be returned to the approved storage facility at the end of individual control routes.
- (vii) Individual control team members shall not carry more than 35 pounds of explosives material in avalanche control packs.

(D) Avalauncher and Launcher

- (1) All personnel assigned to work on an avalauncher or launcher crew shall be trained in the following:
 - (i) All operating instructions;
 - (ii) Safety precautions;
 - (iii) Emergency procedures; and
 - (iv) Securing requirements for equipment.

- (2) All equipment shall be in good working condition and maintained as recommended by the manufacturer.
- (3) The components of projectile assemblies shall not be interchanged, and shall be assembled and used in accordance with the manufacturer's instructions.
- (4) All projectiles shall be inspected before transporting them to the firing location. Such inspection shall include:
 - (i) Cast explosives for cracks, dents, fractures, and smooth nose surface;
 - (ii) Cap wells should be clear of obstructions and debris and centered and straight for proper alignment of the cap; and
 - (iii) Fin assembly should be inspected for properly-functioning components and safety items, including pressures plate, pressure plate arming wire, bore rider pin, safety pin, magnet, and firing pin.
- (5) Defective projectiles shall not be used and shall be disposed of or returned to the manufacturer.
- (6) Safety devices or components shall not be removed.
- (7) If explosives are not at least 20 feet from the avalauncher/launcher during firing procedures, they shall be kept in a closed Type 3 magazine.
- (8) The transport safety pin shall not be removed until just prior to inserting the projectile into the barrel.
- (9) Avalaunchers/Launchers must be fired with compressed nitrogen gas only.
- (10) Avalaunchers/Launchers shall be connected to the compressed nitrogen source through a satisfactory pressure regulator.
- (11) The pressure regulator shall be set to limit the launch pressure to the maximum recommended by the manufacturer.
- (12) The first round fired in a control mission shall be a test fire to test the proper functioning of the launcher without a projectile.
- (13) The blaster in charge, trained assistants, and blasters in training shall be the only personnel within 100 feet of the avalauncher/launcher during loading and firing.

(E) Misfires

- (1) An explosive charge or any part of an explosive charge that fails to detonate after initiation shall be considered a misfire.
- (2) If a misfire occurs, the blaster shall note the location of the misfired explosive and shall not approach the misfired explosive for at least 1 hour.
- (3) Explosives which are aflame or emitting smoke shall not be approached for at least 1 hour after evidence of combustion ceases.
- (4) The area shall remain guarded or closed until a search of the area has been done and the misfire hazard is removed or the blaster-in-charge pronounces the area safe.

- (5) Misfires shall be handled by the blaster-in-charge and only those employees necessary to remove the hazard and the area shall remain guarded.
- (6) Impact to explosive materials shall be avoided when searching for nonvisible misfired charges.
- (7) A misfired armed charge shall be disposed of where it is found with a secondary charge.

Section 7-5 Transportation

- (A) Transportation of explosives, blasting agents, and blasting supplies on public highways, railways, and airways shall be in accordance with the provisions of title 42 Article 20 C.R.S., any regulations promulgated pursuant thereto and Title 49 CFR Parts 171-179 and Parts 390-397, Motor Carriers.
- (B) Requirements for the transportation of explosives, blasting agents and blasting supplies by motorized vehicles on job sites shall be:
 - (1) No person shall smoke, carry matches, any other flame producing device, or carry firearms or loaded cartridges while in or near a motor vehicle transporting explosives.
 - (2) No person shall drive, load, or unload a vehicle transporting explosives in a careless or reckless manner.
 - (3) Vehicles transporting explosives, blasting agents or blasting supplies shall not be taken inside a garage or shop for repairs or servicing.
 - (4) Vehicles used for transporting explosives shall be equipped to carry the load without difficulty and shall be in good mechanical condition.
 - (5) A motor vehicle used for transporting explosive materials shall be inspected prior to loading to determine that it is in proper condition for the safe transportation of explosive materials.
 - (6) All cargo areas of vehicles used for transporting explosive materials shall have tight floors and any exposed spark-producing metal on the inside of the cargo area shall be covered with wood or other non-sparking materials to prevent contact with packages of explosive materials.
 - (7) Packages of explosive materials shall not be loaded above the sides of an open-body vehicle.
 - (8) Explosive materials shall not be transported with other materials or cargoes in the same compartment. In no case shall flammable materials be carried on the same vehicle as explosive materials.
 - (9) A motorized vehicle which contains explosive materials shall not be parked under any of the following circumstances:
 - (i) On or within 5 feet of the traveled portion of a public street or highway;
 - (ii) On private property; or
 - (iii) Within 300 feet of a bridge, tunnel, building, or place where people work, assemble, or congregate.
 - (10) A motorized vehicle transporting explosive materials shall not be left unattended.

- (11) A motorized vehicle shall be deemed attended only when the driver or other attendant is physically on or in the vehicle or conveyance or has the vehicle within the driver's or attendant's field of vision and can reach the vehicle or conveyance quickly and without any kind of interference; attended also means the driver or attendant is awake, alert, and not engaged in any other duties or activities which may divert his/her attention from the vehicle.
- (12) Detonators may not be transported in the same vehicle with other explosives unless:
 - (i) The detonators and explosives are placed in separate locked Type 2 magazines secured within the body of the vehicle or conveyance;
 - (ii) The detonators and explosives are placed in suitable locked containers and separated by 4 inches of hardwood, and the detonators are totally enclosed or confined by the hardwood construction; or
 - (iii) The detonators and explosives are placed in separate locked containers or container compartments constructed in accordance with the IME Safety Library Publication No. 22, "IME Standard for the Safe Transportation of Detonators in a Vehicle with Other Explosives"; or
 - (iv) The detonators and explosives are placed in separate locked Type 3 magazines.
- (C) Requirements for the transportation of explosives on passenger tramways when the public is present shall be:
 - (1) Explosives shall not be transported in the same enclosed passenger tramway carrier with the public.
 - (2) Transportation of explosives on non-enclosed passenger tramways shall require the following:
 - (i) Explosives shall be attended at all times;
 - (ii) Warning signs indicating that explosives are currently being transported on the tramway and passengers may ride the tramway at their own discretion shall be clearly posted at the tramway entrance;
 - (iii) Passengers shall not be allowed to ride the passenger tramway in the opposing direction of the explosives;
 - (iv) A minimum distance of 200 feet shall be maintained in front of and behind the chair transporting explosives and chairs transporting the public;
 - (v) The amount of explosives being transported shall not exceed 20 pounds; and
 - (vi) Nothing in Section 7-5(C)(2) is intended to limit liabilities as set forth in the Colorado Ski Safety Act (C.R.S. 33-44-101 thru 114). B.

ARTICLE 8 GEOPHYSICAL RESEARCH

Section 8-1 General Requirements

- (A) Seismic Blasting shall conform to the requirements of Articles 4, 5, and 6 of these regulations for the storage and transportation of all explosive materials, for the preparation of charges, for the loading of charges, and for the detonation of charges.
- (B) Surface charges, above-surface charges, and armed charges loaded in seismic drill holes less than 20 feet in depth shall not be left unattended.
- (C) Charges which have not been armed may be left unattended in holes less than 20 feet deep provided that:
 - (1) The hole has been loaded such that the charge has been anchored, cannot be removed and is capped with a hole plug;
 - (2) The charge does not exceed an amount that would cause damage to persons or property on the surface if accidentally detonated; and
 - (3) The backfill material in the loaded hole is a continuous column from the charge to the collar of the drill hole. Any drill holes in which the backfill material has bridged and the hole has not been fully backfilled shall not be left unattended.
- (D) Armed or unarmed charges loaded in seismic drill holes greater than 20 feet deep may be left unattended provided that:
 - (1) The hole has been loaded such that the charge has been anchored, cannot be removed and legwires have been made inaccessible and capped with a hole plug;
 - (2) The charge does not exceed an amount that would cause damage to persons or property on the surface if accidentally detonated; and
 - (3) The backfill material in the loaded hole is a continuous column from the charge to the collar of the drill hole. Any drill holes in which the backfill material has bridged and the hole has not been fully backfilled shall not be left unattended.
- (E) Armed and unarmed charges that are loaded in inhabited areas shall not be left unattended.
- (F) Blasting signs shall be posted on roads and trails leading to the blast site.

ARTICLE 9 BLACK POWDER EXPLOSIVES

Section 9-1 General Requirements

- (A) Black powder shall be stored in shipping containers as required by regulations of the U.S. Department of Transportation, 49 CFR, Section 173.60, as currently published.
- (B) Black powder intended for personal use shall be sold and stored according to the Uniform Fire Code (sections 77.202, 77.203, and 77.203a).

ARTICLE 10 ALTERNATE METHODS AND EMERGENCY VARIANCES

Section 10-1 Alternate Methods or Procedures

- (A) The permittee, on specific approval by the Division as provided by this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in these regulations.
- (B) The Division may approve an alternate method or procedure, subject to stated conditions, when found that:
 - (1) Good cause is shown for the use of the alternate method or procedure;
 - (2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and is substantially equivalent to that specifically prescribed method or procedure; and
 - (3) The alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the Division or hinder the effective administration of these regulations.
- (C) Where the permittee desires to employ an alternate method or procedure, the permittee shall submit a written application to the Division. The application shall specifically describe the proposed alternate method or procedure and shall set forth the reasons for it.
- (D) Alternate methods or procedures may not be employed until the application is approved by the Division.
- (E) The permittee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application.
- (F) Authorization of any alternate method or procedure may be withdrawn whenever, in the judgment of the Division, the effective administration of this article is hindered by the continuation of the authorization.
- (G) As used in this paragraph, alternate methods or procedures include alternate construction or equipment.

Section 10-2 Emergency Variances from Requirements

- (A) The Division may approve construction, equipment, and methods of operation other than as specified in this part, where it is found that an emergency exists and the proposed variations from the specified requirements are necessary and the proposed variations:
 - (1) Will afford security and protection that are substantially equivalent to those prescribed in these regulations;
 - (2) Will not hinder the effective administration of these regulations; and
 - (3) Will not be contrary to any provisions of law.
- (B) Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application.

John W. Suthers
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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-01204

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Oil and Public Safety

on 01/09/2015

7 CCR 1101-9

EXPLOSIVES REGULATIONS

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:13:58

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 03/02/2015

Effective date

03/02/2015

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Medical Assistance Rule Concerning Early and Periodic Screening Diagnosis and Treatment (EPSDT) Personal Care Section 8.535

Rule Number: MSB 14-05-08-A

Division / Contact / Phone: HPO / Taylor Sishc / x3164

SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-05-08-A, Revision to the Medical Assistance Rule Concerning Early and Periodic Screening Diagnosis and Treatment (EPSDT) Personal Care Section 8.535
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.535, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Insert new text provided immediately following the NOTE: Section 8.530.10.B was deleted... at §8.530.10.A and immediately before §8.540. This is a new subsection to 10 CCR 2505-10. This revision is effective 03/02/2015.

Title of Rule: Revision to the Medical Assistance Rule Concerning Early and Periodic Screening Diagnosis and Treatment (EPSDT) Personal Care Section 8.535

Rule Number: MSB 14-05-08-A

Division / Contact / Phone: HPO / Taylor Sishc / x3164

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Centers for Medicare and Medicaid Services (CMS) have directed the Department to develop the Pediatric Personal Care benefit. The Department has engaged in a Benefits Collaborative process to define the amount, scope, and duration of the benefit. This rule implements the benefit as it was developed through the collaborative.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

§1905(a) of the Social Security Act;

4. State Authority for the Rule:

§25.5-1-301 through 25.5-1-303, C.R.S. (2014);

Initial Review **07/11/2014**

Final Adoption

01/09/2015

Proposed Effective Date **03/02/2015**

Emergency Adoption

Title of Rule: Revision to the Medical Assistance Rule Concerning Early and Periodic Screening Diagnosis and Treatment (EPSDT) Personal Care Section 8.535

Rule Number: MSB 14-05-08-A

Division / Contact / Phone: HPO / Taylor Sishc / x3164

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will impact Providers and Medicaid Clients 20 years of age and younger who require assistance with a minimum of three Personal Care Tasks.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The Department seeks to achieve its goals to reduce variations in care and inappropriate provision and utilization of services while improving the health outcomes of Medicaid clients.

For example, in the case of Pediatric Personal Care this rule will have a positive quantitative impact on those receiving Personal Care Services as the proposed rule will allow for greater access to Personal Care Services.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Services for Clients who have never had access to Personal Care Services and are expected to utilize the new benefit are expected to cost approximately \$14,261,400.00. Long-Term Home Health Aid Services were expected to cost approximately \$20,477,301.00, while the Pediatric Personal Care Services replacing them are expected to cost approximately \$14,375,272.00., yielding an expected savings of about \$6,744,262.00 in SFY 2014-15.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Defining this benefit in rule will educate clients about their benefits and provide assurance for persons receiving benefits that services meet established criteria. It will also provide better guidance to service providers, and will reduce confusion and unnecessary adversarial situations among those receiving benefits, service providers and the Department.

The rule will assist the Department to recover improper payments for inappropriate services rendered, uphold decisions based upon evidence-based criteria, and reduce the volume of appeals.

Inaction is not an option because the rule changes reflect changes in federal guidance, changes in Department policies in the addition of a program which the Department has committed to implementing.

All of the above translates into cost savings for the state.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of this rule. The department must appropriately define amount, scope and duration of this benefit in order to responsibly manage it.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department also documents its benefit coverage policies in written coverage standards. The benefit coverage policies must be written into rule to have the force of rule.

8.535 PEDIATRIC PERSONAL CARE SERVICES

8.535.1 Definitions

Assessment means the systematic and ongoing collection, validation and evaluation of data to monitor client status and response to treatment.

Behavioral Intervention means techniques, therapies, and methods used to modify or minimize aggressive (verbal/physical), combative, destructive, disruptive, repetitious, resistive, self-injurious, or other inappropriate behaviors outlined on the CMS-485 Plan of Care (defined below). Behavioral interventions exclude frequent verbal redirection or additional time to transition or complete a task, which are part of the general assessment of the client's needs.

Care Coordination means the deliberate organization of client care tasks between two or more participants (including the client) involved in a client's care to facilitate the appropriate delivery of health care and other health care support services.

Care Plan means a written specific list of tasks and frequencies to be provided to the client, and which is ordered and signed by the Ordering Provider.

Certified Nurse Aide (CNA) means an employee of a Home Health Agency with a CNA certification.

CMS-485 Plan of Care (485) means a coordinated plan developed by the Home Health Agency as ordered by the attending physician for provision of services to a client in his or her Residence. Also referred to as the 485 or the HCFA 485.

Cuing means providing a prompt or direction to assist a client to perform a task they are physically capable of performing but unable to reliably initiate.

Department means the Colorado Department of Health Care Policy and Financing (or any division or sub-units within that agency) which is designated as the single State Medicaid agency for Colorado.

Designated Review Entity means an entity that has been contracted by the Department to review Prior Authorization Requests (PAR) for medical necessity and appropriateness.

Exacerbation means a sudden or progressive worsening of a client's chronic illness, injury, or disability (or its symptoms).

Home Care Agency means a Class A or Class B-designated entity that provides Home Health or Personal Care Services. When referred to in this rule without a 'Class A' or 'Class B' designation, the term encompasses both types of agency.

Home Health Agency means an agency licensed as a Class A Home Care Agency that is certified to provide Skilled Care Services to Medicare and Medicaid eligible clients. A licensed, Class A Home Care Agency may also provide Personal Care Services based on the agency's policies and procedures.

Intermittent Basis means Personal Care visits that have a distinct start time and stop time and are task-oriented with the goal of meeting a client's specific needs for that visit.

Ordering Provider means a licensed primary care physician, advanced practice nurse, or physician specialist who is responsible for writing orders and overseeing the client's Care Plan. This may include an alternate physician who is authorized by the Ordering Provider to care for the client in the Ordering Provider's absence.

Personal Care Agency means an agency licensed as a Class B Home Care Agency certified by the Colorado Department of Public Health and the Environment.

Personal Care Services means providing specific unskilled tasks to assist clients with activities of daily living.

Personal Care Worker means an employee of a licensed Home Care Agency who has completed the required training to provide Personal Care Services, or who has verified experience providing Personal Care Services for clients.

Qualified Physician means a licensed primary care physician or other physician specialist.

Residence means a place where the client lives. The residence may be temporary or permanent. A residence does not include nursing facilities or other institutions as defined by CMS and the State of Colorado.

Skilled Care Services means services that, due to the inherent complexity of the service, can only be performed safely and correctly by a licensed/certified Registered Nurse (RN) or Licensed Practical Nurse (LPN) , Therapist (Physical Therapist, Occupational Therapist, or Speech Language Therapist), or CNA.

Skilled Nursing Services means services provided by an actively licensed RN who practices under applicable state and federal laws and professional standards. Skilled Nursing Services include services provided by a LPN under the direction of a RN, to the extent allowed under applicable state and federal laws.

Unpaid Family Caregiver means a person who provides care to the client without reimbursement by the Department or other entity. This can be the client's parent, legal guardian, foster parent, spouse, relative, or other person who is responsible for the well-being of the client.

8.535.2. Client Eligibility

Personal Care services are a benefit for Colorado Medicaid clients who meet the following criteria:

- 8.535.2.A. Are 20 years of age and younger; and
- 8.535.2.B. Require assistance with a minimum of three Personal Care Tasks;

8.535.3 Provider Eligibility

8.535.3.A. Home **Care** Agencies licensed by **the State of Colorado as a Class A or Class B Home Care Agency** shall meet the following requirements:

1. Are enrolled as a Medicaid Provider; and
2. Are in good standing.

8.535.4. Covered Services

Covered Personal Care Services shall meet the following requirements:

- 8.535.4.A. Services are medically necessary as defined at 10 C.C.R. 2505-10, § 8.076.1.8.3;
- 8.535.4.B. Services are provided on an Intermittent Basis;
- 8.535.4.C. Services are unskilled;
- 8.535.4.D. Services are ordered by a licensed Physician, as regulated by the Department of Regulatory Agencies, at 3 C.C.R. 713; or an Advanced Practice Nurse, as licensed by the Department of Regulatory Agencies, at 3 C.C.R. 716-1.
- 8.535.4.E. Services are provided under a current Care Plan, signed by the Ordering Provider:
1. The Care Plan or 485 shall include the usual frequency for each task;
 2. Home Care agencies shall maintain documentation supporting why a task is required more than the typical frequency.
- 8.535.4.F. If a client requires a skilled transfer to complete a Personal Care task (such as bathing or hygiene), the associated task shall be considered skilled in nature.
- 8.535.4.G. Home Care Agencies may decline to perform any specific task or service if the supervisor or the Personal Care Worker perceives a safety concern to the client or the Personal Care Worker due to the specific task, regardless of whether the task is covered as a Personal Care Service.
- 8.535.4.H. Covered Personal Care Services

Covered Personal Care Services include assistance with the following tasks:

1. Ambulation/Locomotion
 - a. Includes walking/moving from place to place with or without an assistive device (including wheelchair). A Personal Care Worker may provide this task only when:
 - i) The client has the ability to balance and bear weight reliably;
 - ii) The client is independent with an assistive device; or
 - iii) Assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing the skilled aspect of care.
 - b. Factors that make Task Skilled:
 - i) The client is unable to assist in the task, direct care, or when hands on assistance is required for safe ambulation;
 - ii) There is a documented decline in condition or an ongoing need documented in the client's record.
 - c. Special Considerations:
 - i) Ambulation shall not be the standalone reason for a visit.

- ii) Transferring and positioning into and out of assistive devices is not ambulation, and should be addressed in the transferring and positioning section of this rule, at 10 CCR 2505-10 § 8.535.4.B.11.

2. Bathing/Showering

- a. Includes preparing bathing supplies and equipment, assessing water temperature, applying soap (including shampoo), rinsing off, and drying the client. The task also includes cleaning up after the bath, shower, bed bath, or sponge bath as needed. All transfers and ambulation related to the bathing task, and all hair care, pericare, and skin care provided in conjunction with the bathing are included in this task. A Personal Care Worker may provide this task only when:
 - i) The client is able to maintain balance and bear weight reliably, or is able to use safety equipment (such as a shower bench) to safely complete bathing;
 - ii) The skin is unbroken or the client is independent with assistive devices.
 - iii) Assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing this aspect of care.
- b. Factors that make Task Skilled:
 - i) The presence of open wound(s), stoma(s), broken skin and/or active chronic skin disorder(s);
 - ii) The client is unable to maintain balance or to bear weight reliably due to illness, injury, or disability, history of falls, or a temporary lack of mobility due to surgery or other exacerbation of illness, injury, or disability;
 - iii) There is a documented decline in condition or ongoing need documented in the client's record.
- c. Usual Frequency: Once daily.
- d. Special Considerations: A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely bathe the client, which is supported by documentation that illustrates that the client needs moderate to total assistance to safely complete this task.

3. Dressing

- a. Includes putting on and taking off ordinary clothing, including pantyhose or socks and shoes. Dressing includes getting clothing out, and may include braces and splints if purchased over the counter or were not ordered by a Qualified Physician. A Personal Care Worker may provide this task only when:
 - i) Providing assistance with ordinary clothing and application of support stockings of the type that can be purchased without a physician's prescription;

- ii) Providing transfers and positioning related to dressing and undressing. May include cleaning and maintenance of braces, prosthesis, or other DME; or
- iii) Assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing the application of anti-embolic or pressure stockings, or placement of braces or splints that can be obtained only with a prescription of a Qualified Physician, or when the client is unable to assist or direct care.

b. Factors that make Task Skilled:

- i) The client requires assistance with the application of anti-embolic or pressure stockings, placement of braces or splints that can be obtained only with a prescription of a qualified physician;
- ii) The client is unable to assist or direct care;
- iii) The client experiences a temporary lack of mobility due to surgery or other exacerbation of illness, injury, or disability;
- iv) There is a documented decline in condition or ongoing need documented in the client's record.

c. Usual Frequency: Up to two times daily.

d. Special Considerations: A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely dress the client if it is supported by documentation illustrating that the client needs moderate to total assistance to safely complete this task.

4. Meal Preparation

a. Includes preparing, cooking, and serving food to client. Includes formula preparation and ensuring food is a proper consistency based on client's ability to swallow safely. A Personal Care Worker may provide all meal preparation, except as defined in part b. of this section.

b. Factors that make Task Skilled:

- i) Diet requires nurse oversight to administer correctly;
- ii) Meals must have a modified consistency;
- iii) There shall be a documented decline in condition and/or ongoing need documented in the client's record.

c. Usual frequency: Up to three times daily.

