

1 **PROPOSAL FOR FORMATION OF THE COLORADO**
2 **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**
3

4 NEED:
5

- 6 ● Colorado utilizes various state departments, and their associated divisions, for the
7 analysis of activities that cause impacts to the public's resources.
8
- 9 ● No single state department or agency has legislated authority to comprehensively
10 investigate the potentials of development impacts to the public's resources or manage
11 the public's resources for stewardship values.
12
- 13 ● Hearings and permits regarding matters of state interest and activities of state concern
14 are discretionary in Colorado in that counties may, or may not, require local resource
15 development impact permits - impact reviews by Colorado counties are not required /
16 are optional to each county.
17
- 18 ● No state department or agency has a mandated statutory requirement to assist any
19 Colorado county in the development of local impact analysis guidelines or permitting
20 procedures.
21
- 22 ● Resource development activities, of potential consequence to the public's waters, to
23 public lands and to the public's wildlife resources, on federally managed lands in
24 Colorado, are not included in resource development permitting processes.
25

26 BACKGROUND:
27

- 28 ● The Colorado constitution recognizes that the waters within the state are the property of
29 the public, subject to use.
30
- 31 ● Federal judicial decisions have ratified that state sovereignty can require resource
32 development activities on federally managed lands within Colorado to be subject to
33 state environmental permitting procedures.
34

35 SOLUTION:
36

- 37 ● Establish a single, comprehensive, state government department to protect the public's
38 interests and values in public resources, and to protect public resource conservation
39 values associated with resource development activities on state and federally managed
40 lands as those matters and activities might impact public resource stewardship.

1 **Be it Enacted by the People of the State of Colorado: The constitution of**
2 **the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE to**
3 **read:**

4 **ARTICLE XXX**
5 **Environmental Conservation**
6

7 **Section 1. Colorado department of environmental conservation**
8 **created.** THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY
9 THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION
10 STEWARDSHIP, AND IN CONNECTION THEREWITH, THE OPERATION AND MANAGEMENT OF THE
11 DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE COMPLIANT WITH PROVISIONS
12 CONTAINED WITHIN THIS ARTICLE XXX AND WITH STATUTORY PROVISIONS FOR LEGISLATIVE
13 DIRECTION FOR A DEPARTMENT CONTAINED WITHIN ARTICLE 7 OF TITLE 2, COLORADO REVISED
14 STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE.
15

16 **Section 2. Supervision and management of public lands, resources,**
17 **waters, and wildlife by elected commissioners - responsibilities, conflicts**
18 **with other provisions.** THE SUPERVISION, MANAGEMENT, AND POLICY DETERMINATIONS
19 REGARDING THE PUBLIC'S RESOURCES AND PUBLIC RESOURCE CONSERVATION STEWARDSHIP
20 PROGRAMS WITHIN THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE
21 THE RESPONSIBILITY OF THE ELECTED BOARD OF COMMISSIONERS OF THE COLORADO
22 DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SECTION 1 OF ARTICLE V OF THE COLORADO
23 CONSTITUTION SHALL BE THE AUTHORITY USED BY THE PUBLIC IN THE FORMATION OF THE
24 COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SHOULD CONFLICT WITH OTHER
25 COLORADO CONSTITUTIONAL PROVISIONS ARISE HEREAFTER, PROVISIONS WITHIN ARTICLE XXX
26 SHALL BE HELD DOMINANT OVER OTHER, PREVIOUS CONSTITUTIONAL PROVISIONS.
27

28 **Section 3. Colorado department of environmental conservation is**
29 **created. Boards, divisions, programs and commissions transferred.** (1) THE
30 FOLLOWING DEPARTMENTAL DIVISIONS, AND STATE OF COLORADO BOARDS, COMMISSIONS AND
31 PROGRAMS, AND THE ADMINISTRATION THERETO, ARE TRANSFERRED FROM VARIOUS COLORADO
32 GOVERNMENTAL ENTITIES TO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
33 AND TO THE MANAGEMENT AND PROGRAM SUPERVISION OF THE ELECTED COMMISSIONERS FOR
34 THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