5. Feeding

a. Includes ensuring food is at the proper temperature, cutting food into bite-size pieces, or ensuring the food is the proper consistency for the client, up to and

including placing food in client's mouth. A Personal Care Worker may provide this task when:

- i) The client can independently chew and swallow without difficulty and be positioned upright;
- ii) The client is able to safely eat or be fed with adaptive utensils.

b. Factors that make Task Skilled:

- i) Syringe feeding and tube feeding;
- ii) Oral feeding when:
 - 1) The client is unable to communicate verbally, non-verbally or through other means;
 - 2) The client is unable to be positioned upright;
 - 3) The client is on a modified texture diet;
 - 4) When the client has a physiological or neurogenic chewing and/or swallowing problem;
 - 5) When a structural issue (such as cleft palate) is present; or
 - 6) Other documented swallowing issues.
- iii) The client has a history of aspirating food or is on mechanical ventilations.
- iv) Oral suctioning is required.
- v) There is a documented decline in condition, or ongoing need documented in the client's record.

c. Usual Frequency: Up to three times daily (snacks are not included)

6. Hygiene – Hair Care/Grooming

- a. Includes shampooing, conditioning, drying, styling and combing. Does not include perming, hair coloring, or other or extensive styling such as, but not limited to, updos, placement of box braids or other elaborate braiding or placing hair extensions. A Personal Care Worker may provide this task only when:
 - i) Assisting client with the maintenance and appearance of his/her hair;
 - ii) Shampooing with non-medicated shampoo or medicated shampoo that does not require a physician's prescription;
 - iii) Drying, combing and styling of hair;
 - iv) Active and chronic skin issues such as dandruff and cradle cap do not make this task skilled.

- b. Factors that make Task Skilled:
 - i) The client is unable to complete task independently;
 - ii) The client requires shampoo/conditioner that is prescribed by a qualified physician and dispensed by a pharmacy;
 - iii) The client has open wound(s) or stoma(s) on the head;
 - iv) There is a documented decline in condition, or ongoing need documented in the client's record.

c. Usual Frequency: Up to twice daily.

7. Hygiene – Mouth Care

- a. Includes brushing teeth, flossing, use of mouthwash, denture care, or swabbing (toothette). A Personal Care Worker may provide this task only when:
 - i) Assisting with basic oral hygiene;
 - ii) Denture care;
 - iii) The presence of gingivitis, receding gums, cavities and other general dental problems do not make mouth care skilled.
- b. Factors that make Task Skilled:
 - i) The client is unconscious;
 - ii) The client has difficulty swallowing or is at risk for choking and/or aspiration;
 - iii) The client has decreased oral sensitivity or hypersensitivity;
 - iv) The client is on medications that increase the risk of dental problems or bleeding, injury or medical disease of the mouth;
 - v) The client requires oral suctioning;
 - vi) There is a documented decline in condition, or ongoing need documented in the client's record.

c. Usual Frequency: Up to three times daily

8. Hygiene – Nail Care

- a. Includes soaking, filing and cuticle care. A Personal Care Worker may provide this task only when:

- i) Assisting with nail care, soaking of nails, pushing back cuticles without utensils, and filing of nails;
 - ii) Assistance by the Personal Care Worker shall not include nail trimming.
- b. Factors that make Task Skilled:
 - i) The client has a medical condition that involves peripheral circulatory problems or loss of sensation;
 - ii) The client is at risk for bleeding and/or is at high risk for injury secondary to the nail care;
 - iii) The client requires nail trimming;
 - iv) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Usual Frequency: Up to one time weekly.

9. Hygiene – Shaving

- a. Includes assisting with shaving of face, legs and underarms with a safety or electric razor. A Personal Care Worker may provide this task only when assisting a client with shaving with an electric or a safety razor.
- b. Factors that make Task Skilled:
 - i) The Client has a medical condition that involves peripheral circulatory problems or loss of sensation;
 - ii) The client has an illness or takes medications that are associated with a high risk for bleeding;
 - iii) The client has broken skin at/near shaving site, or has a chronic active skin condition;
 - iv) The client is unable to shave themselves;
 - v) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Usual Frequency: Up to one time daily

10. Hygiene – Skin Care

- a. Includes applying lotion or other skin care product, only when not completed in conjunction with bathing or toileting (bladder and bowel). May be included with positioning. A Personal Care Worker may provide this task only when:
 - i) General skin care assistance, only when a client's skin is unbroken, and when any chronic skin problems are not active;

- ii) Skin care is preventative – rather than therapeutic – in nature and may include the application of non-medicated lotions and solutions, or of lotions and solutions not requiring a physician's prescription.
- b. Factors that make Task Skilled:
 - i) The client requires additional skin care lotions or solutions that must be prescribed by a qualified physician;
 - ii) The client has broken skin, wound(s) or an active skin disorder, and is unable to apply product independently due to illness, injury or disability;
 - iii) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Special Considerations: Skin care completed in conjunction with bathing and toileting as ordered on the 485 is not included in this task.

11. Mobility – Positioning

- a. Includes moving the client from a starting position to a new position while maintaining proper body alignment and support to a client's extremities, and avoiding skin breakdown. A Personal Care Worker may provide this task only when:
 - i) Assisting a client with positioning when the client is able to identify to the provider, verbally, non-verbally, or through other means, when their position needs to be changed and only when skilled skin care is not required in conjunction with positioning;
 - ii) Alignment in a bed, wheelchair, or other furniture;
 - iii) Placing any padding required to maintain proper alignment;
 - iv) Receiving direction from or assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing this aspect of care.
- b. Factors that make Task Skilled:
 - i) The client is unable to communicate verbally, non-verbally or through other means;
 - ii) The client is not able to perform this task independently due to fragility of illness, injury or disability, temporary lack of mobility due to surgery or other exacerbation of illness, injury or disability;
 - iii) Adjusting the client's alignment or posture in a bed, wheelchair, other furniture, assistive devices, or Durable Medical Equipment that has been ordered by a qualified physician;
 - iv) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Special Considerations:

- i) Positioning and padding shall not be the sole purpose for the Personal Care visit;
- ii) A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely position the client, which is supported by documentation that illustrates that the client needs moderate to total assistance to safely complete this task;
- iii) Visits shall be coordinated to ensure that effective positioning scheduling is utilized for Skilled Care and Personal Care Services. Positioning shall be done in conjunction with other skilled tasks;
- iv) Positioning is not considered a separate task when a transfer is performed in conjunction with bathing, bladder care, bowel care, or other Personal Care Tasks requiring positioning.

12. Mobility – Transfer

- a. Includes moving the client from a starting location to a different location in a safe manner. It is not considered a separate task when a transfer is performed in conjunction with bathing, bladder care, bowel care or other Personal Care Task. A Personal Care Worker may provide this task only when:
 - i) Assisting with a transfer when the client has sufficient balance and strength to reliably stand, pivot and assist with the transfer to some extent;
 - ii) Transferring clients with adaptive and safety equipment (including lifts) if:
 - 1) The client and the Personal Care Worker are fully trained in the use of the equipment; and
 - 2) The client or client's Unpaid Family Caregiver can direct the transfer step by step; or
 - 3) The Personal Care Worker is deemed competent in the specific transfer technique for the client.
 - iii) Gait belts may be used in a transfer as a safety device, if the Personal Care Worker has been properly trained in their use.
- b. Factors that make task Skilled:
 - i) The client is unable to communicate verbally, non-verbally or through other means;
 - ii) The Client is not able to perform this task independently due to illness, injury or disability, temporary lack of mobility due to surgery and/or other exacerbation of illness, injury or disability;
 - iii) The client lacks the strength and stability to stand or bear weight reliably;

- iv) The client is not deemed independent in the use of assistive devices or Durable Medical Equipment that has been ordered by a qualified physician;
- v) The client requires a mechanical lift for safe transfers;
- vi) There is a documented decline in condition, or ongoing need documented in the client's record.

c. Special Considerations:

- i) Transferring shall not be the sole purpose for the visit.
- ii) A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely transfer the client.
- iii) A Personal Care Worker may never assist with a transfer if the client is unable to assist with the transfer.

13. Protective Oversight

- a. Includes monitoring a client to reduce or minimize the likelihood of injury or harm due to the nature of the client's injury, illness or disability. A Personal Care Worker may provide this task only when:
 - i) Providing protective oversight as stand-by assistance with any other Personal Care Task;
 - ii) Trained in appropriate intervention and redirection techniques if the client requires protective oversight to prevent wandering or dangerous or destructive behaviors.
- b. Special Considerations:
 - i) Protective Oversight may only be provided during the completion of other Personal Care Tasks listed in this rule.
 - ii) The need for Protective Oversight is indicated by significant impairment in behavior, memory, or cognition.

14. Toileting – Bladder Care

- a. Includes assistance with toilet, commode, bedpan, urinal, or diaper use, as well as emptying and rinsing the commode or bedpan after each use. This includes transfers, skin care, ambulation and positioning related to bladder care. This task concludes when the client is returned to his/her pre-urination state. A Personal Care Worker may provide this task only when:
 - i) Assisting a client to and from the bathroom, and with bedpans, urinals and commodes;

- ii) Pericare, and changing of clothing and pads of any kind used for the care of incontinence;
 - iii) Assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing this aspect of care.
- b. Factors that make Task Skilled:
 - i) The client is unable to assist or direct care;
 - ii) The client has broken skin or a recently healed skin breakdown (less than 60 days);
 - iii) The client requires skilled skin care associated with bladder care;
 - iv) The client has been assessed as having a high and ongoing risk for skin breakdown;
 - v) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Special Considerations: A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely complete bladder care with the client, which is supported by documentation that illustrates that the client needs moderate to total assistance to safely complete this task.

15. Toileting – Bowel Care

- a. Includes changing and cleaning incontinent client or hands-on assistance with toileting. This includes returning client to pre-bowel movement status, transfers, skin care, ambulation and positioning related to the bowel program. A Personal Care Worker may provide this task only when:
 - i) Assisting the client to and from the bathroom, and with bedpans and commodes;
 - ii) Pericare, and changing of clothing and pads of any kind used for the care of incontinence;
 - iii) Assisting a medically-skilled care provider or Unpaid Family Caregiver who is competent in providing this aspect of care.
- b. Factors that make Task Skilled:
 - i) The client is unable to assist or direct care;
 - ii) The client has broken skin or a recently healed skin breakdown (less than 60 days);
 - iii) The client requires skilled skin care associated with bowel care;
 - iv) The client has been assessed as having a high and ongoing risk for skin breakdown;

- v) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Special Considerations: A Personal Care Worker may be staffed with a skilled care provider or Unpaid Family Caregiver when required to safely complete bowel care with the client, which is supported by documentation that illustrates that the client needs moderate to total assistance to safely complete this task.

16. Toileting – Bowel Program

- a. Includes emptying and changing the ostomy bag, as ordered by the client's qualified physician. This includes skin care at the site of the ostomy and returning the client to pre-bowel program status. A Personal Care Worker may provide this task only when:
 - i) Emptying ostomy bags;
 - ii) Providing client-directed assistance with other ostomy care only when there is no need for skilled skin care, or for observation or reporting to a nurse;
- b. Factors that make task Skilled:
 - i) The client requires the use of digital stimulation, suppositories, or enemas;
 - ii) There is a documented decline in condition, or ongoing need documented in the client's record.
- c. Special Considerations: The Personal Care Worker shall not perform digital stimulation, insert suppositories, or give an enema.

17. Toileting – Catheter Care

- a. Includes perineal care and emptying catheter bag. This includes transfers, skin care, ambulation and positioning related to the catheter care. A Personal Care Worker may provide this task only when:
 - i) Emptying urinary collection devices, such as catheter bags, when there is no need for observation or reporting to a nurse;
 - ii) Providing pericare if the client has an indwelling catheter.
- b. Factors that make Task Skilled:
 - i) Emptying catheter collection bags (indwelling or external) when there is a need to record and report the client's urinary output to the client's nurse;
 - ii) All insertion and removal of catheters, and all care of catheters;
 - iii) Changing from a leg to a bed bag and cleaning of tubing and bags;

- iv) If the indwelling catheter tubing needs to be opened for any reason and the client is unable to do so independently; or
- v) There shall be a documented decline in condition and/or ongoing need documented in the client's record.
- c. Usual Frequency: Up to two times a day.
- d. Special Considerations: Catheter care shall not be the sole purpose of the visit.

18. Medication Reminders

- a. Include verbally communicating to a client that it is time for medication, opening and handing pre-filled medication reminder container to a client. A Personal Care Worker may provide this task only when:
 - i) Inquiring as to whether medications were taken;
 - ii) Verbal prompting to take medications;
 - iii) Handing the appropriately marked medication reminder container to the client; and
 - iv) Opening the appropriately marked medication reminder container for the client if the client is physically unable to open the container.
 - v) All medication (prescription medications and all over-the-counter medications) must be:
 - 1) Pre-selected by the client, the client's Unpaid Family Caregiver, a nurse, or a pharmacist;
 - 2) Stored in pre-filled medication reminder boxes that are marked as to day and time of dosage.
- b. Special Considerations:
 - i) Medication reminders are Skilled Care tasks when the client requires services within the scope of a CNA-MED certified CNA. Skilled Care Services which can be provided by a CNA-MED certified CNA can be found in this rule at Section 8.520.5.E.8.o and 3 C.C.R. § 716-1 Chapter 19 Section 6.
 - ii) CNAs may not administer medications without obtaining the CNA-MED certification from the DORA approved course.

8.535.5. Documentation Requirements

8.535.5.A. Client Files: Home Care Agencies shall maintain records on each client. The specific record for each client shall include, at a minimum, the following information:

- 1. A written order for Personal Care Services;

2. A Care Plan completed by the Ordering Provider (updated at least annually, or as required by the client's needs and/or condition);
3. All other client file information as required by the Colorado Department of Public Health and Environment, at 6 C.C.R. 1011-1 Chapter 26 § 6.20.

8.535.5.B.. Personal Care Worker Files: All Personal Care Workers shall have a completed and up-to-date personnel file containing proof of current training, education, and Personal Care Worker competency as appropriate to the client's needs and as required by the Colorado Department of Public Health and Environment, at 6 C.C.R. 1011-1 Chapter 26 § 8.6.

8.535.5. Non-Covered Services

Medicaid does not reimburse for the following services under the Medicaid State Plan Personal Care Services benefit:

- 8.535.5.A.** Transportation of a client;
- 8.535.5.B. Services provided by a person under 18 years of age, or services provided by a person not employed by the Home Care Agency;
- 8.535.5.C. Services provided at:
1. Hospitals;
 2. Nursing facilities;
 3. Intermediate Care Facilities for Persons with Intellectually Disabled (ICF/ID);
 4. Public school grounds;
 5. Individual Residential Services & Supports IRSS;
 6. Group Residential Services & Supports (GRSS);
 7. Alternative care facilities;
 8. Medical offices; or
 9. Other Medicaid reimbursed settings.
- 8.535.5.D. Tasks that are defined as Skilled Care Services, as defined in 10 CCR 2505-10 § 8.520, et seq;
- 8.535.5.E. Services provided for the purpose of companionship, respite, financial management, child care, education or home schooling, for the benefit of someone other than the Medicaid client, or are not justified by the documentation provided are not eligible.**
- 8.535.5.F.** Homemaker services, or tasks that are performed to maintain a household. These tasks are considered to be non-medical tasks and include grocery shopping, laundry, and housekeeping.

- 8.535.5.G. Exercise and range of motion services.
- 8.535.5.H. Time or mileage required to travel to the client's place of service.
- 8.535.5.I. Any services that are reimbursed by another insurance agency or other state, federal or private agency.
- 8.535.5.J. Visits that occur for the sole purpose of supervising or training the Personal Care Worker.
- 8.535.5.K. Personal Care Services provided or billed during a Skilled Care Services visit.
- 8.535.5.L. When the client or the client's Unpaid Family Caregiver is willing and able to perform the services or tasks independently.
- 8.535.5.M. Any service or task for a single client performed by two staff (any combination of Registered Nurse, Licensed Practical Nurse, CNA, Physical Therapist, Occupational Therapist, Speech Language Therapist, or Personal Care Workers) during the same visit, from the same or a different agency, except when two staff are required to safely complete the service or task and there is no other person available to assist.
1. If services are provided by two staff, the highest level of required care will subsume the other service. For example: A CNA and a Personal Care Worker perform a Skilled Care and a Personal Care Service respectively. Only the CNA visit will be paid, because the Personal care service should have been performed during the CNA visit.
 2. In instances where the two staff are of the same type, but from different agencies, the Home Care Agency which usually provides services to the client will be paid for the service.
- 8.535.5.N. Assistance with services that are being provided as a reasonable accommodation as part of the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and/or Part B of the Individuals with Disabilities Education Act (IDEA).
- 8.535.5.O. CNA visits shall not be approved for, nor shall CNA extended units be billed for the sole purpose of completing Personal Care Services that are billable under this benefit.
- 8.535.5.P. In accordance with Section 1905 (a)(24) of the Social Security Act, Personal Care Services provided by the client's parent, spouse, or other legally responsible adult cannot be reimbursed by Medicaid.
- 8.535.5.Q. Physical behavioral interventions, such as restraints, shall not be used, per the Colorado Department of Health and the Environment rights of the consumer, at 6 CCR 1011-1, Chapter 26, Section 6.4.
- 8.535.6. Prior Authorization Requirements (PAR)**
- 8.535.6.A. Personal Care Services require prior authorization by the Department (or its Designated Review Entity) using the approved utilization management tool.
1. Personal Care PARs may be submitted for up to a full year of anticipated services unless: The client is not expected to need a full year of services, the client's eligibility is not expected to span the entire year, or as otherwise specified by the Department or its Designated Review Entity.

2. A PAR will be pended by the Department or its Designated Review Entity if all of the required information is not provided in the PAR request, or additional information is required by the Designated Review Entity to complete the review.
 3. PARs shall be submitted to the Department or its Designated Review Entity in the manner required by the Department or its designee, and with the required documentation. It is the Home Care Agency's responsibility to provide sufficient documentation to support the necessity for the requested services.
- 8.535.6.B. When a PAR includes a request for reimbursement for two staff members at the same time (excluding supervisory visits) to perform two-person transfers and/or two persons are needed for a task, documentation supporting the need for two people and the reason adaptive equipment cannot be used shall be included.
- 8.535.6.C. All other information determined necessary by the Department or its Designated Review Entity to make a decision on the medical necessity and appropriateness of the proposed treatment plan shall be included.
- 8.535.6.D. The Home Care Agency is required to request a revision to the Care Plan as necessary when the client experiences a change in condition necessitating a change in the amount, duration or frequency of Personal Care Services being delivered to the client.
- 8.535.6.E. **Approval of the PAR does not guarantee payment by Medicaid. The client and the Personal Care Worker shall meet all applicable eligibility requirements at the time services are rendered and services shall be delivered in accordance with all applicable service limitations. Medicaid is always the payer of last resort and the presence of an approved or partially approved PAR does not release the agency from the requirement to bill Medicare or other third party insurance prior to billing Medicaid.**

8.535.7. Reimbursement

- 8.535.7.A. All Personal Care Services will be reimbursed at the Medicaid Personal Care rate even if the person providing Personal Care holds credentials for CNA, RN or other skilled profession.
- 8.535.7.B. Medicaid is the payer of last resort, except under certain circumstances as defined in Medicaid provider billing manuals, Personal Care rules and regulations, provider bulletins, and Early Intervention services.
- 8.535.7.C. Clients eligible for both Colorado Medicaid and the Colorado Department of Human Services Home Care Allowance program, at 9 C.C.R. 2503-5 Section 3.570, may choose to have their Personal Care needs met either through the State Plan Medicaid Personal Care benefit or receive assistance through the Home Care Allowance program, but cannot receive both.

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State of Colorado

Department of Law

Office of the Attorney General

Tracking number: 2015-00049

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)**

on 01/09/2015

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 01/15/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 20, 2015 11:16:32

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 03/02/2015

Effective date

03/02/2015

THIS PAGE NOT FOR PUBLICATION

Title of Rule: MSB 14-10-28-A Revision to the Medical Assistance Eligibility Rules Concerning allowable deductions at 8.100.4.C.1.d

Rule Number: MSB 14-10-28-A

Division / Contact / Phone: Eligibility Division / Ana Bordallo / 303-866-3558

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-10-28-A, MSB 14-10-28-A Revision to the Medical Assistance Eligibility Rules Concerning allowable deductions at 8.100.4.C.1.d
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.100.4.C.1.d, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 12/12/14
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace current text beginning at §8.100.4.C.1.d through the end of §8.100.4.C.1.d.ix) with the new text provided beginning at §8.100.4.C.1.D through the end of §8.100.4.C.1.d.xi). All text indicated in blue is for clarification purposes only and should not be changed. This revision is effective 03/02/2015.

Title of Rule: MSB 14-10-28-A Revision to the Medical Assistance Eligibility Rules Concerning allowable deductions at 8.100.4.C.1.d

Rule Number: MSB 14-10-28-A

Division / Contact / Phone: Eligibility Division / Ana Bordallo / 303-866-3558

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule changes amend 10 CCR 2505-10 § 8.100.4.C.1.d to incorporate changes to the rule mandated by the Patient Protection and Affordable Care Act of 2010 (ACA) as they pertain to Modified Adjusted Gross Income (MAGI)-based methodologies. Among these changes: revision to the current policy regarding allowable deductions to calculate Adjusted Gross Income. Currently, when determining the adjusted gross income under 8.100.4.C.1.d. the allowable deductions identified in the policy are not all applicable to determine Adjusted Gross Income. The proposed change will define what deductions are allowable as defined under title 26 U.S.C 62 to get the Adjusted Gross Income to determine eligibility for MAGI-Medical Assistance.

2. An emergency rule-making is imperatively necessary

- ☒ to comply with state or federal law or federal regulation and/or
- ☐ for the preservation of public health, safety and welfare.

Explain:

The rule is not in compliance with federal regulations and is giving individuals incorrect determinations based on the allowable deductions identified and cited in our current rule. Based on further clarification and research the rule will be updated to be in compliance with federal regulations for allowable deductions to calculate Adjusted Gross Income and determine correct eligibility for individuals applying for Medical Assistance.

3. Federal authority for the Rule, if any:

42 CFR 435.603(e), 26 U.S.C. 62 and 26 U.S.C 199

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2013);

Initial Review

Final Adoption

Proposed Effective Date

12/12/2014

Emergency Adoption

12/12/2014

DOCUMENT #01

Title of Rule: MSB 14-10-28-A Revision to the Medical Assistance Eligibility Rules Concerning allowable deductions at 8.100.4.C.1.d

Rule Number: MSB 14-10-28-A

Division / Contact / Phone: Eligibility Division / Ana Bordallo / 303-866-3558

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rule will impact applicants who have countable income applying for MAGI-Medical Assistance. The benefit of allowable deductions is to help lower an applicants Adjusted Gross Income when determining eligibility.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule will help to determine eligibility correctly by using the appropriate allowable deductions to calculate the Adjusted Gross Income, for those applicants applying for MAGI-Medical Assistance.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Additional allowable deductions will be added to the Colorado Benefits Management System (CBMS) to calculate the adjusted gross income, which is likely to result in an increase in state expenditure via an increase in caseload. Because the Department does not currently deduct specific allowable deductions, the impact is ambiguous. However, given the nature of the deductions and the fact that some deductions are replacing others, the Department does not anticipate that the net impact will be significant. The Department will monitor the federally mandated change and will make adjustments to the budget if necessary through the normal budget process.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The change is federally required. Inactions is not an option as it would put the State at significant risk of losing federal funding.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no alternatives as the changes are necessary to be in compliance with federal regulations.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for the proposed rule that were considered.

8.100.4.C. MAGI Methodology for Income Calculation

1. The Modified Adjusted Gross Income calculation for the purposes of determining a household's financial eligibility for Medical Assistance shall consist of the following:
 - a. Gross Income: Except as otherwise provided, pursuant to 26 U.S.C. § 61 gross income means all income from whatever source derived, including (but not limited to) the following items:
 - i) Compensation for services, including fees, commissions, fringe benefits and similar items;
 - ii) Gross income derived from business;
 - iii) Gains derived from dealings in property;
 - iv) Interest;
 - v) Rents;
 - vi) Royalties;
 - vii) Dividends;
 - viii) Alimony and separate maintenance payments;
 - ix) Annuities;
 - x) Income from life insurance and endowment contracts;
 - xi) Pensions;
 - xii) Income from discharge of indebtedness;
 - xiii) Distributive share of partnership gross income;
 - xiv) Income in respect of a decedent; and
 - xv) Income from an interest in an estate or trust.
 - b. Additional Income: In addition to the gross income identified in section 8.100.4.C.1.a., the following income is included if applicable:
 - i) Any tax exempt interest income
 - ii) Untaxed foreign wages and salaries
 - iii) Social Security Title II Benefits (Old Age, Disability and Survivor's benefits)
 - c. Income exceptions: There are three exceptions to gross income in the MAGI income calculation:
 - i) An amount received as a lump sum is counted as income only in the month received.
 - ii) Scholarships, awards, or fellowship grants used for educational purposes and not for living expenses.

iii) American Indian/Alaskan Native income exceptions listed at 42 C.F.R. § 435.603(e). 42 C.F.R. § 435.603(e) (2012) is hereby incorporated by reference. The incorporation of 42 C.F.R. § 435.603(e) (2012) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

d. Allowable Deductions: For an in depth treatment of allowable deductions from gross income, please refer to 26 U.S.C. 62, which is hereby incorporated by reference. The incorporation of 26 U.S.C. 62 (2014) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver CO 80203. Certified copies of incorporated materials are provided at cost upon request. The following deductions are allowed to be subtracted from an individual's taxable gross income, in order to calculate the Adjusted Gross Income including (but not limited to):

- i) Student loan interest deductions
- ii) Certain Self-employment expenses (SEP, SIMPLE and qualified plans, and health insurance deductions)
- iii) Deductible part of self-employment tax
- iv) Health savings account deduction
- v) Certain Business expenses of reservists, performing artist, and fee-basis government officials
- vi) Certain reimbursed expenses of employees
- vii) Moving expenses
- viii) IRA deduction
- ix) Penalty on early withdrawal
- x) Domestic production activities deduction
- xi) Alimony paid outside the home

**SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS**

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-10-31-A, Revision to the Medical Assistance Eligibility Rule Concerning a Rule Citation Correction, 10 CCR 2505 § 8.100.7.B.1.c and 8.100.7.B.2.c
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.100.7.B.1.c and 8.100.7.B.2.c, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace current text at §8.100.7.B.1.c; at §8.100.7.B.1.c.ii); and at §8.100.7.B.2.c with new text provided. All text indicated in blue is for clarification purposes only and should not be changed. This revision is effective 03/02/2015.

Title of Rule: Revision to the Medical Assistance Eligibility Rule Concerning
a Rule Citation Correction, 10 CCR 2505 § 8.100.7.B.1.c and
8.100.7.B.2.c

Rule Number: MSB 14-10-31-A

Division / Contact / Phone: Eligibility Policy / Eric Stricca / 303-866-4475

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This is a technical correction to the rule cite in 10 CCR 2505-10 § 8.100.7.B that refers to Working Adults with Disabilities at 10 CCR 2505-10 § 8.100.6.O for when it should be § 8.100.6.P.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
- ☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

The federal authority for this rule is located in Section 201 of the Ticket to Work and Work Incentive Improvement Act of 1999, Public Law 106-170.

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2013);
25.5-5-201(1)(o) and 25.5-6-1401 through 1406 C.R.S. (2014)

Initial Review

12/12/2014

Final Adoption

01/09/2015

Proposed Effective Date

03/02/2015

Emergency Adoption

Title of Rule: Revision to the Medical Assistance Eligibility Rule Concerning
a Rule Citation Correction, 10 CCR 2505 § 8.100.7.B.1.c and
8.100.7.B.2.c

Rule Number: MSB 14-10-31-A

Division / Contact / Phone: Eligibility Policy / Eric Stricca / 303-866-4475

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Individuals who are financially eligible under the Working Adults with Disabilities Buy-in program that meet the level of care for the Elderly, Blind and Disabled or Community Mental Health Supports waivers.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Correcting the rule cite will stop any misinterpretations and incorrect eligibility determinations.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The rule cite correction will not have any costs to the Department or any other agency.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Without the correction of the cite reference, the rule can be misinterpreted which could cause eligibility to be determined incorrectly.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

N/A

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

N/A

8.100.7.B. Persons Requesting Long-term Care through Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE)

1. HCBS or PACE shall be provided to persons who have been assessed by the Single Entry Point/Case Management Agency to have met the functional level of care and will remain in the community by receiving HCBS or PACE; and
 - a. are SSI (including 1619b) or OAP Medicaid eligible; or
 - b. are eligible under the Institutionalized 300% Special Income category described at 8.100.7.A; or
 - c. are eligible under the Medicaid Buy-In Program for Working Adults with Disabilities described at 8.100.6.P. For this group, access to HCBS:
 - i) Is limited to the Elderly, Blind and Disabled and Community Mental Health Supports waivers; and
 - ii) Is contingent on the Department receiving all necessary federal approval for the waiver amendments that extend access to HCBS to the Working Adults with Disabilities population described at 8.100.6.P.
2. A client who is already Medicaid eligible does not need to submit a new application. The client must request the need for Long-Term Care services and the Eligibility Site must redetermine the client's eligibility.
 - a. All individuals applying for or requesting Long-Term Care services must disclose and provide documentation of:
 - i) any transfer of assets without fair consideration as described at 8.100.7.F; and
 - ii) any interest in an annuity as described at 8.100.7.I; and
 - iii) any interest in a trust as described at 8.100.7.E.
 - b. Failure to disclose and provide documentation of the assets described at 8.100.7.B.2.a may result in the denial of Long-Term Care services.
 - c. The requirements at 8.100.7.B.2.a and 8.100.7.B.2.b do not apply to individuals who have been determined eligible under the Medicaid Buy-In Program for Working Adults with Disabilities described at 8.100.6.P.
3. For individuals served in Alternative Care Facilities (ACF), income in excess of the personal needs allowance and room and board amount for the ACF shall be applied to the Medical Assistance charges for ACF services. The total amount allowed for personal need and room and board cannot exceed the State's Old Age Pension Standard.

8.100.7.C. Treatment of Income and Resources for Married Couples

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Medical Assistance Health Program Benefits and Operations Physician Services Rule Concerning Benefit Coverage Standards Amount, Scope and Duration of Podiatry Services, Section 8.200.3.D.1

Rule Number: MSB 14-07-28-A

Division / Contact / Phone: HPSS / Frank Herbst / x3307

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-07-28-A, Revision to the Medical Assistance Health Program Benefits and Operations Physician Services Rule Concerning Benefit Coverage Standards Amount, Scope and Duration of Podiatry Services, Section 8.200.3.D.1
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.200.3.D; 8.810, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Delete current text beginning at §8.200.3.D through the end of the second unnumbered paragraph preceding §8.200.3.D.2. Insert new text beginning at §8.810 PODIATRY SERVICES through the end of §8.810.5.A.6. The new subsection should be inserted immediately following §8.800.08.E. This revision is effective 03/02/2015.

Title of Rule: Revision to the Medical Assistance Health Program Benefits and Operations Physician Services Rule Concerning Benefit Coverage Standards Amount, Scope and Duration of Podiatry Services, Section 8.200.3.D.1

Rule Number: MSB 14-07-28-A

Division / Contact / Phone: HPSS / Frank Herbst / x3307

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Department is updating this rule to include content from the Podiatry Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
- ☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

§1905(a) of the Social Security Act;

4. State Authority for the Rule:

§25.5-1-301 through 25.5-1-303, C.R.S. (2014)

§25.5-5-202 (1)(o), C.R.S. (2014);

Initial Review

12/12/2014

Final Adoption

01/09/2015

Proposed Effective Date

03/02/2015

Emergency Adoption

Title of Rule: Revision to the Medical Assistance Health Program Benefits and Operations Physician Services Rule Concerning Benefit Coverage Standards Amount, Scope and Duration of Podiatry Services, Section 8.200.3.D.1

Rule Number: MSB 14-07-28-A

Division / Contact / Phone: HPSS / Frank Herbst / x3307

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will impact the Providers of podiatry services and Medicaid Clients.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Clearly defined and updated rules will improve client access to appropriate, high quality, cost-effective and evidence-based services while improving the health outcomes of Medicaid clients. Established criteria within the rule will provide guidance to clients and providers regarding benefit coverage. For example, in the case of Podiatry, this rule will help ensure providers are knowledgeable of Medicaid coverage through the transparency of guidance available in the rule changes. Medicaid covered residents will also be better served with clear transparent description of the podiatry benefit.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

This rule does not have any costs to the Department or any other agency as a result of its implementation and enforcement.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Clearly defined and updated rules increase client access to appropriate services and allow the Department to administer benefits in compliance with federal and state regulations, as well as clinical best practices and quality standards. Defining this benefit in rule will educate clients about their benefits and provide better guidance to service providers. The cost of inaction could result in decreased access to services, poor quality of care, and/or lack of compliance with state and federal guidance.

All of the above translates into appropriate cost-effective care administered by the state.

In FY 12-13 benefit utilization and associated costs were as follows:

1. 16,631 people accessed this benefit.
2. Total expenditures were \$2,217,228; and
3. Per capita expenditure averaged \$133.32

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of this rule. The department must appropriately define amount, scope and duration of this benefit in order to responsibly manage it.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

N/A. The Department also documents its benefit coverage policies in written coverage standards. The benefit coverage policies must be written into rule to have the force of rule.

Note: 8.200.3.D.1 Podiatry Services Benefit Coverage Standard was moved to §8.810 01/2015.

8.810 PODIATRY SERVICES

8.810.1 Definitions

Foot hygiene means the cleaning and soaking of the feet to maintain a clean condition.

Mid-calf means 50% of the total distance between the talus and tibial plateau.

Podiatry includes the suggesting, recommending, prescribing, or administering of any podiatric form of treatment, operation, or healing for the intended palliation, relief, or cure of any disease, ailment, injury, condition, or defect of the human toe, foot, ankle, tendons that insert into the foot, and soft tissue wounds below the mid-calf, including complications thereof consistent with such scope of practice. It may include partial amputation of the foot, but it does not involve the complete amputation, or disarticulation between the talus and the tibia, or the administration of an anesthetic, other than a local anesthetic.

Routine Foot Care means the cutting or removal of corns and calluses; trimming, cutting, or debriding of nails; and other hygienic care due to a physical or clinical finding that is consistent with a metabolic, neurological, or peripheral vascular disease diagnosis and indicative of significant peripheral involvement.

Soft tissue wound means a lesion to the musculoskeletal junction that includes dermal and sub-dermal tissue that does not involve bone removal or repair or muscle transfer.

8.810.2 CLIENT ELIGIBILITY

8.810.2.A. All Colorado Medicaid-enrolled Clients are eligible for Podiatry services.

8.810.3 PROVIDER ELIGIBILITY

8.810.3.A. All Colorado Providers enrolled in Medicaid are eligible to perform Podiatry services when it is within the scope of the Provider's practice.

8.810.4 COVERED SERVICES

8.810.4.A. Colorado Medicaid covers the examination, diagnosis, and treatment of the foot and ankle up to the mid-calf when medically necessary as described in 10 CCR 2505-10 § 8.076.1.8.

8.810.4.B. Providers may provide avulsions involving the removal of the entire nail or a portion thereof without destruction of the nail matrix. Documentation substantiating services received more frequently than once every four months shall be detailed in the Client's medical record.

8.810.4.C. LIMITATIONS

1. Routine Foot Care services are covered only when:

- a. The Client or caregiver is not capable of performing routine foot care without risk of injury; and
- b. The procedure does not duplicate another Provider's procedure during a 60 day period, which starts from the date of service of the first procedure; and
- c. One of the following:
 - i) The services are an integral part of otherwise covered services; or,

- ii) Documentation illustrates the presence of metabolic, neurological, or peripheral vascular disease or provides evidence of specific active complications resulting from prior insults due to systemic conditions; or,
 - iii) There is evidence of pathologic nail infection that, in the absence of a systemic condition, results in intolerable pain or secondary infection.
- 2. Coverage for the debridement and reduction of nails, corns, and calluses is limited to once every 60 days. A Provider may provide both debridement and reduction of nails at the same visit. Once a Client has received either a debridement or reduction of nails or both, neither service is available for 60 days after the treatment.
- 3. When a Client requires excision procedures to be performed more than once, the medical record shall reflect the reason for persistent or recurrent infections and a plan for future preventative measures being taken.
- 4. Services that occur in a long term care (LTC) facility shall only be covered when:
 - a. The Client residing in the LTC facility, an RN, or LPN employed by the facility, the Client's family, guardian, or attending physician requests the Service;
 - b. The LTC facility arranges for the podiatric services; and,
 - c. The request and arrangement is documented in the medical record.
- 5. Excision of nail and matrix for permanent removal shall only be covered once per toe.
- 6. For established Clients, an evaluation and management visit service shall not be covered if the evaluation and management visit occurs on the same day as a debridement or reduction of nails, corns, and calluses, unless there is another separately identifiable service or procedure documented in the medical record.

8.810.5 NON-COVERED SERVICES

8.810.5.A. The following Podiatry services are not covered by Colorado Medicaid:

- 1. Surgical assistant services (differing from assisting surgeons).
- 2. Local anesthetics that are billed as a separate procedure.
- 3. Operating room facility charges for in-office procedures.
- 4. Treatment of subluxation of the foot.
- 5. Treatment of flat feet.
- 6. Routine supplies provided in the office.

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-07-15-B, Revision to the Medical Assistance Community Living Benefit Rule Concerning In-Home Support Services
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.552, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace current text beginning at §8.552 IN HOME SUPPORT SERVICES through the end of §8.552.7.C with the new text provided. This revision is effective 03/02/2015.

Title of Rule: Revision to the Medical Assistance Community Living Benefit Rule Concerning In-Home Support Services

Rule Number: MSB 14-07-15-B

Division / Contact / Phone: Long Term Services & Supports / Candie Dalton 303.866.2755 / Grace Herbison 303-866-2129

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The revised version of section 8.552 implements the six programmatic changes to In Home Support Services mandated by HB 14-1357. The programmatic changes include 1) allowing IHSS to be provided in the community; 2) adding spouses as an eligible family member who may act as an attendant providing IHSS; 3) clarifying that the eligible client or the eligible client's authorized representative is responsible for directing the provision of IHSS, including scheduling, managing, and supervising attendants; 4) allowing clients or the client's authorized representative to determine the amount of oversight needed in conjunction with the IHSS agency; 5) removing the 444 hour per year family member reimbursement limit and replacing it with a 40 hour per week limit for personal care for HCBS-EBD and HCBS-SCI clients; and 6) expanding IHSS to persons receiving services under the Spinal Cord Injury waiver pilot program. In addition to the mandated changes, the proposed revisions incorporate stakeholder feedback by allowing willing and able IHSS agencies to provide the support necessary for a client who does not have an AR to participate in IHSS. The proposed revisions also modify the definitions of health maintenance, homemaker, and personal care activities and specify that the daily allotted scope and duration of each IHSS service must be documented in the IHSS plan.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

42 U.S.C Section 1396n

4. State Authority for the Rule:

Initial Review **12/12/2014**

Proposed Effective Date **03/02/2015**

Final Adoption

Emergency Adoption

01/09/2015

THIS PAGE NOT FOR PUBLICATION

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2014);
Sections 25.5-6-1201 through 25.5-6-1205 C.R.S. (2014)

Initial Review

12/12/2014

Final Adoption

01/09/2015

Proposed Effective Date

03/02/2015

Emergency Adoption

DOCUMENT #06

Title of Rule: Revision to the Medical Assistance Community Living Benefit Rule Concerning In-Home Support Services

Rule Number: MSB 14-07-15-B

Division / Contact / Phone: Long Term Services & Supports / Candie Dalton 303.866.2755 / Grace Herbison 303-866-2129

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Persons enrolled in IHSS under the HCBS-EBD, the HCBS-SCI, and the Children's HCBS waivers, IHSS agencies, case managers, and CDPHE will be impacted by this rule change. These stakeholders were involved in the drafting of the legislation that led to these rule changes (HB 14-1357) and the subsequent stakeholder meetings to draft the rule revisions. The stakeholders will benefit from these rule changes because IHSS services will be more accessible and more person centered.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed revisions to section 8.552 will not impact eligibility for services or the amount of services authorized. However, the revisions are forecasted to increase costs due to greater utilization of IHSS as a result of increased program flexibility and increased allowable family member reimbursement. The costs of expanding into the spinal cord injury (SCI) waiver pilot program were not factored into the cost projections because the Department has already expanded IHSS into the SCI pilot program. These rule revisions do not expand services; they simply align Department rules with Department practice.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The proposed changes are forecasted to increase costs in HCPF by \$297,986 in FY 2014-2015 and by \$1.2 million in FY 2015-16. These costs are paid with 48.99 percent General Fund and 51.01 percent federal funds.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

By revising In Home Support Services rules, the Department will comply with mandates set forth by HB 14-1357 and will promote person-centered, client-directed service provision. The proposed revisions to section 8.552 will not impact eligibility for services or the amount of services authorized. However, the revisions are forecasted to increase costs by \$297,986 in FY 2014-15 and \$1.2 million in FY 2015-16. These increases are the result of greater

utilization of IHSS due to increased program flexibility and increased allowable family member reimbursement. The costs of inaction will be failure to comply with HB 14-1357 mandates.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Other methods were not considered because the rule revisions to IHSS are mandated by the state legislature.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

Other methods were not considered because the rule revisions to IHSS are mandated by the state legislature.

8.552 IN-HOME SUPPORT SERVICES

8.552.1 DEFINITIONS

Attendant means a person, or a family member including a spouse, who is directly employed by an In-Home Support Services (IHSS) agency to provide IHSS to a client.

Case Manager means an individual who determines functional eligibility and provides case management services to individuals eligible under the Children's Home and Community Based Services (CHCBS) Waiver program at 10 C.C.R. 2505-10, Section 8.506, the Home and Community Based Services for the Elderly, Blind, and Disabled (HCBS-EBD) Waiver program 10 C.C.R. 2505-10, Section 8.485 or the Home and Community Based Services for Persons with Spinal Cord Injury (HCBS-SCI) Waiver program 10 C.C.R. 2501-10, Section 8.517.

Health Maintenance Activities means those routine and repetitive health related tasks, which are necessary for health and normal bodily functioning, that an individual with a disability would carry out if he/she were physically able, or that would be carried out by family members or friends if they were available. These Activities include any excluded personal care tasks as defined in 10 CCR 2505-10 Section 8.489, as well as Certified Nursing Assistant (CNA) and nursing services. In the event of the observation of new symptoms or worsening condition that may impair the client's ability to direct their care, the agency, in consultation with the client, shall contact the client's physician and receive direction as to the appropriateness of continued care. The outcome of that consultation shall be documented in the client's record.

In-Home Support Services (IHSS) means services that are provided in the home and in the community by an Attendant under the direction of the client or client's authorized representative including Health Maintenance Activities and support for activities of daily living which include homemaker and personal care services.

In-Home Support Services Agency means an agency that is certified by the state department and provides independent living core services as defined in section 26-8.1-102 (3), C.R.S. and In-Home Support Services.

IHSS Plan means a written plan of IHSS between the client or the client's authorized representative and the IHSS agency. The IHSS Plan shall include a statement of allowable attendant and personal care service hours and a detailed listing of amount, scope and duration of each service to be provided for each day and visit., The IHSS Plan shall also include documentation of the level of oversight by a licensed health care professional determined by the client or the client's authorized representative and the IHSS agency, documentation that adequate staffing including backup staff will be available to provide necessary services, a dispute resolution process, and who will be providing each service. The IHSS Plan shall be signed by the client or the client's authorized representative and the IHSS agency.

8.552.2 ELIGIBILITY

8.552.2.A. To be eligible for IHSS a client shall:

1. Be enrolled in the HCBS-EBD, HCBS-SCI, or CHCBS Waiver programs; and
2. Provide a statement from his/her primary physician stating that the client or client's guardian has sound judgment and the ability to self-direct care,or
3. The client has an authorized representative who has the judgment and ability to assist in acquiring and using services, or
4. The IHSS agency is able and willing to support the client as necessary to participate in IHSS.

5. For a client with an unstable medical condition, the physician's statement shall include a recommendation regarding whether additional in-home monitoring is necessary and if so, the amount and scope of the in-home monitoring.

8.552.2.B. A client shall no longer be eligible when:

1. The client is no longer enrolled in the HCBS-EBD, HCBS-SCI or CHCBS Waiver programs.
2. The client's medical condition deteriorates causing an unsafe situation as documented by the primary physician.
3. The client refuses to designate an authorized representative or receive assistance from an IHSS agency when the client is unable to direct his/her own care as documented by the primary physician

8.552.3 IHSS SERVICES

8.552.3.A Covered services shall be for the benefit of only the client and not for the benefit of other persons living in the home.

8.552.3.B Services include:

1. Homemaker as defined at 10 C.C.R. 2505-10, Section 8.490
2. Personal care as defined at 10 C.C.R. 2505-10, Section 8.489
3. Health maintenance activities

8.552.4 CLIENT RIGHTS AND RESPONSIBILITIES

8.552.4.A. A client or client's authorized representative has the right to:

1. Present a person(s) of his/her own choosing to the IHSS agency as a potential attendant.
2. Train and schedule attendant(s) to meet his/her needs.
3. Dismiss attendants who are not meeting his/her needs.
4. Directly schedule, manage, and supervise attendants.
5. Determine, in conjunction with the IHSS agency, the level of oversight by a licensed health care professional.
6. Document permanent and significant changes in scheduling of attendants.

8.552.5 PROVIDER ELIGIBILITY

8.552.5.A. The IHSS agency shall conform to all certification standards and procedures set forth at 10 C.C.R. 2505-10, Section 8.487 and shall meet additional requirements set forth in 8.552.6.

8.552.5.B. The IHSS agency may be terminated from participation in the program pursuant to 10 C.C.R. 2505-10, Sections 8.487.70 and 8.487.80.

8.552.6 PROVIDER RESPONSIBILITIES

8.552.6.A. The IHSS agency shall assure and document that all clients were offered peer counseling including, but not limited to cross-disability peer counseling, information and referral services, individual and systems advocacy.

8.552.6.B. The IHSS agency shall provide 24-hour back-up service to clients at any time a scheduled attendant is not available..

1. The IHSS agency shall, at the time the IHSS plan is developed, ensure that adequate staffing is available, including backup staff, to ensure necessary services will be provided.

8.552.6.C. The IHSS agency shall provide intake and orientation service to clients or authorized representatives who are new to IHSS. Orientation shall include instruction in the philosophy, policies and procedures of IHSS and information concerning client rights and responsibilities.

8.552.6.D. The IHSS agency shall assure and document that all clients were offered assistance in selecting an attendant..

8.552.6.E. The IHSS agency shall ensure that a current IHSS Plan is in the client's record and send the IHSS Plan to the appropriate single entry point agency case manager within five days after any change in the IHSS Plan.

8.552.6.F. The IHSS agency shall contract with or have on staff a licensed health care professional who is at the minimum a registered nurse, who will verify and document attendant skills and competency to perform IHSS and basic consumer safety procedures.