- 35 (a) COLORADO NATURAL AREAS PROGRAM;
36 (b) COLORADO WATER CONSERVATION BOARD;
37 (c) COLORADO DIVISION OF FORESTRY;
38 (d) COLORADO DIVISION OF STATE PARKS;
39 (e) COLORADO WATER QUALITY CONTROL DIVISION;
40 (f) COLORADO DIVISION OF WILDLIFE;
41 (g) COLORADO LAND USE COMMISSION;
42 (h) COLORADO CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD;
43 (i) STATE BOARD OF LAND COMMISSIONERS;
44 (j) GREAT OUTDOORS COLORADO PROGRAM;
45 (k) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE
46 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,
47 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER

1 NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-
2 RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR
3 PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY
4 COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN,
5 OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN
6 STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC
7 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO
8 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

9 (2) THE FOLLOWING COLORADO BOARDS, COMMISSIONS AND COUNCILS, PROVIDING
10 GUIDANCE, POLICY GUIDELINE TO PROGRAM ADMINISTRATION, AND POLICY DIRECTION,
11 INCLUDING OPERATIONS, TO VARIOUS STATE OF COLORADO GOVERNMENT DEPARTMENTS,
12 DIVISIONS, AND PROGRAMS ARE TRANSFERRED FROM THE OFFICE OF THE GOVERNOR OF
13 COLORADO TO THE MANAGEMENT AND SUPERVISION OF THE ELECTED COMMISSIONERS FOR THE
14 COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

15 (a) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;

16 (b) HAZARDOUS WASTE COMMISSION;

17 (c) STATE BOARD OF LAND COMMISSIONERS;

18 (d) COLORADO LAND USE COMMISSION;

19 (e) COLORADO NATURAL AREAS COUNCIL;

20 (f) COLORADO BOARD OF PARKS AND OUTDOOR RECREATION;

21 (g) POLLUTION PREVENTION ADVISORY BOARD;

22 (h) COLORADO WATER CONSERVATION BOARD;

23 (i) COLORADO WATER QUALITY CONTROL COMMISSION;

24 (j) WILDLANDS AND URBAN INTERFACE WILDLIFE WORKING GROUP;

25 (k) COLORADO WILDLIFE COMMISSION;

26 (l) COLORADO JOINT REVIEW PROCESS;

27 (m) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE
28 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,
29 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER
30 NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-
31 RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR
32 PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY
33 COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN,
34 OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN
35 STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC
36 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO
37 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

38
39 **Section 4. Election of the board of commissioners of the Colorado**
40 **department of environmental conservation - members from congressional**
41 **districts. Compensation.** (1) THE INDIVIDUAL MEMBERS OF THE BOARD OF
42 COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE
43 ELECTED AT REGULAR STATEWIDE BIENNIAL GENERAL ELECTIONS, WITH COMMISSION MEMBERS
44 ELECTED FROM ELIGIBLE CANDIDATES WHO RESIDE WITHIN ONE OF THE SEVERAL COLORADO
45 CONGRESSIONAL DISTRICTS. THE BOARD OF COMMISSIONER MEMBER SHALL BE ELECTED BY A
46 MAJORITY VOTE OF THOSE VOTING FOR THAT OFFICE IN A STATEWIDE GENERAL ELECTION. BOARD
47 OF COMMISSION MEMBERS ELECTED FROM ODD-NUMBERED COLORADO CONGRESSIONAL

1 DISTRICTS SHALL SERVE UNTIL THE LAST DAY OF DECEMBER, 2012 ON THE COMMISSION FOR THE
2 INITIAL TERM OF OFFICE. BOARD OF COMMISSION MEMBERS FROM EVEN-NUMBERED COLORADO
3 CONGRESSIONAL DISTRICTS SHALL SERVE UNTIL LAST DAY OF DECEMBER, 2014 ON THE
4 COMMISSION FOR THEIR INITIAL TERM OF OFFICE. NEWLY ELECTED COMMISSIONERS SHALL BE
5 SWORN TO OFFICE ON JANUARY 1 FOLLOWING MEMBER OFFICE ELECTIONS. ALL MEMBER TERMS
6 OF OFFICE SHALL BE FOUR-YEAR TERMS OF OFFICE FOR ALL SUBSEQUENT COMMISSION TERMS.