8.552.6.G The IHSS agency shall collaborate with the client or client's authorized representative to determine the level of oversight and monitoring provided by the licensed health care professional beyond the requirements set forth at 8.552.6.F. The decision about the level of oversight shall be documented by the IHSS agency in the IHSS plan.

8.552.6.H Oversight and monitoring by the licensed health care professional may include the following activities:

- 1.. Counsel attendant staff on difficult cases and potentially dangerous situations.
2. Consult with the client, authorized representative or attendant in the event a medical issue arises.
3. Investigate complaints and critical incidents within 10 working days.
4. Assure that the attendant is following directives found in the IHSS Plan.

8.552.6.I. The IHSS agency shall assure and document that all attendants have received basic training in the provision of IHSS. In lieu of basic training, the IHSS agency's licensed professional may administer a skills validation test.

8.552.6.J. Attendant training shall include, but not be limited to:

1. Development of interpersonal skills focused on addressing the needs of persons with disabilities.
2. Overview of IHSS.
3. Instruction on basic first aid administration.
4. Instruction on safety and emergency procedures.

5. Instruction on infection control techniques, including universal precautions.
- 8.552.6.K. Training may be modified if an attendant demonstrates competence in a given area.
- 8.552.6.L. Training and skills validation shall be completed prior to service delivery unless waived by the client or authorized representative to prevent interruption in services. In no event shall the training or skills validation be postponed for more than 30 days after services begin.
- 8.552.6.M. The IHSS agency shall allow the client or authorized representative to provide individualized attendant training that is specific to his/her own needs and preferences.
- 8.552.6.N. The IHSS agency shall provide functional skills training to assist clients or authorized representatives in developing skills and resources to maximize their independent living and personal management of health care.
- 8.552.6.O. The IHSS agency may discontinue IHSS to a client when:
1. Equivalent care in the community has been secured, or
 2. The client has exhibited inappropriate behavior toward the attendant and the Department has determined that the IHSS agency has made adequate attempts at dispute resolution and dispute resolution has failed. Inappropriate behavior includes, but is not limited to, documented verbal, sexual or physical abuse.
- 8.552.6.P. The IHSS agency shall provide 30 days advance written notice to the client detailing the inappropriate behavior prior to discontinuing services. Upon provider discretion, the provider may allow the client or client representative to use the 30-day notice period to correct the problem.
- 8.552.6.Q. The IHSS agency shall send a copy of the 30-day written discontinuation notice to the single entry point case manager the same day the notice is sent to the client.
- 8.552.6.R. The IHSS agency shall allow the client or the client's authorized representative to directly schedule, manage, and supervise attendants.

8.552.7 SINGLE ENTRY POINT RESPONSIBILITIES

- 8.552.7.A. The single entry point case manager shall ensure cost-effectiveness and non-duplication of services by:
1. Documenting the discontinuation of previously authorized long-term home health services that shall be replaced by IHSS.
 2. Documenting and justifying any need for both long-term home health services and IHSS.
 3. Ensuring all required information is in the client's IHSS Plan.
 4. Authorizing cost-effective and non-duplicative services via the prior authorization request (PAR). A client may receive services from multiple attendants if they are not reimbursed for providing the same service at the same time.
 5. Reviewing the IHSS PAR and giving approval prior to services rendered.
 6. Ensuring that the IHSS plan delineates services to be provided and the physician's statement or authorized representative's signed statement are completed prior to PAR approval.

7. Documenting the amount of health care provider oversight determined by the client in conjunction with the IHSS agency.

8.552.8 REIMBURSEMENT

- 8.552.8.A. Reimbursement for IHSS shall occur only upon approval of the IHSS Care Plan and after the PAR has been submitted and approval received by the single entry point case manager.
- 8.552.8.B. For IHSS personal care and homemaker services, the reimbursement rate shall be the same as for personal care and homemaker services under the HCBS-EBD Waiver set forth at 10 C.C.R. 2505-10 Section 8.489.50 and at 10 C.C.R. 2505-10 Section 8.490.50.
- 8.552.8.C. For IHSS Health Maintenance Activities the reimbursement rate shall be a blended average equal to 1/8th of a two-hour home health aide visit. The unit of service shall be 15 minutes.
- 8.552.8 D. A member of the client's household may only be paid to furnish extraordinary care as determined by the Case Manager. Extraordinary care is determined by assessing whether the care to be provided exceeds the range of care a family member would ordinarily perform in the household on behalf of a person without a disability or chronic illness of the same age, and which is necessary to assure the health and welfare of the client and avoid institutionalization.
- 8.552.8 E. For clients enrolled in HCBS-EBD and HCBS-SCI Waivers, a family member shall not be reimbursed for more than forty (40) hours of personal care in a seven day period.
- 8.552.8 F. The agency shall not submit billing for excessive hours that are not justified by the documentation of services provided, or by the client's medical or functional condition. This includes billing all units prior authorized when the allowed and needed services do not require as much time as that authorized.
- 8.552.8 G. Health maintenance activities may include related personal care and homemaker services if such tasks are completed during the health maintenance visit and are secondary and contiguous to the health maintenance activity.
- 8.552.8 H. A client's authorized representative may not be reimbursed for the provision of IHSS.

John W. Suthers

Attorney General

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Daniel D. Domenico

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**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-01202

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)**

on 01/09/2015

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 01/15/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 20, 2015 11:16:51

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Real Estate

CCR number

4 CCR 725-7

Rule title

4 CCR 725-7 COMMUNITY ASSOCIATION MANAGERS 1 - eff 01/06/2015

Effective date

01/06/2015

[THIS PAGE NOT FOR PUBLICATION]
DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7

EMERGENCY RULE

C RULES – LICENSING - OFFICE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. C Rules – Licensing - Office
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

[THIS PAGE NOT FOR PUBLICATION]

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

Section 4. C RULES: LICENSING – OFFICE

C RULES – LICENSING - OFFICE

C-1) Individual proprietor must be sole owner.

A community association manager licensed as an individual doing business under a trade name must be the sole owner of that trade name.

C-2) Individual proprietor may not appear to be corporate.

A community association manager licensed as a sole proprietorship may not adopt a trade name which includes the following words: Corporation, Partnership, Limited Liability Company, Limited, Incorporated, or the abbreviations thereof.

C-3) Qualifications for community association management companies.

As set forth in § 12-61-1003(6), C.R.S., when a community association management company submits a license application to qualify as a community association manager, it must comply with the following:

- 1) Designate and maintain a qualified active manager for the community association management company who is responsible for management and supervision of the licensed actions of the company and all persons employed by, or acting at any time on behalf of, the company and who is personally responsible for the handling of any and all common interest community funds received or disbursed by the company pursuant to § 12-61-1003(6)(b) and (7); who has passed the examination for licensees set forth in the Act and these Director rules; and who is qualified to act as a community association manager under the Act and these Director rules.
- 2) If the community association management company is a corporation, it must certify that:
 - a) The corporation has been properly incorporated with the Colorado Secretary of State or is authorized to do business in Colorado, and is in good standing, proof of which must be included with the application;
 - b) If an assumed or trade name is to be used, it has been properly filed with and accepted by the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed by the corporation's board of directors to act as designated manager for the corporation.
- 3) If the community association management company is a partnership, it must certify that:
 - a) The partnership has been properly registered with the Colorado Secretary of State and is in good standing, proof of which must be included with the application;
 - b) If an assumed or trade name is to be used, it has been properly filed with the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed the designated manager for the partnership by all general partners or managers/officers of the partnership.
- 4) If the community association management company is a limited liability company, it must certify that:
 - a) The limited liability company has been properly registered with the Colorado Secretary of State and is in good standing, proof of which must be included with

- the application;
- b) If an assumed or trade name is to be used, it has been properly filed with the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed the designated manager for the limited liability company by all managers, or if management has been reserved to the members in the articles of organization, by all members of the limited liability company.

C-4) Individuals employed by a community association management company or a common interest community.

Any community association management company, sole proprietorship, or common interest community that employs individuals who perform activities requiring a community association manager license pursuant to § 12-61-1001(3), C.R.S., must designate and maintain a qualified active designated manager.

C-5) Resident community association managers required to have office; exceptions.

Every resident Colorado community association manager must maintain and supervise a community association management practice with an office that is available to the public, except those community association managers registered in the Division as in the employ of a designated manager or those community association managers registered as inactive.

C-6) Manager availability.

Every licensee must have a community association manager that is reasonably available to members of the common interest community for which they are acting as manager, along with the Division.

C-7) Community association manager license non-transferable.

No agreement will be entered into by any licensee whereby the licensee transfers or lends their name or license to another to avoid or evade any provision of the Act or these Director rules.

C-8) Corporate license name may not duplicate suspended/revoked license.

The Director may refuse to issue a community association manager license to a community association management company if the name of said company is the same as that of any other community association management company whose license has been suspended or revoked, or is so similar as to be easily confused with that of the suspended or revoked company by members of the general public.

C-9) No license name identical to one previously issued.

No community association manager license will be issued to a community association manager under a trade name, corporate, partnership or limited liability company name which is identical to another licensed community association manager's trade name, corporate, partnership or limited liability company name. **C-10) Community association manager activity only in trade name or full licensed name.**

A community association manager may adopt a trade name according to Colorado law and such trade name will appear on the face of the license. However, pursuant to § 12-61-1003(8), C.R.S., such manager must conduct business only under such trade name, or conduct business under the entire name appearing on the face of the license. Community association managers, who are licensed under a designated manager that is doing business under a trade name, will

be licensed under the entire name appearing on the face of the license.

C-11) Name rules.

Pursuant to § 12-61-1003(8), C.R.S., a person will not be licensed as a community association manager under more than one name, or conduct or promote business as a community association manager except under the name under which the person is licensed. However, the use of a trade name, with the permission of the owner of such trade, name may be used concurrently with the licensed name of the community association management company in the promotion or conduct of the licensed community association management business.

- 1) No licensee or community association management company will advertise or promote its business in such a manner as to mislead the public as to the identity of the licensed community association manager or company; nor may a portion of the licensed name of any community association manager or company be advertised or promoted in a manner which would mislead the public as to the identity of the licensed manager or company.
- 2) Any licensee or community association management company using a trade name, the use of which requires obtaining permission from another who has an existing and continuing right in that trade name by virtue of any state or federal law, will clearly and unmistakably include the licensee or community association management company name as registered with the Director in addition to the trade name in a conspicuous and reasonable manner in any of the following:
 - a) Advertising;
 - b) Business cards;
 - c) Letterhead;
 - d) Contracts or all other documents relating to community association management business; and
 - e) Signs displayed at a place of business.

C-12) Notice of termination; designated manager.

A community association management company and its designated manager both must immediately notify the Director in writing of the termination of the designated manager's status as designated manager for the company, or upon the designated manager's failure to comply with the Act or these Director rules. Unless a temporary designated manager license is obtained in compliance with the provisions of Rule C-13, upon such notification the designated manager, entity and all employed licensees will be placed on inactive status.

C-13) Temporary designated manager license.

Pursuant to § 12-61-1003(6)(c), C.R.S., a temporary designated manager's license may be issued to a community association management company to prevent hardship for a period not to exceed 90 days to the person so designated. No designated manager license will be approved unless the individual designated holds a community association manager license and meets all additional requirements pursuant to § 12-61-1003(6), C.R.S. and these Director rules.

C-14) Inactive license.

A community association manager license may be issued while on inactive status. No activities requiring a license may be performed while a license is on inactive status.

[THIS PAGE NOT FOR PUBLICATION]

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7**

EMERGENCY RULE

C RULES – LICENSING - OFFICE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. C Rules – Licensing - Office
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

Section 4. C RULES: LICENSING – OFFICE

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- 1) Designate and maintain a qualified active manager for the community association management company who is responsible for management and supervision of the licensed actions of the company and all persons employed by, or acting at any time on behalf of, the company and who is personally responsible for the handling of any and all common interest community funds received or disbursed by the company pursuant to § 12-61-1003(6)(b) and (7); who has passed the examination for licensees set forth in the Act and these Director rules; and who is qualified to act as a community association manager under the Act and these Director rules.
- 2) If the community association management company is a corporation, it must certify that:
 - a) The corporation has been properly incorporated with the Colorado Secretary of State or is authorized to do business in Colorado, and is in good standing, proof of which must be included with the application;
 - b) If an assumed or trade name is to be used, it has been properly filed with and accepted by the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed by the corporation's board of directors to act as designated manager for the corporation.
- 3) If the community association management company is a partnership, it must certify that:
 - a) The partnership has been properly registered with the Colorado Secretary of State and is in good standing, proof of which must be included with the application;
 - b) If an assumed or trade name is to be used, it has been properly filed with the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed the designated manager for the partnership by all general partners or managers/officers of the partnership.

- 4) If the community association management company is a limited liability company, it must certify that:
 - a) The limited liability company has been properly registered with the Colorado Secretary of State and is in good standing, proof of which must be included with the application;
 - b) If an assumed or trade name is to be used, it has been properly filed with the Colorado Secretary of State, proof of which must be included with the application; and
 - c) The applicant has designated a qualified active manager who has been appointed the designated manager for the limited liability company by all managers, or if management has been reserved to the members in the articles of organization, by all members of the limited liability company.

C-4) Individuals employed by a community association management company or a common interest community.

Any community association management company, sole proprietorship, or common interest community that employs individuals who perform activities requiring a community association manager license pursuant to § 12-61-1001(3), C.R.S., must designate and maintain a qualified active designated manager.

C-5) Resident community association managers required to have office; exceptions.

Every resident Colorado community association manager must maintain and supervise a community association management practice with an office that is available to the public, except those community association managers registered in the Division as in the employ of a designated manager or those community association managers registered as inactive.

C-6) Manager availability.

Every licensee must have a community association manager that is reasonably available to members of the common interest community for which they are acting as manager, along with the Division.

C-7) Community association manager license non-transferable.

No agreement will be entered into by any licensee whereby the licensee transfers or lends their name or license to another to avoid or evade any provision of the Act or these Director rules.

C-8) Corporate license name may not duplicate suspended/revoked license.

The Director may refuse to issue a community association manager license to a community association management company if the name of said company is the same as that of any other community association management company whose license has been suspended or revoked, or is so similar as to be easily confused with that of the suspended or revoked company by members of the general public.

C-9) No license name identical to one previously issued.

No community association manager license will be issued to a community association manager under a trade name, corporate, partnership or limited liability company name which is identical to another licensed community association manager's trade name, corporate, partnership or limited liability company name.

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A community association manager may adopt a trade name according to Colorado law and such trade name will appear on the face of the license. However, pursuant to § 12-61-1003(8), C.R.S., such manager must conduct business only under such trade name, or conduct business under the entire name appearing on the face of the license. Community association managers, who are licensed under a designated manager that is doing business under a trade name, will be licensed under the entire name appearing on the face of the license.

C-11) Name rules.

Pursuant to § 12-61-1003(8), C.R.S., a person will not be licensed as a community association manager under more than one name, or conduct or promote business as a community association manager except under the name under which the person is licensed. However, the use of a trade name, with the permission of the owner of such trade, name may be used concurrently with the licensed name of the community association management company in the promotion or conduct of the licensed community association management business.

- 1) No licensee or community association management company will advertise or promote its business in such a manner as to mislead the public as to the identity of the licensed community association manager or company; nor may a portion of the licensed name of any community association manager or company be advertised or promoted in a manner which would mislead the public as to the identity of the licensed manager or company.
- 2) Any licensee or community association management company using a trade name, the use of which requires obtaining permission from another who has an existing and continuing right in that trade name by virtue of any state or federal law, will clearly and unmistakably include the licensee or community association management company name as registered with the Director in addition to the trade name in a conspicuous and reasonable manner in any of the following:
 - a) Advertising;
 - b) Business cards;
 - c) Letterhead;
 - d) Contracts or all other documents relating to community association management business; and
 - e) Signs displayed at a place of business.

C-12) Notice of termination; designated manager.

A community association management company and its designated manager both must immediately notify the Director in writing of the termination of the designated manager's status as designated manager for the company, or upon the designated manager's failure to comply with the Act or these Director rules. Unless a temporary designated manager license is obtained in compliance with the provisions of Rule C-13, upon such notification the designated manager, entity and all employed licensees will be placed on inactive status.

C-13) Temporary designated manager license.

Pursuant to § 12-61-1003(6)(c), C.R.S., a temporary designated manager's license may be issued to a community association management company to prevent hardship for a period not to exceed 90 days to the person so designated. No designated manager license will be approved unless the individual designated holds a community association manager license and meets all additional requirements pursuant to § 12-61-1003(6), C.R.S. and these Director rules.

C-14) Inactive license.

A community association manager license may be issued while on inactive status. No activities requiring a license may be performed while a license is on inactive status.

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2015-00007

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Real Estate**

on 01/06/2015

4 CCR 725-7

COMMUNITY ASSOCIATION MANAGERS

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 12, 2015 16:01:36

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Real Estate

CCR number

4 CCR 725-7

Rule title

4 CCR 725-7 COMMUNITY ASSOCIATION MANAGERS 1 - eff 01/06/2015

Effective date

01/06/2015

[THIS PAGE NOT FOR PUBLICATION]
DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7

EMERGENCY RULE

D RULES – RENEWAL, TRANSFER, INACTIVE LICENSE, REINSTATEMENT & INSURANCE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. D Rules – Renewal, transfer, inactive license, reinstatement & insurance
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

[THIS PAGE NOT FOR PUBLICATION]

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

**Section 4. D RULES: RENEWAL, TRANSFER, INACTIVE LICENSE, REINSTATEMENT
& INSURANCE**

D RULES – RENEWAL, TRANSFER, INACTIVE LICENSE, REINSTATEMENT & INSURANCE

D-1) Initial License renewal.

An initial license will be issued for a period commencing on the issuance date and expiring on December 31st of the year of issuance.

D-2) Annual renewal.

The license renewal period begins November 1st of each calendar year and ends December 31st of each calendar year. Licensees who renew their license may only do so if they are compliant with all provisions of the Act and all Director rules.

D-3) Inactive license request.

A licensee may request that the Division's records show their license inactive until proper request for reactivation has been made, or until their license has expired.

D-4) Inactive license must be renewed.

A community association manager whose license is on inactive status must apply for renewal of such inactive license and pay the regular renewal fees.

D-5) Reinstatement.

A licensee with an expired license may choose to reinstate his or her license. The reinstatement period begins January 1st of each calendar year immediately following the expiration and ends on December 31st of each calendar year. Individuals who reinstate their expired license may only do so if they are compliant with all provisions of the Act and all Director rules. The fee to reinstate will be by payment of the reinstatement fee equal to one and one-half the regular renewal fee. Any person who fails to apply for reinstatement within one year after expiration of a license will be treated as a new applicant for licensure.

D-6) Renewal or reinstatement using method approved by Director.

A community association manager may renew or reinstate their license online or by submitting a renewal or reinstatement application form provided by the Division or by other methods acceptable to the Director.

D-7) Renewal and Reinstatement fees are non-refundable.

All fees paid for the renewal or reinstatement of a license are non-refundable.

D-8) Form and fees required to change license.

No change in license status will be made except in a manner acceptable to the Director to effect such change and upon payment of the statutory fees for such changes.

D-9) Errors and omissions (E&O) insurance requirements.

Every active licensed community association management company and sole proprietorship must have in effect a group policy of errors and omissions insurance to cover all acts requiring a license.

- 1) Community association management companies and sole proprietorships must obtain errors and omissions group coverage from an insurance carrier subject to the following terms and conditions:
 - a) The insurance carrier is licensed and authorized by the Colorado Division of Insurance to write policies of errors and omissions insurance in this state and is in conformance with all Colorado statutes.
 - b) The insurance carrier maintains an A.M. Best rating of "A-" or better.
- 2) The group policy, at a minimum, must comply with all relevant conditions set forth in this Rule D-9 and the insurance carrier so certifies in an affidavit issued to the insured in a form specified by the Director and agrees to immediately notify the Director of any cancellation or lapse in coverage. Coverage must provide, at a minimum, the following:
 - a) The contract and policy are in conformance with this Rule D-9 and all relevant Colorado statutory requirements.
 - b) Coverage for all acts for which a community association manager license is required, except those illegal, fraudulent or other acts which are normally excluded from such coverage.
 - c) Coverage is for not less than \$1,000,000 per covered claim, with an annual aggregate limit of not less than \$1,000,000. Costs of investigations and defense must be outside of these limits and are subject to their own per claim and aggregate limits.
 - d) Payment of claims by the provider will be on a first dollar basis and the provider will look to the insured for payment of any deductible.
 - e) Coverage contains a deductible no greater than \$5,000.
 - f) That the provider of the policy has executed an affidavit in a form or manner specified by the Director attesting that the policy is in force and, at a minimum, complies with all relevant conditions set forth herein and that the provider will immediately notify the Director in writing of any cancellation or lapse in coverage of any policy.
- 3) Each community association management company and sole proprietorship applying for

licensure, activation, renewal or reinstatement must certify compliance with this Rule D-9 and § 12-61-1004, C.R.S., on forms or in a manner prescribed by the Director. Any community association management company or sole proprietorship, who so certifies and fails to obtain errors and omissions group coverage or who fails to provide proof of continuous coverage directly to the Director, will be placed on inactive status and all licensees operating under such policy will be placed on inactive status:

- a) Immediately, if certification of current insurance coverage is not provided to the Director; or
- b) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided.

D-10) Crime fidelity insurance requirements.

Every active licensed community association management company and sole proprietorship must have in effect a crime fidelity insurance policy covering the dishonest acts of all employees in the community association management company or sole proprietorship.

- 1) Community association management companies and sole proprietorships must obtain crime fidelity coverage from an insurance carrier subject to the following terms and conditions:
 - a) The insurance carrier is licensed and authorized by the Colorado Division of Insurance to write policies of crime fidelity insurance in this state and is in conformance with all Colorado statutes.
 - b) The insurance carrier maintains an A.M. Best rating of "A-" or better.
- 2) The policy, at a minimum, must comply with all relevant conditions set forth in this Rule D-10 and the insurance carrier so certifies in an affidavit issued to the insured in a form specified by the Director and agrees to immediately notify the Director of any cancellation or lapse in coverage. Coverage must provide, at a minimum, the following:
 - a) The contract and policy are in conformance with this Rule D-10 and all relevant Colorado statutory requirements.
 - b) Coverage is exclusive to covering acts contemplated under the current Act and these Director rules.
 - c) Coverage is for the maximum amount of funds that will be in the custody and control of the community association management company or sole proprietorship at any given time. However, in no event shall any such amount be less in aggregate than two months of current assessments plus reserves, as calculated from the current budget of the common interest community, or be less than fifty thousand dollars, whichever is greater, for each common interest community managed by the

community association management company or sole proprietorship. This coverage includes, but is not limited to, any community association management company, sole proprietorship, or designated manager that controls or disburses funds of the common interest community, or that is authorized to sign checks on behalf of the common interest community. Costs of investigations and defense must be outside of these limits and are subject to their own per claim and aggregate limits.

- d) Payment of claims by the provider will be on a first dollar basis and the provider will look to the insured for payment of any deductible.
 - e) Coverage contains a deductible no greater than one (1) percentage point of the total face amount of the policy.
 - f) That the provider of the policy has executed an affidavit in a form or manner specified by the Director attesting that the policy is in force and, at a minimum, complies with all relevant conditions set forth in these Director rules and that the provider will immediately notify the Director in writing of any cancellation or lapse in coverage of the any policy.
- 3) Each community association management company and sole proprietorship applying for licensure, activation, renewal or reinstatement must certify compliance with this rule and § 12-61-1004, C.R.S., on forms or in a manner prescribed by the Director. Any community association management company or sole proprietorship, who so certifies and fails to obtain fidelity coverage or to provide proof of continuous coverage directly to the Director, will be placed on inactive status and all licensees operating under such policy will be placed on inactive status:
- a) Immediately, if certification of current insurance coverage is not provided to the Director; or
 - b) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided.

[THIS PAGE NOT FOR PUBLICATION]

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7**

EMERGENCY RULE

D RULES – RENEWAL, TRANSFER, INACTIVE LICENSE, REINSTATEMENT & INSURANCE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. D Rules – Renewal, transfer, inactive license, reinstatement & insurance
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

Section 4. D RULES: RENEWAL, TRANSFER, INACTIVE LICENSE, REINSTATEMENT & INSURANCE

D-1) Initial License renewal.

An initial license will be issued for a period commencing on the issuance date and expiring on December 31st of the year of issuance.

D-2) Annual renewal.

The license renewal period begins November 1st of each calendar year and ends December 31st of each calendar year. Licensees who renew their license may only do so if they are compliant with all provisions of the Act and all Director rules.

D-3) Inactive license request.

A licensee may request that the Division's records show their license inactive until proper request for reactivation has been made, or until their license has expired.

D-4) Inactive license must be renewed.

A community association manager whose license is on inactive status must apply for renewal of such inactive license and pay the regular renewal fees.

D-5) Reinstatement.

A licensee with an expired license may choose to reinstate his or her license. The reinstatement period begins January 1st of each calendar year immediately following the expiration and ends on December 31st of each calendar year. Individuals who reinstate their expired license may only do so if they are compliant with all provisions of the Act and all Director rules. The fee to reinstate will be by payment of the reinstatement fee equal to one and one-half the regular renewal fee. Any person who fails to apply for reinstatement within one year after expiration of a license will be treated as a new applicant for licensure.

D-6) Renewal or reinstatement using method approved by Director.

A community association manager may renew or reinstate their license online or by submitting a renewal or reinstatement application form provided by the Division or by other methods acceptable to the Director.

D-7) Renewal and Reinstatement fees are non-refundable.

All fees paid for the renewal or reinstatement of a license are non-refundable.

D-8) Form and fees required to change license.

No change in license status will be made except in a manner acceptable to the Director to effect such change and upon payment of the statutory fees for such changes.

D-9) Errors and omissions (E&O) insurance requirements.

Every active licensed community association management company and sole proprietorship must have in effect a group policy of errors and omissions insurance to cover all acts requiring a license.

- 1) Community association management companies and sole proprietorships must obtain errors and omissions group coverage from an insurance carrier subject to the following terms and conditions:
 - a) The insurance carrier is licensed and authorized by the Colorado Division of Insurance to write policies of errors and omissions insurance in this state and is in conformance with all Colorado statutes.
 - b) The insurance carrier maintains an A.M. Best rating of "A-" or better.
- 2) The group policy, at a minimum, must comply with all relevant conditions set forth in this Rule D-9 and the insurance carrier so certifies in an affidavit issued to the insured in a form specified by the Director and agrees to immediately notify the Director of any cancellation or lapse in coverage. Coverage must provide, at a minimum, the following:
 - a) The contract and policy are in conformance with this Rule D-9 and all relevant Colorado statutory requirements.
 - b) Coverage for all acts for which a community association manager license is required, except those illegal, fraudulent or other acts which are normally excluded from such coverage.
 - c) Coverage is for not less than \$1,000,000 per covered claim, with an annual aggregate limit of not less than \$1,000,000. Costs of investigations and defense must be outside of these limits and are subject to their own per claim and aggregate limits.
 - d) Payment of claims by the provider will be on a first dollar basis and the provider will look to the insured for payment of any deductible.
 - e) Coverage contains a deductible no greater than \$5,000.
 - f) That the provider of the policy has executed an affidavit in a form or manner specified by the Director attesting that the policy is in force and, at a minimum, complies with all relevant conditions set forth herein and that the provider will immediately notify the Director in writing of any cancellation or lapse in coverage of any policy.
- 3) Each community association management company and sole proprietorship applying for licensure, activation, renewal or reinstatement must certify compliance with this Rule D-9 and § 12-61-1004, C.R.S., on forms or in a manner prescribed by the Director. Any community association management company or sole proprietorship, who so certifies

and fails to obtain errors and omissions group coverage or who fails to provide proof of continuous coverage directly to the Director, will be placed on inactive status and all licensees operating under such policy will be placed on inactive status:

- a) Immediately, if certification of current insurance coverage is not provided to the Director; or
- b) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided.

D-10) Crime fidelity insurance requirements.

Every active licensed community association management company and sole proprietorship must have in effect a crime fidelity insurance policy covering the dishonest acts of all employees in the community association management company or sole proprietorship.

- 1) Community association management companies and sole proprietorships must obtain crime fidelity coverage from an insurance carrier subject to the following terms and conditions:
 - a) The insurance carrier is licensed and authorized by the Colorado Division of Insurance to write policies of crime fidelity insurance in this state and is in conformance with all Colorado statutes.
 - b) The insurance carrier maintains an A.M. Best rating of "A-" or better.
- 2) The policy, at a minimum, must comply with all relevant conditions set forth in this Rule D-10 and the insurance carrier so certifies in an affidavit issued to the insured in a form specified by the Director and agrees to immediately notify the Director of any cancellation or lapse in coverage. Coverage must provide, at a minimum, the following:
 - a) The contract and policy are in conformance with this Rule D-10 and all relevant Colorado statutory requirements.
 - b) Coverage is exclusive to covering acts contemplated under the current Act and these Director rules.
 - c) Coverage is for the maximum amount of funds that will be in the custody and control of the community association management company or sole proprietorship at any given time. However, in no event shall any such amount be less in aggregate than two months of current assessments plus reserves, as calculated from the current budget of the common interest community, or be less than fifty thousand dollars, whichever is greater, for each common interest community managed by the community association management company or sole proprietorship. This coverage includes, but is not limited to, any community association management company, sole proprietorship, or designated manager that controls or disburses funds of the common interest community, or that is authorized to sign checks on behalf of the common interest community. Costs of investigations and defense must be outside of these limits and are subject to their own per claim and aggregate limits.
 - d) Payment of claims by the provider will be on a first dollar basis and the provider will look to the insured for payment of any deductible.

- e) Coverage contains a deductible no greater than one (1) percentage point of the total face amount of the policy.
 - f) That the provider of the policy has executed an affidavit in a form or manner specified by the Director attesting that the policy is in force and, at a minimum, complies with all relevant conditions set forth in these Director rules and that the provider will immediately notify the Director in writing of any cancellation or lapse in coverage of the any policy.
- 3) Each community association management company and sole proprietorship applying for licensure, activation, renewal or reinstatement must certify compliance with this rule and § 12-61-1004, C.R.S., on forms or in a manner prescribed by the Director. Any community association management company or sole proprietorship, who so certifies and fails to obtain fidelity coverage or to provide proof of continuous coverage directly to the Director, will be placed on inactive status and all licensees operating under such policy will be placed on inactive status:
- a) Immediately, if certification of current insurance coverage is not provided to the Director; or
 - b) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided.

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2015-00008

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Real Estate**

on 01/06/2015

4 CCR 725-7

COMMUNITY ASSOCIATION MANAGERS

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 12, 2015 16:05:37

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Real Estate

CCR number

4 CCR 725-7

Rule title

4 CCR 725-7 COMMUNITY ASSOCIATION MANAGERS 1 - eff 01/06/2015

Effective date

01/06/2015

[THIS PAGE NOT FOR PUBLICATION]
DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7

EMERGENCY RULE

A RULES – LICENSE QUALIFICATIONS, APPLICATIONS & EXAMINATIONS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. A Rules – License qualifications, applications & examinations
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

[THIS PAGE NOT FOR PUBLICATION]

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

Section 4. A RULES: LICENSE QUALIFICATION, APPLICATIONS, & EXAMINATIONS

A RULES – LICENSE QUALIFICATIONS, APPLICATIONS & EXAMINATIONS

A-1) Definitions.

The following definitions are applicable to all rules in these Director rules:

- 1) The “Act” or the “Community Association Managers Practice Act” means §§ 12-61-1001, et seq., C.R.S.
- 2) “Community association manager” or “manager” has the meaning set forth in § 12-61-1001(4).
- 3) “Licensee” means any person or entity licensed as a community association manager pursuant to the Act.
- 4) “Community association management company” or “company” means any entity, including but not limited to a firm, partnership, limited liability company, association, or corporation, that meets the definition of a community association manager in § 12-61-1001(4), C.R.S., or applies to the Division to become a community association manager.
- 5) “Designated manager” means an individual who is designated to be a qualified active manager for a community association management company, qualified to act as a community association manager, and who is responsible for management and supervision of the licensed actions of the company and all persons employed by, or acting at any time on behalf of, the company and who is personally responsible for the handling of any and all common interest community funds received or disbursed by the company pursuant to § 12-61-1003(6)(b) and (7).
- 6) “Applicant” means any person or entity applying for licensure as a community association manager under the Act.
- 7) “License” means any license issued by the Director or the Division pursuant to the Act.

A-2) Requirements that must precede exam and application.

An applicant must hold one or more of the credentials set forth in § 12-61-1003(5)(a)(I)(A), (B), (C), and (D), C.R.S. or § 12-61-1003(5)(d), C.R.S., and provide proof of completion in a manner prescribed by the Director prior to applying for a community association manager license.

A-3) Qualifying education credential requirements.

An applicant must hold a credential pursuant to § 12-61-1003(5)(a)(I)(A), (B), (C), or (D), C.R.S., or § 12-61-1003(5)(d), C.R.S. or complete 24 hours of classroom instruction, or equivalent distance learning hours, and must successfully complete the following courses of study approved by the Director:

- 1) A minimum of 8 hours of Colorado Common Interest Ownership Act, Colorado Revised Nonprofit Act and other applicable provisions of Colorado law;
- 2) A minimum of 7 hours of financial, risk and facilities management;
- 3) A minimum of 5 hours of governance and legal documents of an association; and
- 4) A minimum of 4 hours of ethics, bid requests and contract provisions.

A-4) Exams only given to those qualified.

Only an applicant holding a qualified education credential as prescribed in Rule A-3 may sit for the community association manager licensing examination. However, one instructor from each approved educational provider offering a recognized credential pursuant to § 12-61-1003(5)(a)(I)(A),(B),(C), and (D), C.R.S., may sit for the examination one time during any 12 month period.

A-5) Community association manager license examination, exam expiration and application requirements.

The community association manager license examination is made up of two parts, a general portion and a state portion. If an applicant fails one or both parts of the exam, the applicant may retake the failed portion(s). A passing score for either part of the exam is valid for one year only. An application received by the Division must be accompanied by the statutory fee, proof of completion of the required credential and proof of successful completion of both portion(s) of the exam within the year prior to the application being received by the Division. No exam score for either portion of the exam will be considered valid after one year.

A-6) Exam results certified only if licensed.

The Director will not certify any information concerning the results of any examination as it pertains to any person who has taken the examination unless such person is or has been licensed as a Colorado community association manager.

A-7) License processing time frames.

Provided that an applicant has submitted a complete and satisfactory application in compliance with § 12-61-1002, C.R.S., § 12-61-1003, C.R.S., and all Director rules, the Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check. If the application or record check is not complete or satisfactory, the applicant will be notified that their license application has been deferred pending receipt of required compliance item(s). The application for a community association

manager license that has been approved by the Director subject to the receipt of certain compliance items will be issued on an inactive status until all compliance items have been received by the Director. No activities requiring a license may be performed while the license is on inactive status.

A-8) Applicants who have held a community association manager license in another jurisdiction.

In lieu of the qualifying education credential requirements found in Rule A-3, an applicant who has held a community association manager license in another jurisdiction, as set forth in § 12-61-1003(5)(d), C.R.S., may submit a "certification of licensing history" issued by each jurisdiction where the applicant is currently or was previously licensed as a community association manager. The license history must be submitted prior to sitting for the exam, along with a complete and satisfactory application in accordance with all Director rules. The Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check, and a determination by the Director that the applicant has established they possess the credentials and qualifications substantively equivalent to the requirements for Colorado licensure. Within 30 calendar days after issuance of the community association manager license, the applicant must complete successfully, and provide the Director proof of successful completion, of the state portion of the exam. Failure to provide the Director with proof of successful completion of the state portion of the exam in the prescribed timeframe will result in the license being placed on inactive status and no activities requiring a license may be performed.

A-9) Applicant with previous suspension or revocation of a community association manager license or certification.

Pursuant to § 12-61-1003(3)(b), C.R.S., an applicant who has held a community association manager license or certification that has been suspended or revoked in Colorado or in any other jurisdiction that regulates community association managers within the last 10 years, with at least 2 years having elapsed since the date of that suspension or revocation, must file prior to or with their application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each suspension or revocation;
- 2) The completed community association manager application addendum form found on the Division's website;
- 3) Results of any hearing(s), and copies of the official reports of the suspension and revocation from the jurisdiction where any such suspension or revocation took place;
- 4) If the applicant is to be employed under a designated manager licensee, then that designated manager must submit a letter stating that he or she is aware of the specific suspension(s) or revocation(s) and has agreed to employ the applicant; and
- 5) Any other documentation requested by the Director.

A-10) Applicant with prior legal involvement.

Pursuant to § 12-61-1003(3)(c), C.R.S., an applicant who has been convicted of or pled guilty or nolo contendere to a misdemeanor or a felony, has misdemeanor or felony charges pending against him or her, or has agreed to a deferred prosecution, deferred judgment, or deferred sentence that is not yet completed, excluding all misdemeanor traffic violations (collectively referred to as a “violation”), must file prior to or with his or her application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each violation;
- 2) The completed community association manager application addendum form found on the Division’s website;
- 3) Results of all court hearing(s) related to each violation, in the form of copies of charges, disposition, pre-sentencing report and most recent probation or parole report;
- 4) If the applicant is to be employed under a designated manager licensee, then that designated manager must submit a letter stating that he or she is aware of each violation and has agreed to employ the applicant; and
- 5) Any other documentation requested by the Director.

A-11) Preliminary advisory opinion.

At any time prior to submission of a formal application for licensure, a person may request that the Director issue a preliminary advisory opinion regarding the potential effect that previous conduct, license and certification suspension(s) or revocation(s), criminal conviction(s), or violation(s) of community association law, may have on a formal application for licensure (“PAO”). A PAO may be issued by the Director in his or her sole discretion, in order to provide preliminary advisory guidance.

- 1) Potential applicants may request a PAO for any of the following reasons:
 - a) If the individual has been convicted of, plead guilty or nolo contendere to any crime in a domestic, foreign or military court;
 - b) If the individual has held a community association manager license or certification that has been suspended or revoked within the last 10 years;
 - c) If the individual has had other professional licenses, certifications or registrations issued by Colorado, the District of Columbia, any other states or foreign countries, revoked or suspended for fraud, theft, deceit, material misrepresentations or the breach of a fiduciary duty and such suspension or

revocation denied authorization to practice as: a mortgage loan originator or similar license; real estate broker; real estate appraiser; an insurance producer; an attorney; a securities broker-dealer; a securities sales representative; an investment advisor; or an investment advisor representative; or

- d) Any other conduct that would impact the public trust.
-
- 2) Individuals requesting a PAO must complete the preliminary advisory opinion application located on the Division of Real Estate's website.
 - 3) Individuals requesting a PAO must submit all relevant documents related to any conduct or actions as set forth herein. Incomplete requests will not be processed. The Director may, at any time, request additional information regarding the PAO request. Such relevant or related documents may include, but are not limited to:
 - a) Police officer reports;
 - b) Dispositions documents;
 - c) Court documents;
 - d) Original charges documents;
 - e) Stipulated agreements; or
 - f) Final Agency Orders.
 - 4) Individuals requesting a PAO must submit a written and signed personal explanation and detailed account of the facts and circumstances.
 - 5) Any PAO will not be binding on the Director or limit the Director's authority to investigate a future formal application for licensure.
 - 6) An individual seeking a PAO is not an applicant for licensure and the issuance of an unfavorable opinion will not prevent such individual from making application for licensure pursuant to the Act and these Director rules.
 - 7) No PAO shall be considered final agency action. PAOs are not subject to appeal or judicial review.

A-12) Criminal history check required prior to application.

An applicant for an initial license must submit a set of fingerprints to the Colorado Bureau of Investigation and the Federal Bureau of Investigation for the purpose of conducting a state and national criminal history record check prior to submitting an application for a license.

Fingerprints must be submitted to the Colorado Bureau of Investigation for processing in a manner acceptable to the Colorado Bureau of Investigation. Fingerprints must be readable and all personal identification data completed in a manner satisfactory to the Colorado Bureau of Investigation. The Director may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

A-13) Denied license notice required.

If an applicant for licensure is denied by the Director for any reason, the applicant will be informed in writing of the denial and the reason(s) therefore. As set forth in § 12-61-1011, C.R.S., an applicant whose license application was denied for any reason has a right to a proceeding on the denial to be conducted by an authorized representative of the Director or by an administrative law judge pursuant to §§ 24-4-104 and 24-4-105, C.R.S.

A-14) Director has course audit authority.

The Director or his or her designee may audit any course of study and may request from each educational provider of any course under § 12-61-1003(5)(a)(I) through (III), C.R.S., all instructional material related thereto and student attendance records as may be necessary for an investigation in the enforcement of the Act and these Director rules. The purpose of such audit is to ensure that educational providers and credential providing entities adhere to the approved course of study and credential designations, offer course material and instruction consistent with acceptable education standards and instruct in such a manner that the desired learning objectives are met. Failure to comply with the provisions of this rule may result in the withdrawal of Director course and designated credential approval.

A-15) Invalid payment voids application.

If the fees accompanying any application or registration made to the Director (including fees for renewals, transfers, etc.) are paid for by check and the check is not immediately paid upon presentment to the bank upon which the check was drawn, or if payment submitted in any other manner, and payment is denied, rescinded or returned as invalid, the application will be deemed incomplete. The application will only be deemed complete if the Director has received payment of all application or registration fees together with any fees incurred by the Division including the fee required by state fiscal rules for the clerical services necessary for reinstatement within 60 days of the Division mailing notification of an incomplete application.

[THIS PAGE NOT FOR PUBLICATION]

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7**

EMERGENCY RULE

A RULES – LICENSE QUALIFICATIONS, APPLICATIONS & EXAMINATIONS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of Real Estate to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. A Rules – License qualifications, applications & examinations
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Director of the Division of Real Estate (“Director”) finds that immediate adoption of this emergency rule is imperatively necessary to comply with state law, including §§ 12-61-1001, et seq., C.R.S. (the “Act”) and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the passage of HB 13-1277, the Act requires licensing for anyone who engages in certain defined activities of a “community association manager” relating to the management of a common interest community. The legislation empowering the Director to promulgate rules is effective January 1, 2015 and individuals needing to be licensed must do so by July 1, 2015. As a result, it is imperatively necessary that the Director promulgate rules pertaining to the requirements needed for licensure on an emergency basis.

The purpose of this emergency rule is to ensure compliance with §§ 12-61-1001, et seq., C.R.S. and is to effectuate the legislative directive to promulgate necessary and appropriate rules for the implementation of part 10 of Title 12, Article 61.

The specific purpose of the emergency rules is to promulgate rules pertaining to the education, testing, licensing, and insurance requirements needed for licensure.

Without the immediate adoption of the emergency rules, the public’s interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Director has stated needs to adopt these emergency rules.

Section 3. Applicability

The emergency rules govern community association managers who are subject to the requirements of Part 10 of Title 12, Article 61 of the Colorado Revised Statutes.

Section 4. A RULES: LICENSE QUALIFICATION, APPLICATIONS, & EXAMINATIONS

A-1) Definitions.

The following definitions are applicable to all rules in these Director rules:

- 1) The “Act” or the “Community Association Managers Practice Act” means §§ 12-61-1001, et seq., C.R.S.
- 2) “Community association manager” or “manager” has the meaning set forth in § 12-61-1001(4).
- 3) “Licensee” means any person or entity licensed as a community association manager pursuant to the Act.
- 4) “Community association management company” or “company” means any entity, including but not limited to a firm, partnership, limited liability company, association, or corporation, that meets the definition of a community association manager in § 12-61-1001(4), C.R.S., or applies to the Division to become a community association manager.
- 5) “Designated manager” means an individual who is designated to be a qualified active manager for a community association management company, qualified to act as a community association manager, and who is responsible for management and supervision of the licensed actions of the company and all persons employed by, or acting at any time on behalf of, the company and who is personally responsible for the handling of any and all common interest community funds received or disbursed by the company pursuant to § 12-61-1003(6)(b) and (7).
- 6) “Applicant” means any person or entity applying for licensure as a community association manager under the Act.
- 7) “License” means any license issued by the Director or the Division pursuant to the Act.

A-2) Requirements that must precede exam and application.

An applicant must hold one or more of the credentials set forth in § 12-61-1003(5)(a)(I)(A), (B), (C), and (D), C.R.S. or § 12-61-1003(5)(d), C.R.S., and provide proof of completion in a manner prescribed by the Director prior to applying for a community association manager license.

A-3) Qualifying education credential requirements.

An applicant must hold a credential pursuant to § 12-61-1003(5)(a)(I)(A), (B), (C), or (D), C.R.S., or § 12-61-1003(5)(d), C.R.S. or complete 24 hours of classroom instruction, or equivalent distance learning hours, and must successfully complete the following courses of study approved by the Director:

- 1) A minimum of 8 hours of Colorado Common Interest Ownership Act, Colorado Revised Nonprofit Act and other applicable provisions of Colorado law;
- 2) A minimum of 7 hours of financial, risk and facilities management;
- 3) A minimum of 5 hours of governance and legal documents of an association; and
- 4) A minimum of 4 hours of ethics, bid requests and contract provisions.

A-4) Exams only given to those qualified.

Only an applicant holding a qualified education credential as prescribed in Rule A-3 may sit for the community association manager licensing examination. However, one instructor from each approved educational provider offering a recognized credential pursuant to § 12-61-1003(5)(a)(I)(A),(B),(C), and (D), C.R.S., may sit for the examination one time during any 12 month period.

A-5) Community association manager license examination, exam expiration and application requirements.

The community association manager license examination is made up of two parts, a general portion and a state portion. If an applicant fails one or both parts of the exam, the applicant may retake the failed portion(s). A passing score for either part of the exam is valid for one year only. An application received by the Division must be accompanied by the statutory fee, proof of completion of the required credential and proof of successful completion of both portion(s) of the exam within the year prior to the application being received by the Division. No exam score for either portion of the exam will be considered valid after one year.

A-6) Exam results certified only if licensed.

The Director will not certify any information concerning the results of any examination as it pertains to any person who has taken the examination unless such person is or has been licensed as a Colorado community association manager.

A-7) License processing time frames.