7 (a) A REGISTERED VOTER, RESIDING WITHIN ONE OF THE CONGRESSIONAL DISTRICTS
8 WITHIN COLORADO, SHALL BECOME ELIGIBLE TO BECOME A CANDIDATE FOR
9 ELECTION TO THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF
10 ENVIRONMENTAL CONSERVATION BY SUBMITTING TO THE COLORADO SECRETARY
11 OF STATE ONE HUNDRED FIFTY (150) DAYS PRIOR TO AN ELECTION PETITIONS WITH
12 THE NAMES AND ADDRESSES AFFIXED OF TWO HUNDRED (200) REGISTERED
13 VOTERS FROM THE CONGRESSIONAL DISTRICT TO BE REPRESENTED. AFTER
14 CERTIFICATION BY THE COLORADO SECRETARY OF STATE OF THE NAMES AND
15 ADDRESSES PRESENTED ON THE NOMINATING PETITION TO BE ACCOMPLISHED
16 WITHIN THIRTY (30) DAY AFTER SUBMISSION OF PETITIONS, THE SECRETARY OF
17 STATE SHALL CERTIFY THE NAME OF THE CANDIDATE TO THE BALLOT FOR
18 ELECTION TO THE COMMISSION BOARD.

19 (b) COMMISSIONERS SERVING ON THE BOARD OF COMMISSIONERS OF THE COLORADO
20 DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL RESIDE WITHIN THE
21 CONGRESSIONAL DISTRICT THEY ARE TO REPRESENT.

22 (2) A STATEWIDE SPECIAL ELECTION, TO BE HELD IN NOVEMBER 2009 AT THE DATE
23 RESERVED FOR STATEWIDE ELECTIONS CONCERNING FISCAL MATTERS , SHALL BE CONDUCTED
24 FOR THE ELECTION OF INITIAL MEMBERS TO THE BOARD OF COMMISSIONERS TO THE COLORADO
25 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

26 (3) VACANCY ELECTIONS, AS REQUIRED, SHALL BE HELD AT THE NEXT BIENNIAL GENERAL
27 ELECTION AND SHALL BE FOR THE REMAINING PERIOD OF THAT OFFICE TERM. VACANCY ON THE
28 COMMISSION BOARD, UNTIL THAT POSITION CAN BE FILLED AT A REGULAR ELECTION, SHALL BE
29 APPOINTED BY A MAJORITY VOTE OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

30 (4) MEMBERS OF THE BOARD OF COMMISSIONERS FOR THE COLORADO DEPARTMENT OF
31 ENVIRONMENTAL CONSERVATION SHALL BE ELECTED TO NO MORE THAN TWO TERMS OF OFFICE,
32 TERMS OF OFFICE BEING COMPLIANT WITH SECTION 11 OF ARTICLE XVIII OF THE CONSTITUTION.

33 (5) COMPENSATION FOR ELECTED MEMBERS OF THE GOVERNING BOARD OF COMMISSIONERS
34 OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE
35 COMMENSURATE WITH COMPENSATION PAID TO EXECUTIVE DIRECTORS OF STATE OF COLORADO
36 GOVERNMENTAL DEPARTMENTS.

37
38 **Section 5. Appointment of the executive director of the Colorado**
39 **department of environmental conservation.** PROCEDURAL MANAGEMENT
40 RESPONSIBILITIES FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL
41 RESIDE WITHIN THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF
42 ENVIRONMENTAL CONSERVATION.

43 (a) THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL
44 CONSERVATION SHALL SERVE AT THE PLEASURE OF THE ELECTED BOARD OF
45 COMMISSIONERS OF THE DEPARTMENT.