Provided that an applicant has submitted a complete and satisfactory application in compliance with § 12-61-1002, C.R.S., § 12-61-1003, C.R.S., and all Director rules, the Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check. If the application or record check is not complete or satisfactory, the applicant will be notified that their license application has been deferred pending receipt of required compliance item(s). The application for a community association manager license that has been approved by the Director subject to the receipt of certain compliance items will be issued on an inactive status until all compliance items have been received by the Director. No activities requiring a license may be performed while the license is on inactive status.

A-8) Applicants who have held a community association manager license in another jurisdiction.

In lieu of the qualifying education credential requirements found in Rule A-3, an applicant who has held a community association manager license in another jurisdiction, as set forth in § 12-61-1003(5)(d), C.R.S., may submit a "certification of licensing history" issued by each jurisdiction where the applicant is currently or was previously licensed as a community association manager. The license history must be submitted prior to sitting for the exam, along with a complete and satisfactory application in accordance with all Director rules. The Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check, and a determination by the Director that the applicant has established they possess the credentials and qualifications substantively equivalent to the requirements for Colorado licensure. Within 30 calendar days after issuance of the community association manager license, the applicant must complete successfully, and provide the Director proof of successful completion, of the state portion of the exam. Failure to provide the Director with proof of successful completion of the state portion of the exam in the prescribed timeframe will result in the license being placed on inactive status and no activities requiring a license may be performed.

A-9) Applicant with previous suspension or revocation of a community association manager license or certification.

Pursuant to § 12-61-1003(3)(b), C.R.S., an applicant who has held a community association manager license or certification that has been suspended or revoked in Colorado or in any other jurisdiction that regulates community association managers within the last 10 years, with at least 2 years having elapsed since the date of that suspension or revocation, must file prior to or with their application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each suspension or revocation;
- 2) The completed community association manager application addendum form found on the Division's website;
- 3) Results of any hearing(s), and copies of the official reports of the suspension and revocation from the jurisdiction where any such suspension or revocation took place;
- 4) If the applicant is to be employed under a designated manager licensee, then that designated manager must submit a letter stating that he or she is aware of the specific suspension(s) or revocation(s) and has agreed to employ the applicant; and
- 5) Any other documentation requested by the Director.

A-10) Applicant with prior legal involvement.

Pursuant to § 12-61-1003(3)(c), C.R.S., an applicant who has been convicted of or pled guilty or nolo contendere to a misdemeanor or a felony, has misdemeanor or felony charges pending against him or her, or has agreed to a deferred prosecution, deferred judgment, or deferred sentence that is not yet completed, excluding all misdemeanor traffic violations (collectively

referred to as a “violation”), must file prior to or with his or her application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each violation;
- 2) The completed community association manager application addendum form found on the Division’s website;
- 3) Results of all court hearing(s) related to each violation, in the form of copies of charges, disposition, pre-sentencing report and most recent probation or parole report;
- 4) If the applicant is to be employed under a designated manager licensee, then that designated manager must submit a letter stating that he or she is aware of each violation and has agreed to employ the applicant; and
- 5) Any other documentation requested by the Director.

A-11) Preliminary advisory opinion.

At any time prior to submission of a formal application for licensure, a person may request that the Director issue a preliminary advisory opinion regarding the potential effect that previous conduct, license and certification suspension(s) or revocation(s), criminal conviction(s), or violation(s) of community association law, may have on a formal application for licensure (“PAO”). A PAO may be issued by the Director in his or her sole discretion, in order to provide preliminary advisory guidance.

- 1) Potential applicants may request a PAO for any of the following reasons:
 - a) If the individual has been convicted of, plead guilty or nolo contendere to any crime in a domestic, foreign or military court;
 - b) If the individual has held a community association manager license or certification that has been suspended or revoked within the last 10 years;
 - c) If the individual has had other professional licenses, certifications or registrations issued by Colorado, the District of Columbia, any other states or foreign countries, revoked or suspended for fraud, theft, deceit, material misrepresentations or the breach of a fiduciary duty and such suspension or revocation denied authorization to practice as: a mortgage loan originator or similar license; real estate broker; real estate appraiser; an insurance producer; an attorney; a securities broker-dealer; a securities sales representative; an investment advisor; or an investment advisor representative; or
 - d) Any other conduct that would impact the public trust.
- 2) Individuals requesting a PAO must complete the preliminary advisory opinion application located on the Division of Real Estate’s website.
- 3) Individuals requesting a PAO must submit all relevant documents related to any conduct or actions as set forth herein. Incomplete requests will not be processed. The Director may, at any time, request additional information regarding the PAO request. Such relevant or related documents may include, but are not limited to:
 - a) Police officer reports;

- b) Dispositions documents;
 - c) Court documents;
 - d) Original charges documents;
 - e) Stipulated agreements; or
 - f) Final Agency Orders.
- 4) Individuals requesting a PAO must submit a written and signed personal explanation and detailed account of the facts and circumstances.
 - 5) Any PAO will not be binding on the Director or limit the Director's authority to investigate a future formal application for licensure.
 - 6) An individual seeking a PAO is not an applicant for licensure and the issuance of an unfavorable opinion will not prevent such individual from making application for licensure pursuant to the Act and these Director rules.
 - 7) No PAO shall be considered final agency action. PAOs are not subject to appeal or judicial review.

A-12) Criminal history check required prior to application.

An applicant for an initial license must submit a set of fingerprints to the Colorado Bureau of Investigation and the Federal Bureau of Investigation for the purpose of conducting a state and national criminal history record check prior to submitting an application for a license.

Fingerprints must be submitted to the Colorado Bureau of Investigation for processing in a manner acceptable to the Colorado Bureau of Investigation. Fingerprints must be readable and all personal identification data completed in a manner satisfactory to the Colorado Bureau of Investigation. The Director may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

A-13) Denied license notice required.

If an applicant for licensure is denied by the Director for any reason, the applicant will be informed in writing of the denial and the reason(s) therefore. As set forth in § 12-61-1011, C.R.S., an applicant whose license application was denied for any reason has a right to a proceeding on the denial to be conducted by an authorized representative of the Director or by an administrative law judge pursuant to §§ 24-4-104 and 24-4-105, C.R.S.

A-14) Director has course audit authority.

The Director or his or her designee may audit any course of study and may request from each educational provider of any course under § 12-61-1003(5)(a)(I) through (III), C.R.S., all instructional material related thereto and student attendance records as may be necessary for an investigation in the enforcement of the Act and these Director rules. The purpose of such audit is to ensure that educational providers and credential providing entities adhere to the approved course of study and credential designations, offer course material and instruction consistent with acceptable education standards and instruct in such a manner that the desired

learning objectives are met. Failure to comply with the provisions of this rule may result in the withdrawal of Director course and designated credential approval.

A-15) Invalid payment voids application.

If the fees accompanying any application or registration made to the Director (including fees for renewals, transfers, etc.) are paid for by check and the check is not immediately paid upon presentment to the bank upon which the check was drawn, or if payment submitted in any other manner, and payment is denied, rescinded or returned as invalid, the application will be deemed incomplete. The application will only be deemed complete if the Director has received payment of all application or registration fees together with any fees incurred by the Division including the fee required by state fiscal rules for the clerical services necessary for reinstatement within 60 days of the Division mailing notification of an incomplete application.

Section 5. Effective Date

This emergency rule is effective January 2, 2015.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

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**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2015-00004

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Real Estate**

on 01/06/2015

4 CCR 725-7

COMMUNITY ASSOCIATION MANAGERS

The above-referenced rules were submitted to this office on 01/09/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JD 2", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 12, 2015 14:56:01

Emergency Rules Adopted

Department

Department of Public Safety

Agency

Division of Fire Prevention and Control

CCR number

8 CCR 1507-11

Rule title

8 CCR 1507-11 FIRE SUPPRESSION PROGRAM 1 - eff 12/30/2014

Effective date

12/30/2014

**COLORADO FIRE SUPPRESSION RULES
EMERGENCY REVISIONS**

Add new subsection to Section 3, as follows:

**SECTION 3
REGISTRATION OF FIRE SUPPRESSION SYSTEM CONTRACTORS**

- 3.9 Qualifications for Registration – Residential Fire Suppression Systems Contractor
- 3.9.1 A residential fire suppression systems contractor must employ a RME,

—or—

Contractors without a RME on staff must demonstrate to the Division their qualifications including education, training, and experience in the residential fire suppression industry.
- 3.9.2 The applicant shall be required to submit documentation of successful completion of residential sprinkler system training, completion of NFPA 13D related coursework, or other residential suppression system training as approved by the Division. CSA Sprinkler Residential On-Site Competent Person Exam (ASR2) or Sprinkler Commercial/Residential On-Site Competent Person Exam (ASCR2) satisfies this experience requirement.
- 3.9.3 Before installing CPVC or PEX piping systems, the applicant must provide proof of successful completion of a CPVC or PEX tubing training course by the manufacturer or their representative.
- 3.9.4 Before installing a pre-engineered residential fire suppression system, applicants must demonstrate that they are authorized and certified by the system manufacturer to install that specific residential fire suppression system.

Revise Section 4, as follows:

**SECTION 4
FIRE SUPPRESSION SYSTEM INSPECTOR CERTIFICATION**

- 4.1 Any installation, modification, alteration, or repair of a fire suppression system shall be approved by a certified fire suppression systems inspector. Each county, municipality, or special district that has fire suppression systems enforcement responsibilities shall, as needed, provide fire suppression systems inspectors certified to the appropriate level.

Exemption: Inspectors of MULTIPURPOSE RESIDENTIAL FIRE SPRINKLER SYSTEMS shall meet the requirements of the State Board of Plumbing and are not regulated by the Division

- 4.1.1 Individuals performing plan reviews on fire suppression systems other than residential sprinkler systems designed to NFPA 13D Standards shall be certified as Fire Suppression Systems Inspector—Plan Reviewer.
- 4.1.2 Individuals performing inspections on fire suppression systems other than residential sprinkler systems designed to NFPA 13D Standards shall be certified as Fire Suppression Systems—Inspector Or Fire Suppression Systems Inspector—Plan Reviewer.
- 4.1.3 Individuals performing plan reviews or inspections for compliance of residential sprinkler systems designed to NFPA 13D Standards shall be certified as Residential Fire Suppression Systems Inspector, Fire Suppression Systems—Inspector Or Fire Suppression Systems Inspector—Plan Reviewer.
- 4.2 In order to become certified as a Fire Suppression Systems Inspector – Plan Reviewer, a person must meet at least one of the following conditions:
- 4.2.1 Possess current and valid inspector certification issued by a nationally recognized organization which includes fire suppression system plan review and inspection knowledge. ICC Fire Inspector II or NFPA Certified Fire Inspector II certifications, and certified fire plans examiner issued by ICC or NFPA meet this requirement.
- 4.2.2 Demonstrate to the Division that he or she has met equivalent qualifications, including education, training and experience, in the categories of fire suppression, fire sprinkler, or life safety.

A. Prerequisite Knowledge, Skill and Ability Required:

- (1) Plan review of fire suppression systems.

- (2) Understand the application of NFPA Standards related to fire suppression systems.
- (3) Sprinkler system identification and components, including: quick response sprinklers; residential sprinklers, early suppression fast response sprinklers; and large drop sprinklers.
- (4) Sprinkler system installation requirements, including: spacing, obstruction rules, response time index and design densities.
- (5) Water supply and pressure requirements.
- (6) Hydraulic calculations.
- (7) Inspection, testing and maintenance procedures for: sprinklers, standpipes, private fire service mains, fire pumps, and valves and controls.
- (8) System impairment, notification and correction.
- (9) Flow test and fire pump testing procedures.
- (10) Understand the application of Colorado Law for fire suppression systems.
- (11) Understand the application of the International Building Code, International Residential Code, and International Fire Code to fire suppression systems.

B. Acceptable equivalent qualifications are:

- (1) Associate Degree or above in Fire Science, Fire Prevention, or other fire inspection major from a regionally accredited post-secondary institution.
- (2) Currently registered in Colorado as engineer specializing in fire suppression.
- (3) Currently registered as a NICET Level III or above in Water Based Layout.
- (4) At the Division's sole discretion, evidence of completion of courses that directly relate to plan review and inspections of fire suppression systems delivered by a recognized organization or institution, including, but not limited to:
 - (a) A regionally accredited post-secondary institution
 - (b) National Fire Protection Association
 - (c) National Fire Academy
 - (d) American Fire Sprinkler Association
 - (e) National Fire Sprinkler Association
 - (f) IFMA Fire Protection Institute

(g) International Code Council

- 4.2.1 Submit evidence of current and valid certification in another state or jurisdiction, which is determined by the Division to be at least equivalent to the requirements of the Colorado Fire Suppression Program.
- 4.3 In order to become certified as a Fire Suppression Systems - Inspector, a person must meet the following conditions:
 - 4.3.1 Possess current and valid inspector certification issued by a nationally recognized organization which includes fire suppression systems inspection knowledge. ICC Fire Inspector II or NFPA Certified Fire Inspector II certifications meet this requirement.
 - 4.3.2 Demonstrate to the Division that he or she has met equivalent qualifications, including education, training and experience, in the categories of fire suppression, fire sprinkler, or life safety.
 - A. Prerequisite Knowledge, Skill and Ability Required:
 - (1) Understand the application of NFPA Standards related to fire suppression.
 - (2) Sprinkler system identification and components, including: quick response sprinklers, residential sprinklers, early suppression fast response sprinklers, and large drop sprinklers.
 - (3) Sprinkler system installation requirements, including: spacing, obstruction rules, response time index and design densities.
 - (4) Water supply and pressure requirements.
 - (5) Inspection, testing and maintenance procedures for: sprinklers, standpipes, private fire service mains, fire pumps, and valves and controls.
 - (6) System impairment, notification and correction.
 - (7) Flow test and fire pump testing procedures.
 - (8) Understand the application of Colorado Law for fire suppression systems.
 - (9) Understand the application of the International Building Code, International Residential Code, and International Fire Code to fire suppression systems.
 - B. Acceptable equivalent qualifications are:

- (1) Currently registered as a NICET Level II in Water Based Layout.
- (2) At the Division's sole discretion, evidence of completion of courses that directly relate to plan review and inspections of fire suppression systems delivered by a recognized organization or institution, including, but not limited to:
 - (a) A regionally accredited post-secondary institution
 - (b) National Fire Protection Association
 - (c) National Fire Academy
 - (d) American Fire Sprinkler Association
 - (e) National Fire Sprinkler Association
 - (f) IFMA Fire Protection Institute
 - (h) International Code Council

4.3.3 Submit evidence of current and valid certification from another state or jurisdiction which is determined by the Division to be at least equivalent to the requirements of the Colorado Fire Suppression Program.

4.4 In order to become certified as a Residential Fire Suppression Systems Inspector, a person must meet the following conditions:

4.4.1 Possess current and valid inspector certification issued by a nationally recognized organization which includes residential fire suppression system plan review and inspection knowledge. ICC Fire Inspector II, ICC Residential Fire Sprinkler Inspector/Plans Examiner, ICC Residential Fire Sprinkler Design/Installation, or NFPA Certified Fire Inspector II certifications meet this requirement.

4.4.2 Demonstrate to the Division that he or she has met equivalent qualifications, including education, training and experience, in the categories of fire suppression, fire sprinkler, or life safety.

A. Prerequisite Knowledge, Skill and Ability Required:

- (1) Understand the application of the NFPA 13D Standard related to the residential fire suppression industry.
- (2) Sprinkler system identification and components, including: quick response sprinklers, residential sprinklers, freeze protection, pumps, water storage, and alarm devices

- (3) Sprinkler system installation requirements, including: spacing, obstruction rules, response time index, pipe use, and design densities.
- (4) Water supply and pressure requirements including loss of pressure through water meters, cross-connection devices, and other appurtenances.
- (5) Inspection, testing and maintenance procedures for: sprinklers, fire pumps, expansion tanks, freeze protection systems, valves, and controls.
- (6) Flow test and fire pump testing procedures.
- (7) Understand the application of Colorado Law for fire suppression systems.
- (8) Understand the application of the International Residential Code, and International Fire Code to fire suppression systems.

B. Acceptable equivalent qualifications are:

- (1) Currently registered as a NICET Level II in Water Based Layout.
- (2) At the Division's sole discretion, evidence of completion of courses that directly relate to plan review and inspections of residential fire suppression systems delivered by a recognized organization or institution, including, but not limited to:
 - (a) A regionally accredited post-secondary institution
 - (b) National Fire Protection Association
 - (c) National Fire Academy
 - (d) American Fire Sprinkler Association
 - (e) National Fire Sprinkler Association
 - (f) IFMA Fire Protection Institute
 - (h) International Code Council

4.4.3 Submit evidence of current and valid certification from another state or jurisdiction which is determined by the Division to be at least equivalent to the requirements of the Colorado Fire Suppression Program.

4.5 All applications for certification must be accompanied by a letter from the applicant's employer's code official responsible for plan review and inspection services attesting:

4.5.1 That the individual is currently employed by a county,

municipality, special district, or state agency that has fire suppression system enforcement responsibility.

4.5.2 That the agency is responsible for fire suppression system enforcement in their jurisdiction.

4.5.3 That the individual has the responsibility to conduct fire suppression system plans reviews and/or inspections.

4.5.4 That the individual meets the qualifications (knowledge, skills and ability) to conduct fire suppression system plan reviews and/or inspections.

4.6 Limitations/Permissible Activities

4.6.1 A certified fire suppression systems inspector may not also be a registered contractor.

4.6.2 A certified fire suppression systems inspector may not contract directly with a registered contractor for the provision of inspection services.

4.6.3 A certified fire suppression systems inspector may contract directly with one or more municipalities, counties, fire protection districts or other local authority for the provision of inspection services.

4.7 Duration of Certification

4.7.1 Fire suppression systems inspector certifications are valid for a period of three years from the date of issuance, unless earlier suspended or revoked.

4.7.2 Certified inspectors who are separated from employment may not perform plan review or inspection services unless they become employed with a new agency and provide a letter pursuant to Section 4.5.

4.8 Renewal of certification is the responsibility of the certified individual. An individual who is certified as a fire suppression systems inspector prior to the adoption of these rules may perform all of the responsibilities of a Fire Suppression Systems Inspector – Plan Reviewer. Upon application for renewal he or she will be certified as a Fire Suppression

Systems Inspector – Plan Reviewer.

4.8.1 Renewal shall require an application accompanied by the following:

- A. A letter in accordance with 4.5, AND
- B. Documentation of 2.4 continuing education units (CEUs) relevant to the field of fire suppression, AND
- C. Payment of the required renewal fee.

4.8.2 CEUs will be granted for professional development activities as depicted in the table below: (Applicants must obtain documentation and keep records of each activity attended during the certification period).

1) Participation as a student in a seminar related to fire suppression systems conducted by a qualified organization, including but not limited to National Fire Protection Association, National Fire Sprinkler Association, American Fire Sprinkler Association, Oklahoma State	0.1 per clock hour of attendance
2) International Code Council Education Institute. Courses must be relevant to fire suppression systems	0.1 for each clock hour of attendance
3) Fire code, building code overview classes	0.4 Maximum Per course
4) Attendance at NFPA and/or ICC code development hearings related to fire sprinkler systems.	1.0 per three year period
5) Working as a certified fire suppression inspector, conducting plans review and inspections of fire sprinkler systems	1.0 per three year period

4.9 Municipalities, counties, fire protection districts, and other state or local authorities employing certified Fire Suppression Systems Inspectors must maintain records of all plan reviews and inspections conducted by each inspector during the three year certification period. Said records shall be made available for review by the Division, upon request.

- 4.10 Inspectors must place their certification number and expiration date on all completed inspection reports, permits, and inspection cards.

Revise Section 6, as follows:

**SECTION 6
CODES AND STANDARDS ADOPTED**

- 6.1 The following codes are adopted by the Division for the design, installation, and maintenance of fire suppression systems within the State of Colorado.
- 6.1.1 International Building Code, 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. Washington, D.C.).
 - 6.1.2 International Fire Code, 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. Washington, D.C.).
 - 6.1.3 International Residential Code, 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. Washington, D.C.).
 - 6.1.4 International Wildland-Urban Interface Code, 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc.).
 - 6.1.5 NFPA 101, Life Safety Code, 2012 Edition, First Printing: September 2011 (Copyright 2011 by National Fire Protection Association).
- 6.2 The following standards are adopted by the Division for the design, installation, and maintenance of fire suppression systems within the State of Colorado.
- NFPA 11 Standard for Low, Medium, and High Expansion Foam, 2010 Edition (Copyright 2009 by National Fire Protection Association Inc.).
 - NFPA 12 Standard for the Installation of Carbon Dioxide

Extinguishing Systems, 2011 Edition (Copyright 2010 by National Fire Protection Association Inc.).

- NFPA 12A Standard for the Installation of Halon 1301 Fire Extinguishing Systems, 2009 Edition. (Copyright 2008 by National Fire Protection Association Inc.).
- NFPA 13 Standard for the Installation of Sprinkler Systems, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
- NFPA 13D Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
- NFPA 13R Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
- NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2013 Edition (Copyright 2013 by National Fire Protection Association Inc.).
- NFPA 15 Standard for Water Spray Fixed Systems for Fire Protection, 2012 Edition (Copyright 2011 by National Fire Protection Association Inc.).
- NFPA 16 Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2011 Edition (Copyright 2010 by National Fire Protection Association Inc.).
- NFPA 17 Standard for Dry Chemical Extinguishing Systems, 2013 Edition (Copyright 2013 by National Fire Protection Association Inc.).
- NFPA 17A Standard for Systems Wetting Agents, 2011 Edition (Copyright 2013 by National Fire Protection Association Inc.).

NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection, 2013 Edition (Copyright 2009 by National Fire Protection Association Inc.).
NFPA 22	Standard for Water Tanks for Private Fire Protection, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
NFPA 24	Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2014 Edition (Copyright 2013 by National Fire Protection Association Inc.).
NFPA 72	National Fire Alarm and Signaling Code, 2013 Edition (Copyright 2012 by National Fire Protection Association Inc.).
NFPA 409	Standard on Aircraft Hangars, 2011 Edition (Copyright 2010 by National Fire Protection Association Inc.).
NFPA 418	Standard for Heliports, 2011 Edition (Copyright 2018 by National Fire Protection Association Inc.).
NFPA 423	Standard for Construction and Protection of Aircraft Engine Test facilities, 2010 Edition (Copyright 2009 by National Fire Protection Association Inc.).
NFPA 750	Standard on Water Mist Fire Protection Systems, 2015 Edition (Copyright 2014 by National Fire Protection Association Inc.).
NFPA 1142	Standard on Water Supplies for Suburban and Rural Firefighting, 2012 Edition (Copyright 2011 by National Fire Protection Association Inc.).

NFPA 2001 Standard on Clean Agent Fire Extinguishing
Systems, 2012 Edition (Copyright 2011 by
National Fire Protection Association Inc.).

- 6.3 The Division shall maintain copies of the complete texts of the adopted codes and standards, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or obtain copies of the adopted codes for a reasonable fee by contacting the Fire and Life Safety Section Chief at the Division, 690 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the adopted codes and standards are available from the organization originally issuing the codes and standards: the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at www.iccsafe.org, and the National Fire Protection Association, reached by calling 800-344-3555 or on the web at www.nfpa.org.
- 6.4 In the event that a new edition of the code or standard is adopted, the code or standard current at the time of permit application shall remain in effect throughout the work authorized by the permit.
- 6.5 This rule does not include later amendments or editions of the incorporated material.
- 6.6 In the case of any conflicting requirements between any code or standard adopted by the Division, the Division, in its sole discretion, shall determine which provisions shall apply.
- 6.6 Municipalities, counties, fire protection districts, and other units of local government having the authority to do so, may adopt codes, standards, ordinances and/or resolutions governing the design and installation of fire suppression systems that may be different than those adopted by the Division.
- 6.6.1 Municipalities, counties, fire protection districts and other local authorities employing certified fire suppression inspectors may enforce locally adopted codes, standards ordinances and/or resolutions governing the design and installation of fire suppression systems, to the extent permitted by the adopting ordinance or resolution.
- 6.6.2 Conflicts between the codes and standards adopted by the Division and those adopted by a local government shall be

resolved in the following manner:

- A. In cases where the local authority employs certified fire suppression systems inspectors, the local government requirements shall prevail.
- B. In cases where the local authority does not employ certified fire suppression systems inspectors and the Division conducts plan reviews and inspections, the more restrictive requirements shall prevail.

Revise Section 8, as follows:

**SECTION 8
FEES AND CHARGES ESTABLISHED**

- 8.1 The Division will charge the following fees for services:
 - 8.1.1 Annual Registration of Fire Suppression Systems Contractor...\$100.00
 - 8.1.2 Replacement of lost or damaged registration & certification.....\$10.00
 - 8.1.3 Plan reviews, job site inspections, testing, or technical assistance to other agencies, including travel to and from job site (one hour minimum).....\$100.00 per hour
 - 8.1.4 Certification or Renewal of Fire Suppression Systems Inspectors through document review..... \$30.00
 - 8.1.5 Certification or Renewal of Fire Suppression Systems Inspectors by reciprocity of equivalent ICC or NFPA certifications.....\$10.00
 - 8.1.6 Compliance Inspection Fee per Hotel or Motel Fire Alarm and Fire Suppression System.....100.00
- 8.2 The above fees and charges apply only for Division services. Local jurisdictions having certified fire suppression systems inspectors may establish their own permit fees, plan review and inspection fees, and other charges.

DEPARTMENT OF PUBLIC SAFETY
Division of Fire Prevention and Control

8 CCR 1507- 11

FIRE SUPPRESSION PROGRAM

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. Pursuant to Section 24-33.5-1204.5, C.R.S., the Director has the duty and power to promulgate rules as necessary to administer the fire suppression program. This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

House Bill 14-1221 directed the Director to adopt, by January 1, 2015, a separate set of design and installation standards and a separate registration category applicable only to residential fire suppression systems.

The purpose of this emergency rule change is to meet that statutory requirement. The revised provisions incorporated herein provide a set of design and installation standards as well as a registration category applicable only to residential fire suppression systems. In addition, based upon fire service input, this emergency rule implements a tiered fire suppression system inspector certification process. Further, this emergency rule revises the previous rules for clarity and consistency, and updates the fee schedule to reflect stakeholder input received earlier. We anticipate revising the schedule further to bring it in line with other Division programs.

These responsibilities are considered as a matter of life safety importance, therefore the absence of implementing rules to carry out the purpose of the statutes would be contrary to the public peace, health and safety of the state. For these purposes it is imperatively necessary that the proposed rules be adopted.

Paul L. Cooke
Director, Division of Fire Prevention and Control

December 30, 2014
Date of Adoption

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

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State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2015-00002

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Fire Prevention and Control

on 12/30/2014

8 CCR 1507-11

FIRE SUPPRESSION PROGRAM

The above-referenced rules were submitted to this office on 01/02/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light gray rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 16, 2015 15:39:52

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 01/09/2015

Effective date

01/09/2015

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960

Rule Number: MSB 14-10-17-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303.866.3698

SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-10-17-A, Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.960, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 1/9/15
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Insert the new provided beginning at §8.960 through the end of §8.960.3.F.4. immediately following current text at §8.590.5.C.5. This is a new sub-section of the rule. This revision is effective 01/09/2015.

Title of Rule: Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960

Rule Number: MSB 14-10-17-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303.866.3698

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Pursuant to Senate Bill 14-180, the Colorado Dental Health Care Program for Low-Income Seniors is to promote the health and welfare of Colorado's low-income seniors by providing access to dental care to individuals age 60 and over who are not eligible for dental services under any other dental health care program, such as Medicaid or the Old Age Pension Health and Medical Care Program or private insurance.

This program will provide grants throughout the state to local Area Agencies on Aging, public health agencies, Community Health Centers, private dental practices, and other community-based organizations who meet application criteria developed under the guidance of the Senior Dental Advisory Committee.

The rule defines eligible seniors, qualified grantees and providers, and allowable dental services and fee rates including allowed co-payments. The rule describes a formula for distributing funds throughout the state and describes grant criteria for awarding funds to qualified grantees.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

Initial Review

Final Adoption

Proposed Effective Date

01/09/2015

Emergency Adoption

01/09/2015

DOCUMENT # 01

Senate Bill 14-180 established the Colorado Dental Health Care Program for Low-Income Seniors under part 4 of article 3 of title 25.5, C.R.S. and requires rule-making by the Medical Services Board to define eligible seniors, covered dental services, and a funding distribution formula. Grants under this program are to begin July 1, 2015 and rules must be adopted before the Department can issue the grant application form. The Department will need sufficient time to receive and review grant applications and to execute contracts with grantees for a July 1, 2015 implementation date. Therefore, emergency rules are necessary to ensure that grants can begin July 1, 2015 pursuant to state statute.

3. Federal authority for the Rule, if any:

Not applicable

4. State Authority for the Rule:

§25.5-1-301 through §25.5-1-303, C.R.S. (2014);
§25.5-3-404, C.R.S. (2014)

Title of Rule: Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960

Rule Number: MSB 14-10-17-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303.866.3698

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado low-income seniors 60 years of age and older who are not eligible for Medicaid or the Old Age Pension Health and Medical Care Program and who do not have private dental coverage will benefit from this rule. Agencies and dental care providers who provide dental services to this population will benefit by having a funding source for these services.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The Colorado Dental Health Care Program for Low-Income Seniors will provide \$3 million in annual grant funding (subject to appropriation by the General Assembly) to agencies and dentists who provide dental care services to the target population. Assuming \$1,000 in dental care services per senior served, this program may provide dental care services to approximately 3,000 low-income seniors per year. Access to dental care services has a positive impact on the overall health and quality of life for seniors.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The enabling legislation provides the Department 1.0 FTE to administer the Colorado Dental Health Care Program for Low-Income Seniors and provides funding for the Department's administrative costs of administering the program. The Department expects to administer the program within these available resources and anticipates no other effect on state revenues. The Department anticipates no cost to any other state agency to implement or enforce this proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The proposed rule will benefit low-income seniors in the state. Funding is provided for the Department's administrative costs and grantees are allowed up to 7% of their grant award for their administrative costs. Inaction would have a negative impact on the dental and physical

health of low-income seniors who do not have dental coverage as well as a negative effect on their quality of life. There are no known benefits to inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods to implement the Colorado Dental Health Care Program for Low-Income Seniors. The Department may only use funds for its actual administrative costs for administering the program, and grantees' administrative costs are limited to no more than 7% of their grant awards. Grantees have discretion concerning whether to charge seniors less than the allowable co-payment (or whether to charge a co-payment at all) and are allowed to leverage other funds or in-kind contributions to supplement their grant funding.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The proposed rule defines key terms and requirements pursuant to the enabling legislation, Senate Bill 14-180. The legislation requires that the Medical Services Board establish requirements via rule for the Colorado Dental Health Care Program for Low-Income Seniors. Therefore, there were no alternatives for the Department to consider.

8.960 COLORADO DENTAL HEALTH CARE PROGRAM FOR LOW-INCOME SENIORS

8.960.1 Definitions

Arrange For or Arranging For means demonstrating established relations with Qualified Providers for any of the Covered Dental Care Services not directly provided by the applicant.

Covered Dental Care Services mean the Current Dental Terminology (CDT) procedure codes and descriptions for the Colorado Dental Health Care Program for Low-Income Seniors as published on the Department's website at <https://www.colorado.gov/hcpf/research-data-and-grants>.

C.R.S. means the Colorado Revised Statutes.

Dental Health Professional Shortage Area or Dental HPSA means a geographic area, population group, or facility so designated by the Health Resources and Services Administration of the U.S. Department of Health and Human Services.

Department means the Colorado Department of Health Care Policy and Financing established pursuant to title 25.5, C.R.S. (2014).

Economically Disadvantaged means a person whose Income is at or below 250% of the most recently published federal poverty level for a household of that size.

Eligible Senior means an adult who is 60 years of age or older, who is Economically Disadvantaged, who is able to demonstrate lawful presence in the state in accordance with 1 CCR 201-17, who is not eligible for dental services under Medicaid or the Old Age Pension Health and Medical Care Program, and who does not have private dental insurance.

Federally Qualified Health Center means a federally funded nonprofit health center or clinic that serves medically underserved areas and populations as defined in 42 U.S.C. section 1395x (aa)(4).

Income means any cash, payments, wages, in-kind receipt, inheritance, gift, prize, rents, dividends, or interest that are received by an individual or family. Income may be self-declared. Resources are not included in Income.

Max Allowable Fee means the total reimbursement listed by procedure for Covered Dental Care Services under the Colorado Dental Health Care Program for Low-Income Seniors. The Max Allowable Fee is the sum of the Program Payment and the Max Patient Co-Pay.

Max Patient Co-Pay means the maximum amount that a Qualified Provider may collect from an Eligible Senior listed by procedure for Covered Dental Services under the Colorado Dental Health Care Program for Low-Income Seniors.

Medicaid means the Colorado medical assistance program as defined in article 4 of title 25.5, C.R.S. (2014).

Old Age Pension Health and Medical Care Program means the program described at 10 CCR 2505-10, section 8.940 et. seq. and as defined in sections 25.5-2-101 and 26-2-111(2), C.R.S. (2014)

Program Payment means the maximum amount by procedure listed for Covered Dental Care Services for which a Qualified Grantee may invoice the Department under the Colorado Dental Health Care Program for Low-Income Seniors.

Qualified Grantee means an entity that can demonstrate that it can provide or Arrange For the provision of Covered Dental Care Services and may include but is not limited to:

1. An Area Agency on Aging, as defined in section 26-11-201, C.R.S. (2014);
2. A community-based organization or foundation;
3. A Federally Qualified Health Center, safety-net clinic, or health district;
4. A local public health agency; or
5. A private dental practice.

Qualified Provider means a licensed dentist or dental hygienist in good standing in Colorado or a person who employs a licensed dentist or dental hygienist in good standing in Colorado and who is willing to accept reimbursement for Covered Dental Services. A Qualified Provider may also be a Qualified Grantee if the person meets the qualifications of a Qualified Grantee.

Senior Dental Advisory Committee means the advisory committee established pursuant to section 25.5-3-406, C.R.S. (2014).

8.960.2 Legal Basis

The Colorado Dental Health Care Program for Low-Income Seniors is authorized by state law at part 4 of article 3 of title 25.5, C.R.S. (2014).

8.960.3 Request of Grant Proposals and Grant Award Procedures

8.960.3.A Request for Grant Proposals

Grant awards shall be made through an application process. The request for grant proposals form shall be issued by the Department and posted for public access on the Department's website at <https://www.colorado.gov/hcpf/research-data-and-grants> at least 30 days prior to the due date.

8.960.3.B Evaluation of Grant Proposals

Proposals submitted for the Colorado Dental Health Care Program for Low-Income Seniors will be evaluated by a review panel in accordance with the following criteria developed under the advice of the Senior Dental Advisory Committee.

1. The review panel will be comprised of individuals who are deemed qualified by reason of training and/or experience and who have no personal or financial interest in the selection of any particular applicant.
2. The sole objective of the review panel is to recommend to the Department's executive director those proposals which most accurately and effectively meet the goals of the program within the available funding.
3. Preference will be given to grant proposals that clearly demonstrate the applicant's ability to:
 - a. Outreach to and identify Eligible Seniors;
 - b. Collaborate with community-based organizations; and
 - c. Serve a greater number of Eligible Seniors or serve Eligible Seniors who reside in a geographic area designated as a Dental HPSA.
4. The review panel shall consider the distribution of funds across the state in recommending grant proposals for awards. The distribution of funds should be based on the estimated percentage of Eligible Seniors in the state by Area Agency on Aging region as provided by the Department.

8.960.3.C Grant Awards

The Department's executive director, or his or her designee, shall make the final grant awards to selected Qualified Grantees for the Colorado Dental Health Care Program for Low-Income Seniors.

8.960.3.D Qualified Grantee Responsibilities

A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-Income Seniors is required to:

1. Identify and outreach to Eligible Seniors and Qualified Providers;
2. Demonstrate collaboration with community-based organizations;
3. Ensure that Eligible Seniors receive Covered Dental Care Services efficiently without duplication of services;
4. Maintain records of Eligible Seniors serviced, Covered Dental Care Services provided, and moneys spent for a minimum of six (6) years;
5. Distribute grant funds to Qualified Providers in its service area or directly provide Covered Dental Care Services to Eligible Seniors;
6. Expend no more than seven (7) percent of the amount of its grant award for administrative purposes; and
7. Submit an annual report as specified under 8.960.4.A.

8.960.3.E Invoicing

A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-Income Seniors shall submit invoices on a form and schedule specified by the Department. Covered Dental Care Services shall be provided before a Qualified Grantee may submit an invoice to the Department.

1. Invoices shall include the number of Eligible Seniors served, the types of Covered Dental Care Services provided, and any other information required by the Department.
2. The Department will pay no more than the established Program Payment per procedure rendered.
3. It is up to the discretion of Qualified Providers whether to charge a co-payment. Under no circumstance shall Eligible Seniors be charged more than the Max Patient Co-Pay per procedure rendered.
4. Qualified Grantees may invoice for no more than seven (7) percent of the Program Payment for administrative costs.

8.960.3.F Annual Report

On or before September 1, 2016, and each September 1 thereafter, each Qualified Grantee receiving funds from the Colorado Dental Health Care Program for Low-Income Seniors shall submit a report to the Department following the state fiscal year contract period.

The annual report shall be completed in a format specified by the Department and shall include:

1. The number of Eligible Seniors served;

2. The types of Covered Dental Care Services provided;
3. An itemization of administrative expenditures; and
4. Any other information deemed relevant by the Department.

**SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS**

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-11-04-A, Revision to the Medical Assistance Rule Concerning Hospital Provider Fees Collection and Disbursement, Section 8.2000
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.2000, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 1/9/15
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace current text with new text provided at §8.2000.1 unnumbered paragraphs:

- 1 – “Act” means the...
- 9 – “CICP Write-Off Charges” means...
- 12 – “Critical Access Hospital” means...
- 15 – “Fund” means ...
- 17 – “High Volume Medical and CICP Hospital” means...
- 19 – “Hospital-Specific Disproportionate Share Hospital Limit” means
- 42 – “Oversight and Advisory Board” means...
- 45 – “Privately-Owned Hospital” means...
- 46 – “Psychiatric Hospital” means...

Replace all current text beginning at §8.2003 HOSPITAL PROVIDER FEE through the end of §8.2004.N.6 and replace with new text provided from §8.2003 HOSPITAL PROVIDER FEE through the end of §8.2004.F.5. All text indicated in blue is for clarification only and should not be changed. Text not included in this document should not be changed. This revision is effective 01/09/2015.

Title of Rule: Revision to the Medical Assistance Rule Concerning Hospital
Provider Fees Collection and Disbursement, Section 8.2000

Rule Number: MSB 14-11-04-A

Division / Contact / Phone: Special Financing / Matt Haynes / 303.866.6305

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Under recommendation of the Hospital Provider Fee Oversight and Advisory Board (OAB), the proposed rule revisions include changes to fees assessed upon hospital providers and payments to hospital providers.

The Colorado Health Care Affordability Act [section 25.5-4-402.3, C.R.S. (2014)] instructs the Department to charge hospital provider fees and obtain federal Medicaid matching funds. The hospital provider fee is the source of funding for supplemental Medicaid payments to hospitals and payments associated with the Colorado Indigent Care Program (CICP). It is also the source of funding for the expansion of eligibility for Medicaid adults to 133% of the federal poverty level (FPL), the expansion of the Child Health Plan Plus (CHP+) to 250% FPL implemented, the implementation of a Medicaid Buy-In Program for working adults with disabilities up to 450% of FPL and children with disabilities up to 300% of the FPL, and to fund 12 months of continuous eligibility for Medicaid children.

The proposed rule updates the hospital provider fee and payment calculations in accordance with the recommendation of the OAB. The proposed rule revisions make changes to the fee and payment calculations that will allow the Department to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services, and to cover the Department's administrative costs.

The proposed rule eliminates the supplemental payments at 8.2004.C through 8.2004.M. they are being replaced by supplemental payments now found at 8.2004.C through 8.2004.E. The Department is making these changes to streamline the program and make it less complex. This will make the program easier for providers and stakeholders to understand and will simplify the State Plan and rule-making processes going forward.

2. An emergency rule-making is imperatively necessary

- ☒ to comply with state or federal law or federal regulation and/or
- ☐ for the preservation of public health, safety and welfare.

Initial Review

Final Adoption

Proposed Effective Date

01/09/2015

Emergency Adoption

01/09/2015

DOCUMENT # 00

Explain:

The Colorado Health Care Affordability Act [section 25.5-4-402.3, C.R.S. (2014)] instructs the Department to charge hospital provider fees and obtain federal Medicaid matching funds. The hospital provider fee is the source of funding for supplemental Medicaid payments to hospitals and payments associated with the Colorado Indigent Care Program (CICP). It is also the source of funding for the expansion of eligibility for Medicaid adults to 133% of the federal poverty level (FPL), the expansion of the Child Health Plan Plus (CHP+) to 250% FPL implemented, the implementation of a Medicaid Buy-In Program for working adults with disabilities to 450% of FPL and children with disabilities up to 300% of the FPL, and to fund 12 months of continuous eligibility for Medicaid children.

Emergency rule-making is necessary to allow the Department to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services, and to cover the Department's administrative costs. The proposed rule revisions ensure continuing health care coverage for the Medicaid and CHP+ expansions funded by hospital provider fees and access to discounted health care services for CICP clients. If no action is taken, the Department will not be able to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services. The state does not currently have the resources to fund the hospital payments and coverage expansions under the Colorado Health Care Affordability Act in absence of the provider fees. The timeline to implement the proposed model requires emergency rule-making in order to ensure that the regulatory framework is in place to allow sufficient time to reconcile to the proposed model and to collect the necessary fees in order to ensure coverage for the expansion populations in the state fiscal year.

3. Federal authority for the Rule, if any:

42 CFR Section 433.68

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2014);
Section 25.5-4-402.3, C.R.S. (2014)

Initial Review

Final Adoption

Proposed Effective Date

01/09/2015

Emergency Adoption

01/09/2015

DOCUMENT # 00

Title of Rule: Revision to the Medical Assistance Rule Concerning Hospital Provider Fees Collection and Disbursement, Section 8.2000

Rule Number: MSB 14-11-04-A

Division / Contact / Phone: Special Financing / Matt Haynes / 303.866.6305

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado hospitals bear the cost of the provider fee, but also benefit from increased reimbursements made possible through provider fee funding. Low-income persons benefit from the expanded Medicaid and Child Health Plan Plus (CHP+) eligibility.

In regard to the Hospital Quality Incentive Payment, Colorado hospitals will benefit from the receipt of supplemental provider fee payments based on performance on measures related to the quality of care provided. Medicaid clients benefit to the extent that the supplemental payments, as well as quality measurement and reporting activities, lead to improved quality of care and health outcomes.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

For FFY 2014-15, hospitals will pay approximately \$526.9 million in fees, which will generate nearly \$1.4 billion in federal funds to Colorado. Hospitals will receive \$899 million in payments resulting in increased reimbursement for care provided to Medicaid and CICP patients of \$209 million. In addition, by September 2014, an estimated 225,000 Coloradans will have health coverage due to expansions of the Medicaid and CHP+ programs.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

While there are administrative costs associated with implementation of the Colorado Health Care Affordability Act, all such costs are covered by provider fees collected; no state General Fund is used.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

If no action is taken, the Department will not be able to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services.

The state does not currently have the resources to fund the hospital payments and coverage expansions under the Colorado Health Care Affordability Act in absence of the provider fees.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The state does not currently have the resources to fund the hospital payments and coverage expansions under the Colorado Health Care Affordability Act. The Department began collecting fees from hospitals in April 2010, after the rules were established and federal approval was obtained.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

No alternatives were considered. These rules are necessary for the Department to comply with the Colorado Health Care Affordability Act under section 25.5-4-402.3, C.R.S.

8.2001: DEFINITIONS

"Act" means the Colorado Health Care Affordability Act, C.R.S. § 25.5-4-402.3.

"APR-DRG" means all patient refined-diagnosis related group.

"Bad Debt" means the unpaid dollar amount for services rendered from a patient or third party payer, for which the hospital expected payment, excluding Medicare bad debt.

"Charity Care" means health care services resulting from a hospital's policy to provide health care services free of charge, or where only partial payments are expected, (not to include contractual allowances for otherwise insured patients) to individuals who meet certain financial criteria. Charity Care does not include any health care services rendered under the CICP or those classified as Bad Debt.

"Charity Care Day" means a day for a recipient of the hospital's Charity Care.

"Charity Care Write-Off Charges" means the hospital's charges for Charity Care less payments from a primary payer, less any copayment due from the client, less any other third party payments

"CICP" means the Colorado Indigent Care Program, as described in 10 CCR 2505-10, Section 8.900.

"CICP Day" means a day for a recipient enrolled in the CICP.

"CICP Write-Off Charges" means those charges reported to the Department by the hospital in accordance with 10 CCR 2505-10, Section 8.903.C.5.

"CMS" means the federal Centers for Medicare and Medicaid Services.

"Cost-to-Charge Ratio" means the sum of the hospital's total ancillary costs and physician costs divided by the sum of the hospital's total ancillary charges and physician charges.

"Critical Access Hospital" means a hospital qualified as a critical access hospital under 42 U.S.C. § 1395i-4(c)(2) and certified as a critical access hospital by the Colorado Department of Public Health and Environment.

"Diagnosis Related Group" or "DRG" means a cluster of similar conditions within a classification system used for hospital reimbursement. It reflects clinically cohesive groupings of inpatient hospitalizations that utilize similar amounts of hospital resources.

"Essential Access Hospital" means a Critical Access Hospital or General Hospital located in a Rural Area with 25 or fewer licensed beds.

"Fund" means the hospital provider cash fund described in C.R.S. § 25.5-4-402.3(4).

"General Hospital" means a hospital licensed as a general hospital by the Colorado Department of Public Health and Environment.

"High Volume Medicaid and CICP Hospital" means a hospital with at least 30,000 Medicaid Days per year that provides over 30% of its total days to Medicaid and CICP clients.

"HMO" means a health maintenance organization that provides health care insurance coverage to an individual.

"Hospital-Specific Disproportionate Share Hospital Limit" means a hospital's maximum allowable Disproportionate Share Hospital payment eligible for Medicaid federal financial participation allowed under 42 U.S.C. § 1396r-4.

"Inpatient Services Fee" means an assessment on hospitals based on inpatient Managed Care Days and Non-Managed Care Days.