1 (b) MATTERS OF ORGANIZATION, OPERATION, AND MANAGEMENT OF THE
2 DEPARTMENT OF DEPARTMENTAL PROGRAMS AND THEIR OPERATIONS, SHALL BE
3 UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR OF THE COLORADO
4 DEPARTMENT OF ENVIRONMENTAL CONSERVATION. POLICY DETERMINATIONS
5 REGARDING MATTERS OF ORGANIZATION AND OPERATION OF DEPARTMENTAL
6 PROGRAMS SHALL BE EFFECTIVE UPON AN AFFIRMATIVE AFFIRMATION OF A
7 MAJORITY OF THE COMMISSION MEMBERS.
8

9 **Section 6. Colorado governmental departmental reorganization in**
10 **effect.** THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL COMMENCE
11 DEPARTMENTAL OPERATIONS JANUARY 1, 2010.
12

13 **Section 7. Trust responsibilities of the Colorado department of**
14 **environmental conservation.** (1) THE COLORADO DEPARTMENT OF ENVIRONMENTAL
15 CONSERVATION IS CREATED BY THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC
16 RESOURCE CONSERVATION STEWARDSHIP, AND IN CONNECTION THEREWITH, THE COLORADO
17 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND THE ELECTED MEMBERS OF THE BOARD
18 OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
19 SHALL HAVE, AS PRIORITY, THE RESPONSIBILITIES TO STEWARD AND PROTECT THE PUBLIC
20 OWNERSHIP AND PUBLIC CONSERVATION VALUES IN LANDS, WATERS, PUBLIC RESOURCES, AND
21 WILDLIFE. CONFLICT BETWEEN ECONOMIC INTEREST AND CONSERVATION STEWARDSHIP
22 RESPONSIBILITIES TO, AND FOR, THE PUBLIC'S RESOURCES AND RESOURCE CONSERVATION
23 VALUES SHALL BE RESOLVED IN FAVOR OF PUBLIC OWNERSHIPS AND PUBLIC VALUES.

24 (a) RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS OF COLORADO DEPARTMENT
25 OF ENVIRONMENTAL CONSERVATION, AND OF THE DEPARTMENT, SHALL INCLUDE:
26 POLICY DETERMINATIONS, SUPERVISION, OPERATIONS OF PROGRAMS AND
27 ACTIVITIES, MANAGEMENT, AND STEWARDSHIP OF PUBLIC RESOURCES INCLUDING
28 MANAGEMENT AND POLICY DETERMINATIONS REGARDING PARKS, MONUMENTS,
29 GOVERNMENT MANAGED LANDS, NATURAL HERITAGE AREAS, POLICY REVIEW AND
30 EVALUATION AND OVERSIGHT OF PERMITTING REGARDING MATTERS OF STATE
31 INTEREST AND ACTIVITIES OF STATE CONCERN INCLUDING THOSE MATTERS AND
32 CONCERNS THAT PERTAIN TO RESOURCE DEVELOPMENT AND ENVIRONMENTAL
33 PERMITTING OF DEVELOPMENT ACTIVITIES ON FEDERALLY MANAGED PUBLIC
34 LANDS, AND OF SHORE LANDS; PROTECTION OF ARCHEOLOGICAL RESOURCES;
35 MANAGEMENT AND RESTORATION OF FOREST HEALTH OF STATE FORESTS; WATER
36 CONSERVATION AND THE PROTECTION AND PRESERVATION OF PUBLIC VALUES IN
37 WATER; MANAGEMENT OF CORRECTION EFFORTS TO REDRESS UNRESOLVED
38 HARMFUL IMPACTS TO THE PUBLIC'S RESOURCES; PROTECTION, CONSERVATION,
39 AND RESTORATION OF WILDLIFE RESOURCES, WILDLIFE HABITAT, AND
40 RESPONSIBILITY FOR PREDATOR MANAGEMENT; MANAGEMENT OF WILDLIFE
41 RESOURCES WITHIN ANY WILDLAND AND URBAN LANDS INTERFACE; PROTECTION
42 STRATEGIES FOR MIGRATORY BIRDS; PROTECTION OF STATE AND FEDERALLY
43 DESIGNATED THREATENED AND ENDANGERED SPECIES OF PLANTS AND ANIMALS;
44 PRESERVATION AND PROTECTION OF FISHERIES HABITAT RESOURCES; FISH
45 RESTORATION PROGRAMS, FISH HEALTH, AND AQUATIC RESOURCE STEWARDSHIP
46 PROGRAMS; REGULATION OF AND LICENSING OF TRANSPORTATION OF FISH, GAME,