"Inpatient Upper Payment Limit" means the maximum amount that Medicaid can reimburse a provider for inpatient hospital services and still receive federal financial participation.

"Long Term Care Hospital" means a General Hospital that is certified as a long term care hospital by the Colorado Department of Public Health and Environment.

"Managed Care Day" means a day listed as HMO or PPO Days on the hospital's patient census.

"Medicaid Day" means a Managed Care Day or Non-Managed Care Day for which the primary or secondary payer is Medicaid.

"Medicaid Fee-for-Service Day" means a Non-Managed Care Day for which Medicaid is the primary payer. For these days the hospital is reimbursed directly through the Department's fiscal agent.

"Medicaid Managed Care Day" means a Managed Care Day for which the primary payer is Medicaid.

"Medicaid NICU Day" means a Medicaid Fee-for-Service Day in a hospital's neo-natal intensive care unit, reimbursed under APR-DRG 588, 591, 593, 602, 609, 630, or 631 up to the average length of stay.

"Medicaid Nursery Day" means a Managed Care Day or Non-Managed Care Day provided to Medicaid newborns while the mother is in the hospital.

"Medicaid Psychiatric Day" means a Managed Care Day or Non-Managed Care Day provided to a Medicaid recipient in the hospital's sub-acute psychiatric unit.

"Medicaid Rehabilitation Day" means a Managed Care Day or Non-Managed Care Day provided to a Medicaid recipient in the hospital's sub-acute rehabilitation unit.

"Medicare Fee-for-Service Day" means a Non-Managed Care Day for which Medicare is the primary payer and the hospital is reimbursed on the basis of a DRG.

"Medicare HMO Day" means a Managed Care Day for which the primary payer is Medicare.

"Medicare-Medicaid Dual Eligible Day" means a day for which the primary payer is Medicare and the secondary payer is Medicaid.

"Medicare Cost Report" means the Medicare hospital cost report, form CMS 2552-96 or CMS 2552-10, or any successor form created by CMS.

"MMIS" means the Medicaid Management Information System, the Department's Medicaid claims payment system.

"MIUR" means Medicaid inpatient utilization rate which is calculated as Medicaid Days divided by total hospitals days.

"Non-Managed Care Day" means a day for which the primary payer is an indemnity insurance plan or other insurance plan not serving as an HMO or PPO.

"Non-State-Owned Government Hospital" means a hospital that is either owned or operated by a local government.

"Other Payers Day" means a day where the primary payer is not Medicaid or Medicare, which is not a CICP Day, Charity Care Day, or Uninsured/Self Pay Day, and which is not a Managed Care Day.

"Outpatient Services Fee" means an assessment on hospitals based on outpatient hospital charges

"Outpatient Upper Payment Limit" means the maximum amount that Medicaid can reimburse a provider for outpatient hospital services and still receive federal financial participation.

"Oversight and Advisory Board" means the hospital provider fee oversight and advisory board described in C.R.S. § 25.5-4-402.3(6).

"Pediatric Specialty Hospital" means a hospital that provides care exclusively to pediatric populations.

"PPO" means a preferred provider organization that is a type of managed care health plan.

"Privately-Owned Hospital" means a hospital that is privately owned and operated.

"Psychiatric Hospital" means a hospital licensed as a psychiatric hospital by the Colorado Department of Public Health and Environment.

"Rehabilitation Hospital" means an inpatient rehabilitation facility.

"Rural Area" means a county outside a Metropolitan Statistical Area designated by the United States Office of Management and Budget.

"State-Owned Government Hospital" means a hospital that is either owned or operated by the State.

"State University Teaching Hospital" means a High Volume Medicaid and CICP Hospital which provides supervised teaching experiences to graduate medical school interns and residents enrolled in a state institution of higher education, and in which more than fifty percent (50%) of its credentialed physicians are members of the faculty at a state institution of higher education.

"Third-Party Medicaid Day" means a day for which third party coverage, other than Medicare, is the primary payer and Medicaid is the secondary payer.

"Uncompensated CICP Costs" means CICP Write-Off Charges multiplied by the most recent provider-specific audited Cost-to-Charge Ratio and inflated forward to the payment year.

"Uncompensated Charity Care Costs" means Charity Care Write-Off Charges multiplied by the most recent provider-specific audited Cost-to-Charge Ratio and inflated forward to the payment year.

"Uniform Inpatient and Outpatient Medicaid and Uninsured Care Cost and Charge Report" or "Uniform Cost Report" means the online hospital data reporting system which combines information from hospitals' Medicare Cost Reports, the MMIS, hospital financial statements, and other hospital records.

"Uninsured Cost" means uninsured charges multiplied by the most recent provider-specific audited Cost-to-Charge ratio from the cost reports applicable to the Uniform Cost Report.

"Uninsured/Self Pay Day" means a day for self-pay patients and patients without third party health insurance coverage. Uninsured/Self Pay Day does not include Charity Care Days or CICP Days.

"Uninsured/Self Pay Write Off Charges" means charges for self-pay patients and those with no third party coverage less adjustments for a hospital's courtesy or uninsured or self-pay policy discounts.

"Urban Center Safety Net Specialty Hospital" means a hospital located in a Metropolitan Statistical Area designated by the United States Office of Management and Budget where its Medicaid Days plus CIP Days relative to total days, rounded to the nearest percent, equals or exceeds 65%.

8.2003: HOSPITAL PROVIDER FEE

8.2003.A. OUTPATIENT SERVICES FEE

1. Federal requirements. The Outpatient Services Fee is subject to federal approval by CMS. The Department shall demonstrate to CMS, as necessary for federal financial participation, that the Outpatient Services Fee is in compliance with 42 U.S.C. §§ 1396b(w), 1396b(w)(3)(E), and 1396b(w)(4) .
2. Exempted hospitals. Psychiatric Hospitals, Long Term Care Hospitals and Rehabilitation Hospitals are exempted from the Outpatient Services Fee.
3. Calculation methodology. The Outpatient Services Fee is calculated on an annual basis as 2.0119% of total hospital outpatient charges. High Volume Medicaid and CICP Hospitals' Outpatient Services Fee is discounted by 0.84%.

8.2003.B. INPATIENT SERVICES FEE

1. Federal requirements. The Inpatient Services Fee is subject to federal approval by CMS. The Department shall demonstrate to CMS, as necessary for federal financial participation, that the Inpatient Services Fee is in compliance with 42 U.S.C. 1302 Sections 1903(w), 1903(w)(3)(E), and 1903(w)(4).
2. Exempted hospitals. Psychiatric Hospitals, Long Term Care Hospitals and Rehabilitation Hospitals are exempted from the Inpatient Services Fee.
3. Calculation methodology. The Inpatient Services Fee is calculated on an annual per inpatient day basis of \$76.16 per day for Managed Care Days and \$340.39 per day for all other Days as reported to the Department by each hospital by April 30 with the following exceptions:
 - a. High Volume Medicaid and CICP Hospitals' Inpatient Services Fee is discounted to \$39.76 per day for Managed Care Days and \$177.72 per day for all other Days, and
 - b. Essential Access Hospitals' Inpatient Services Fee is discounted to \$30.46 per day for Managed Care Days and \$136.16 per day for all other Days.

8.2003.C. ASSESSMENT OF FEE

1. The Department shall calculate the Inpatient Services Fee and Outpatient Services Fee under this section on an annual basis in accordance with the Act. Upon receiving a favorable recommendation by the Oversight and Advisory Board, the Inpatient Services Fee and Outpatient Services Fee shall be subject to approval by the CMS and the Medical Services Board. Following these approvals, the Department shall notify hospitals, in writing or by electronic notice, of the annual fee to be collected each year, the methodology to calculate such fee, and the fee assessment schedule. Hospitals shall be notified, in writing or by electronic notice, at least thirty calendar days prior to any change in the dollar amount of the Inpatient Services Fee and the Outpatient Services Fee to be assessed.
2. The Inpatient Services Fee and the Outpatient Services Fee will be assessed on the basis of the qualifications of the hospital in the year the fee is assessed as confirmed by the hospital in the data confirmation report. The Department will prorate and adjust the Inpatient Services Fee and Outpatient Services Fee for the expected volume of services for hospitals that open, close, relocate or merge during the payment year.

8.2003.D. REFUND OF EXCESS FEES

1. If, at any time, fees have been collected for which the intended expenditure has not received approval for federal Medicaid matching funds by CMS at the time of collection, the Department shall refund to each hospital its proportion of such fees paid within five business days of receipt. The Department shall notify each hospital of its refund amount in writing or by electronic notice. The refunds shall be paid to each hospital according to the process described in Section 8.2002.B.
2. After the close of each State fiscal year and no later than the following August 31, the Department shall present a summary of fees collected, expenditures made or encumbered, and interest earned in the Fund during the State fiscal year to the Oversight and Advisory Board.
 - a. If fees have been collected for which the intended expenditure has received approval for federal Medicaid matching funds by CMS, but the Department has not expended or encumbered those fees at the close of each State fiscal year:
 - i. The total dollar amount to be refunded shall equal the total fees collected, less expenditures made or encumbered, plus any interest earned in the Fund, less four percent of the estimated expenditures for health coverage expansions authorized by the Act for the subsequent State fiscal year as most recently published by the Department.
 - ii. The refund amount for each hospital shall be calculated in proportion to that hospital's portion of all fees paid during the State fiscal year.
 - iii. The Department shall notify each hospital of its refund in writing or by electronic notice by September 15 each year. The refunds shall be paid to each hospital by September 30 of each year according to the process described in Section 8.2002.B.

8.2004: SUPPLEMENTAL MEDICAID AND DISPROPORTIONATE SHARE HOSPITAL PAYMENTS

8.2004.A. CONDITIONS APPLICABLE TO ALL SUPPLEMENTAL PAYMENTS

1. All supplemental payments are prospective payments subject to the Inpatient Upper Payment Limit and Outpatient Upper Payment Limit, calculated using historical data, with no reconciliation to actual data for the payment period. In the event that data entry or reporting errors, or other unforeseen payment calculation errors are realized after a supplemental payment has been made, reconciliations and adjustments to impacted hospital payments may be made retroactively, as determined by the Department.
2. No hospital shall receive a payment exceeding its Hospital-Specific Disproportionate Share Hospital Limit. If upon review, the Disproportionate Share Hospital Payment, described in 10 CCR 2505-10, Section 8.2004.D, exceeds the Hospital-Specific Disproportionate Share Hospital Limit for any qualified hospital, the hospital's payment shall be reduced to the Hospital-Specific Disproportionate Share Hospital Limit retroactively. The amount of the retroactive reduction shall be retroactively distributed to other qualified hospitals by each hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all qualified hospitals not exceeding their Hospital-Specific Disproportionate Share Hospital Limit.
3. In order to receive a Supplemental Medicaid Payment or Disproportionate Share Hospital Payment, hospitals must meet the qualifications for the payment in the year the payment is received as confirmed by the hospital during the data confirmation report. Payments will be

prorated and adjusted for the expected volume of services for hospitals that open, close, relocate or merge during the payment year.

8.2004.B. OUTPATIENT HOSPITAL SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. Hospitals providing outpatient hospital services to Medicaid clients shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.
3. Calculation methodology for payment. Hospital-specific outpatient billed charges from the Colorado MMIS are multiplied by the hospital's Medicare cost-to-charge ratio to arrive at hospital-specific outpatient billed costs. For each qualified hospital, the annual Outpatient Hospital Supplemental Medicaid Payment equals hospital-specific outpatient billed costs, adjusted for utilization and inflation, multiplied by a percentage adjustment factor. The percentage adjustment factor may vary for State-Owned Government Hospitals, Non-State-owned Government Hospitals, and Privately-Owned Hospitals, for urban and rural hospitals, for State University Teaching Hospitals, for Major Pediatric Teaching Hospitals, for Urban Center Safety Net Specialty Hospitals, or for other hospital classifications. The percentage adjustment factor for each qualified hospital will be published annually in the Colorado Medicaid Provider Bulletin.

8.2004.C. INPATIENT HOSPITAL BASE RATE SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. Hospitals providing inpatient hospital services to Medicaid clients shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.
3. Calculation methodology for payment. For each qualified hospital, the annual payment equals the difference between the hospital's expected Medicaid discharges, multiplied by the hospital's average Medicaid case mix, multiplied by the hospital's Medicaid base rate and the hospital's expected Medicaid discharges, multiplied by the hospital's average Medicaid case mix, multiplied by the hospital's Medicaid base rate increased by a percentage adjustment factor. The percentage adjustment factor may vary by hospital such that total payments to hospitals do not exceed the available Inpatient Upper Payment Limit. The percentage adjustment factor may vary for State-Owned Government Hospitals, Non-State-owned Government Hospitals, and Privately-Owned Hospitals, for urban and rural hospitals, for State University Teaching Hospitals, for Major Pediatric Teaching Hospitals, for Urban Center Safety Net Specialty Hospitals, or for other hospital classifications. The percentage adjustment factor for each qualified hospital will be published annually in the Colorado Medicaid Provider Bulletin.

8.2004.D. DISPROPORTIONATE SHARE HOSPITAL SUPPLEMENTAL PAYMENT

1. Qualified hospitals.
 - a. Hospitals that are Colorado Indigent Care Program providers and have at least two Obstetricians or is Obstetrician-exempt pursuant to 42 U.S.C. § 1396r-4(d) shall receive this payment; or
 - b. Hospitals with a MIUR equal to or greater than the mean plus one standard deviation of all MIURs for Colorado hospitals and have at least two Obstetricians or is Obstetrician-exempt pursuant to 42 U.S.C. § 1396r-4(d) shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.

3. Calculation methodology for payment. For each qualified hospital, the annual payment equals the hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all qualified hospitals multiplied by the State's total annual Disproportionate Share Hospital allotment in total computable published by the Center for Medicare and Medicaid Services in the Federal Register. No hospital shall receive a payment exceeding its Estimated Hospital-Specific Disproportionate Share Hospital Limit.

8.2004.E. UNCOMPENSATED CARE HOSPITAL SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. Hospitals that are not Psychiatric Hospitals, Long Term Care Hospitals, and Rehabilitation Hospitals shall not receive this payment.

Calculation methodology for payment. For each qualified hospital with twenty-five or fewer beds, the annual payment equals the hospital's percentage of beds compared to total beds for all qualified hospitals with twenty-five beds or fewer multiplied by thirty million dollars (\$30,000,000). For each qualified hospital with greater than twenty-five beds, the annual payment equals the hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all qualified hospitals with greater than twenty-five beds multiplied by eighty five million four hundred eighty thousand one hundred seventy six dollars (\$85,480,176).

8.2004.F. HOSPITAL QUALITY INCENTIVE PAYMENT

1. Qualified hospitals. Hospitals with an established Medicaid inpatient base rate, and that meet the minimum criteria for one or more of the selected measures, may qualify to receive this payment.
2. Excluded hospitals. Psychiatric Hospitals and Out-of-State Hospitals in both bordering and non-bordering states.
3. Measures. The measures for the Hospital Quality Incentive Payment are:
 - a. Rate of Non-Emergent Emergency Room Visits,
 - b. Rate of elective deliveries between 37 and 39 weeks gestation,
 - c. Rate of Postoperative Pulmonary Embolism or Deep Vein Thrombosis (PPE/DVT),
 - d. Rate of thirty (30) day all-cause hospital readmissions, and
 - e. Rate of Cesarean section deliveries for nulliparous women with a term, singleton baby in a vertex position.
4. Calculation methodology for payment. Payments shall be calculated on an annual Federal Fiscal Year (October 1 through September 30) basis and dispensed in monthly installments. For each qualified hospital, this payment will be calculated as follows:
 - a. Determine Available Points by hospital, subject to a maximum of 10 points per measure.
 - i. Available Points are defined as the number of measures for which a hospital qualifies multiplied by the number of points designated for the measure.
 - b. Determine the total points earned per measure by hospital based on scoring criteria established by the Department.
 - c. Normalize the total points earned per measure to total possible points for all measures by hospital.

- d. Calculate Adjusted Medicaid Discharges by hospital
 - i. Adjusted Medicaid Discharges are calculated by multiplying the number of Medicaid inpatient discharges by the Adjusted Discharge Factor.

For hospitals with less than 200 annual Medicaid discharges, the total number of discharges multiplied by .25 to arrive at the number of Medicaid discharges for use in this calculation, consistent with the Medicare Prospective Payment System calculation.
 - ii. The Adjusted Discharge Factor is defined as the most recently available annual total gross Medicaid billed charges divided by the inpatient gross Medicaid billed charges.
 - e. Calculate Total Discharge Points
 - i. Discharge Points are defined as the total number of points earned for all measures multiplied by the number of Adjusted Medicaid Discharges.
 - f. Calculate the Dollars per Discharge Point
 - i. Dollars per Discharge Point will be calculated by dividing the total HQIP funds available under the inpatient UPL by the total number of Discharge Points across qualified hospitals.
 - g. Determine HQIP payout by hospital by multiplying the total Discharge Points for that hospital by the Dollars per Discharge Point.
5. The total funds for the Hospital Quality Incentive Payment for the Federal Fiscal Year beginning October 1, 2014 will be \$61,448,873.



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JANUARY 2015 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JANUARY 9, 2015 MEDICAL SERVICES BOARD MEETING

MSB 14-10-17-A Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960

To comply with state or federal law or federal regulation.

Senate Bill 14-180 established the Colorado Dental Health Care Program for Low-Income Seniors under part 4 of article 3 of title 25.5, C.R.S. and requires rule-making by the Medical Services Board to define eligible seniors, covered dental services, and a funding distribution formula. Grants under this program are to begin July 1, 2015 and rules must be adopted before the Department can issue the grant application form. The Department will need sufficient time to receive and review grant applications and to execute contracts with grantees for a July 1, 2015 implementation date. Therefore, emergency rules are necessary to ensure that grants can begin July 1, 2015 pursuant to state statute.

MSB 14-11-04-A Revision to the Medical Assistance Rule Concerning Hospital Provider Fees Collection and Disbursement, Section 8.2000

To comply with state or federal law or federal regulation.

The Colorado Health Care Affordability Act [section 25.5-4-402.3, C.R.S. (2014)] instructs the Department to charge hospital provider fees and obtain federal Medicaid matching funds. The hospital provider fee is the source of funding for supplemental Medicaid payments to hospitals and payments associated with the Colorado Indigent Care Program (CICP). It is also the source of funding for the expansion of eligibility for Medicaid adults to 133% of the federal poverty level (FPL), the expansion of the Child Health Plan Plus (CHP+) to 250% FPL implemented, the implementation of a Medicaid Buy-In Program for working adults with disabilities to 450% of FPL and children with disabilities up to 300% of the FPL, and to fund 12 months of continuous eligibility for Medicaid children.

Emergency rule-making is necessary to allow the Department to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state



statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services, and to cover the Department's administrative costs. The proposed rule revisions ensure continuing health care coverage for the Medicaid and CHP+ expansions funded by hospital provider fees and access to discounted health care services for CACP clients. If no action is taken, the Department will not be able to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services. The state does not currently have the resources to fund the hospital payments and coverage expansions under the Colorado Health Care Affordability Act in absence of the provider fees. The timeline to implement the proposed model requires emergency rule-making in order to ensure that the regulatory framework is in place to allow sufficient time to reconcile to the proposed model and to collect the necessary fees in order to ensure coverage for the expansion populations in the state fiscal year.



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State of Colorado

Department of Law

Office of the Attorney General

Tracking number: 2015-00031

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)**

on 01/09/2015

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 01/12/2015 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

January 20, 2015 11:16:14

Terminated Rulemaking

Department

Department of Revenue

Agency

Division of Gaming - Rules promulgated by Gaming Commission

CCR number

1 CCR 207-1

Tracking number

2015-00035

Termination date

01/26/2015

Reason for termination

We needed to make a change to the redline that would have required us to put these changes through the regular rule change process. The updated redline has been re-filed as a correction filing (2015-00064).

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Department

Department of State

Agency

Secretary of State



Notice of Mandatory Rule Review Written Comment Period

Rules Concerning the Electronic Recording Technology Grant Program

[8 CCR 1505-10]

February 10, 2015

What is this about?

Secretary Williams is reviewing the Rules Concerning the Electronic Recording Technology Grant Program in accordance with section 24-4-103.3, C.R.S. We invite you to participate in this effort by submitting written comments. The most helpful comments will reference issues within the scope of the rule review criteria outlined below, cite specific sections of the rules, and explain the reason for a recommended change.

For the rule review, the Secretary of State will consider:

1. Whether the rule is necessary;
2. Whether the rule overlaps or duplicates other rules of the agency or with other federal, state, or local government rules;
3. Whether the rule is written in plain language and is easy to understand;
4. Whether the rule has achieved the desired intent and whether more or less regulation is necessary;
5. Whether the rule can be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits;
6. Whether the rule is implemented in an efficient and effective manner, including the requirements for the issuance of permits and licenses;
7. Whether a cost-benefit analysis was performed by the applicable rule-making agency or official in the principal department pursuant to section 24-4-103 (2.5), C.R.S.; and
8. Whether the rule is adequate for the protection of the safety, health, and welfare of the state or its residents

A current copy of the rules is available online at:

<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=1020&fileName=8%20CCR%201505-10>.

How do I submit my comments and what is the deadline?

You may email your comments to SOS.Rulemaking@sos.state.co.us. To ensure consideration of your comments, please submit your comments by 5:00 p.m. on February 24, 2015.

Will my comments appear online?

Yes. To promote transparency and help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We will also incorporate your comments into a report of our review findings that will appear in the Secretary of State's annual departmental regulatory agenda.

To view the comments that we receive, please visit:

http://www.sos.state.co.us/pubs/rule_making/ruleReviews.html.

Calendar of Hearings

Hearing Date/Time	Agency	Location
02/26/2015 09:00 AM	Passenger Tramway Safety Board	1560 Broadway, Conference Room 1250-C Denver CO 80202
03/02/2015 09:00 AM	Oil and Gas Conservation Commission	1120 Lincoln Street, Suite 801, Denver, CO 80203
03/04/2015 08:00 AM	Colorado Parks and Wildlife (405 Series, Parks)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (405 Series, Parks)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (405 Series, Parks)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216
03/04/2015 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
03/04/2015 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/04/2015 10:00 AM	Division of Real Estate	Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, Room 1B, Denver, CO 80203
03/10/2015 09:30 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
03/11/2015 10:00 AM	Colorado State Board of Education	Colorado State Department of Education, State Board Room; 201 E. Colfax Avenue; Denver, CO 80203
03/11/2015 02:00 PM	Colorado State Board of Education	Colorado Department of Education, State Board Room; 201 E. Colfax Ave., Denver, CO 80203
03/13/2015 09:00 AM	Division of Professions and Occupations - State Physical Therapy Board	1560 Broadway, Denver, CO 80202 - Conference Room 1250 A
03/13/2015 09:00 AM	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	303 E. 17th Ave. 7th floor, Denver, CO 80203
03/18/2015 10:00 AM	Laboratory Services Division - Rules promulgated by the Colorado Board of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
03/18/2015 10:00 AM	Division of Environmental Health and Sustainability - promulgated by Colorado Board of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
03/18/2015 10:00 AM	Colorado State Board of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
04/13/2015 09:30 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
04/13/2015 09:30 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
04/13/2015 01:30 PM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
06/30/2015 09:30 AM	Water Quality Control Commission (1003 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246