1 AND EXOTIC ANIMALS INTO AND WITHIN COLORADO; WATERSHED REVIEW,
2 EVALUATION AND DESIGNATION; FLOODPLAIN REVIEW, EVALUATION, AND
3 DESIGNATION; IMPLEMENTATION AND COORDINATION OF STATE TRAILS SYSTEMS,
4 TRAILS DEVELOPMENT, AND MANAGEMENT OF PUBLIC FUNDS ESTABLISHED FOR
5 THOSE PURPOSES; RURAL ENVIRONMENTAL CONSERVATION PROGRAMS;
6 FOSTERING OF PARTNERSHIPS FOR WILDLIFE ENHANCEMENT; PRESERVATION OF
7 FENS AND WETLANDS INCLUDING THOSE THAT FUNCTION AS POLLUTANT TRAPS,
8 ASSIST IN FLOOD CONTROL, AND HELP CONTROL RUNOFF; PROMOTION OF
9 WETLAND CONSERVATION AND RESERVE PROGRAMS; AND REGULATION OF
10 HUNTING, OFF-ROAD VEHICLES, AND BOATING.

11 (I) PERMITTING PROGRAM ELEMENTS FOR MATTERS OF STATE INTEREST AND
12 ACTIVITIES OF STATE CONCERN REGARDING RESOURCE DEVELOPMENT ON
13 FEDERALLY MANAGED PUBLIC LANDS WITHIN COLORADO SHALL BE RETAINED, AS
14 AUTHORIZED, BY COLORADO STATE AND ELIGIBLE LOCAL GOVERNMENT
15 ENVIRONMENTAL PERMITTING AUTHORITIES.

16 (II) CRITERIA FOR THE ADMINISTRATION OF MATTERS OF STATE INTEREST AND
17 ACTIVITIES OF STATE CONCERN SHALL BE COMPLIANT WITH ARTICLE 65 AND
18 ARTICLE 65.1 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY
19 ANALOGOUS SUCCESSOR STATUTES.

20 (b) ANY CITIZEN OF THE STATE OF COLORADO SHALL HAVE STANDING TO PETITION
21 THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF
22 ENVIRONMENTAL CONSERVATION TO REQUEST THE DEPARTMENT, OR THE
23 COMMISSION, EVALUATE, ANALYZE, AND DESIGNATED ADDITIONAL
24 CONSERVATION STEWARDSHIP MATTERS, WITH ANY ADDITIONAL STEWARDSHIP
25 MATTER BEING ADDED TO DEPARTMENTAL PRIORITY UPON APPROVAL OF THE
26 COMMISSION BOARD.

27 (2) THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY THE
28 PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION
29 STEWARDSHIP, AND IN CONNECTION THEREWITH, THE BOARD OF COMMISSIONERS OF THE
30 COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL:

31 (a) SHALL SIT, AND ACT, AS THE COLORADO STATE BOARD OF PARKS AND OUTDOOR
32 RECREATION.

33 (b) SHALL SIT, AND ACT, AS THE COLORADO LAND USE COMMISSION.

34 (c) SHALL SIT, AND ACT, AS THE COLORADO WILDLIFE COMMISSION.

35 (d) SHALL BE RESPONSIBLE FOR THE APPOINTMENT OF MEMBERS OR OFFICERS OR
36 PROGRAM STAFF TO THE FOLLOWING BOARDS, COMMISSIONS, COUNCILS, GROUPS
37 AND PROGRAMS, OR TO SUCCESSOR BOARDS, COMMISSIONS, COUNCILS, GROUPS
38 OR PROGRAMS;

39 (I) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;

40 (II) HAZARDOUS WASTE COMMISSION;

41 (III) STATE OF COLORADO BOARD OF LAND COMMISSIONERS;

42 (IV) COLORADO LAND USE COMMISSION;

43 (V) COLORADO NATURAL AREAS COUNCIL;

44 (VI) POLLUTION PREVENTION ADVISORY BOARD;

45 (VII) STATE OF COLORADO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO
46 KNOW COUNCIL;

- 1 (VIII) COLORADO WATER CONSERVATION BOARD;
2 (IX) COLORADO WATER QUALITY CONTROL COMMISSION;
3 (X) WILDLANDS AND URBAN INTERFACE WILDLIFE WORKING GROUP;
4 (XI) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE
5 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,
6 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT
7 EITHER NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM
8 OR AS A STATE-RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY,
9 AUTHORITY, OR PROGRAM THAT HAS BEEN EMPOWERED BY THE
10 COLORADO CONSTITUTION, OR BY COLORADO STATE STATUTE, OR WILL
11 BE EMPOWERED IN THE FUTURE, TO ACT IN, OR HAVE, STEWARDSHIP AND
12 TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN STATE OR IN
13 OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC
14 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE
15 COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
16 (XII) APPOINTMENT TO ANY BOARD, COMMISSION, COUNCIL OR ADVISORY
17 GROUP OF A MEMBER OR OFFICER BY THE BOARD OF COMMISSIONERS OF
18 THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL
19 NOT BE SUBJECT TO ANY MANNER OF LEGISLATIVE CONFIRMATION.

20 (3) THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY THE
21 PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION
22 STEWARDSHIP, AND IN CONNECTION THEREWITH;

23 (a) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF
24 ENVIRONMENTAL CONSERVATION MAY CONVENE, EITHER UPON THE INITIATIVE OF
25 ANY DEPARTMENTAL DIVISION THEREOF, OR BY THE BOARD SITTING AS THE
26 COLORADO LAND USE COMMISSION AS AUTHORIZED IN ARTICLE 65 OF TITLE 24 OF
27 THE COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE,
28 EITHER INDEPENDENTLY OR UPON PETITION FROM A MEMBER OF THE PUBLIC, TO
29 REVIEW, CONSIDER, AND HAVE THE AUTHORITY TO ISSUE COMPLIANCE PERMIT
30 DIRECTIVES, AS AUTHORIZED WITHIN THE COLORADO LAND USE ACT, ARTICLE 65
31 AND ARTICLE 65.1 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY
32 ANALOGOUS SUCCESSOR STATUTE, THAT HAS AS PURPOSE THE DESIGNATING OF
33 MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN THAT COULD
34 INITIATE STATE GOVERNMENTAL, MULTI-AGENCY REVIEW AND PERMITTING
35 UNDER AUTHORITY OF THE COLORADO JOINT REVIEW PROCESS OF ANY ACTIVITY
36 THAT COULD IMPACT PUBLIC RESOURCE CONSERVATION STEWARDSHIP, OR THE
37 PUBLIC'S OWNERSHIP OR PUBLIC VALUES IN PUBLIC NATURAL RESOURCES.

38 (b) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF
39 ENVIRONMENTAL CONSERVATION MAY INITIATE IDENTIFICATION, REQUIRE
40 DESIGNATION, AND MAY REQUIRE PROMULGATION AND ADOPTION OF GUIDELINES
41 FOR PERMITTING OF ACTIVITIES REGARDING MATTERS OF STATE INTEREST AND
42 ACTIVITIES OF STATE CONCERN WITHIN COLORADO. THE BOARD OF
43 COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL
44 CONSERVATION SHALL AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL
45 CONSERVATION TO REVIEW AND COMMENT ON LOCAL GOVERNMENT ARTICLE 65.1
46 OF TITLE 24 COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR

1 STATUTE, AUTHORITIES, AND MAY AUTHORIZE THE DEPARTMENT TO REQUIRE AN
2 ELIGIBLE LOCAL GOVERNMENT, AS IDENTIFIED WITHIN ARTICLE 65.1 OF TITLE 24
3 COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE, TO
4 ADOPT STATE-APPROVED DEPARTMENT OF ENVIRONMENTAL CONSERVATION
5 GUIDELINES FOR REGULATION OF MATTERS OF STATE INTEREST AND ACTIVITIES OF
6 STATE CONCERN.
7

8 **Section 8. Licenses, fees, and revenues necessary for the operation**
9 **and management of the Colorado department of environmental**

10 **conservation.** (1) FEES, REVENUES, PAYMENTS, AND ALL MONIES GENERATED WITHIN AND
11 UNDER THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS LICENSES, OR AS
12 PENALTIES, OR AS ASSESSMENTS, OR AS INTERGOVERNMENTAL TRANSFERS FROM ANY SOURCES,
13 OR FROM GRANTS OR FROM REVENUES OF ANY MANNER, SHALL BE USED BY THE COLORADO
14 DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR DEPARTMENT PROGRAMS AND
15 OPERATIONS OF THE DEPARTMENT.

16 (2) FUNDS FOR THE OPERATION OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL
17 CONSERVATION MAY BE DERIVED FROM THE COLORADO GENERAL FUND.

18 (a) DEVELOPMENT OF AN ANNUAL OPERATING BUDGET FOR THE COLORADO
19 DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE GENERATED WITHIN
20 THE DEPARTMENTAL BUDGET SETTING PROCESS ESTABLISHED TO GENERATE THE
21 ANNUAL OPERATING BUDGETS FOR STATE OF COLORADO DEPARTMENTS.

22 (b) THE ANNUAL BUDGET FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL
23 CONSERVATION SHALL BE ADOPTED BY THE COLORADO GENERAL ASSEMBLY AS
24 PART OF THE BUDGET ENACTING PROCESS ESTABLISHED FOR THE ENACTING OF
25 BUDGETS FOR COLORADO STATE GOVERNMENT DEPARTMENTS.

26 (3) NO MANNER OF FISCAL REGULATION CONTAINED WITHIN SECTION 20 OF ARTICLE X OF
27 THE COLORADO CONSTITUTION, EXCEPT THAT OF THE ABILITY OF THE PUBLIC TO INITIATE
28 FUNDING FOR DEPARTMENTAL PROGRAMS AND FOR PROJECTS USING GUIDELINES AND
29 PROCEDURES ENABLED WITHIN SECTION 1 OF ARTICLE V OF THE COLORADO CONSTITUTION,
30 SHALL APPLY TO THE OPERATION, FUNDING, RESERVES OR EXPENDITURES OF THE COLORADO
31 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
32

33 **Section 9. Debt for public purpose.** DEBT PROVISIONS FOR PUBLIC
34 RESOURCES CONSERVATION PURPOSES AND EFFORTS REGARDING THE COLORADO DEPARTMENT
35 OF ENVIRONMENTAL CONSERVATION SHALL BE GOVERNED BY ARTICLE XI AND ARTICLE XXVII
36 OF THE COLORADO CONSTITUTION.
37

38 **Section 10. State board of the great outdoors Colorado trust fund.**
39 ARTICLE XXVII OF THE COLORADO CONSTITUTION – GREAT OUTDOORS COLORADO PROGRAM –
40 IS INTEGRATED INTO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR
41 PURPOSES OF PROGRAM MANAGEMENT, PROGRAM OPERATION AND PROGRAM ADMINISTRATION.
42 PROVISIONS OF SECTION 2, 3, 4, AND 5 OF ARTICLE XXVII RELATING TO THE ESTABLISHMENT
43 AND OPERATION OF THE GREAT OUTDOORS COLORADO TRUST FUND SHALL NOT BE OTHERWISE
44 IMPRESSED BY PROVISIONS OF ARTICLE XXX.
45

46 **Section 11. Provisions within article XXX are self-enacting and self-**
47 **executing.** PROVISIONS OF THIS ARTICLE ARE SELF-ENACTING AND SELF-EXECUTING.