



NOTICE OF PROPOSED RULEMAKING HEARING

Colorado State Board of Land Commissioners
Concerning Deletion of Rules Governing the Nomination,
Evaluation, and Selection of Stewardship Trust Lands
2 CCR 409-2

June 30, 2015

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Colorado State Board of Land Commissioners (“State Land Board”) will consider the deletion of its Rules Governing the Nomination, Evaluation, and Selection of Stewardship Trust Lands, 2 CCR 409-2 (“Rules”), in a “Clean-up Rulemaking.” The proposed deleted rules are attached as **Appendix A.**

On January 19, 2012, Executive Order D 2012-002 (“Executive Order”) directed Colorado’s state agencies to undertake a periodic regulatory efficiency review of their rules. This “Clean-up Rulemaking” is part of that review and is intended to remove a rule that conflicts with statutory law, C.R.S. 36-1-107.5 (2014) Long-term stewardship trust - nomination.

The Colorado State Board of Land Commissioners has the authority to conduct this rulemaking pursuant to C.R.S. 36-1-131.

NOTICE IS HEREBY GIVEN that the State Land Board has scheduled the above entitled matter for a rulemaking hearing commencing on:

Date:	October 1, 2015 October 2, 2015 *	* The State Land Board will publish the agenda for this meeting under the heading “Public Meetings” online at the State Land Board website at http://trustlands.state.co.us/Pages/SLB.aspx .
Time:	9:00 AM	
Place:	Colorado State Board of Land Commissioners Main Office 1127 Sherman Street, Suite 300 Denver, CO 80203	

PUBLIC PARTICIPATION: The State Land Board encourages the public to participate in the rulemaking by commenting on the proposed rules in advance of or during the rulemaking hearing. Any person may submit written comments by mail, email, or in person at State Land Board offices any time before the hearing. In addition, any person may participate in the stakeholder meetings described below and offer oral testimony during the public comment period at the hearing. The State Land Board may place a time limit on public comments during the hearing depending on the number of people who wish to comment. Speakers are asked to be concise and avoid repeating comments made by others or reading previously submitted written comments.



Please include your name, occupation, address, and telephone number when submitting comments. All written comments will be posted online at the State Land Board website: <http://trustlands.state.co.us/Pages/SLB.aspx>. Contact information will be redacted from submissions before comments are posted online.

The deadline for written statements or comments to be included in the Commissioner Packet is Monday, September 21, 2015.

Persons or groups who know in advance they would like to address the State Board of Land Commissioners during the stakeholder meetings or during the hearing are asked to notify the State Land Board via email to catie.stitt@state.co.us with an estimate of the time needed for comments. This is to ensure adequate time is allocated to this agenda item.

CONTACT INFORMATION: To email comments regarding this proposed rulemaking, please attach a file (PDF preferred) to your email and send to catie.stitt@state.co.us.

To mail comments regarding this proposed rulemaking, please send via first class mail to:

Colorado State Board of Land Commissioners
Attn: Catie Stitt; Rulemaking
1127 Sherman Street, Suite 300
Denver, CO 80203

STAKEHOLDER MEETINGS: The State Land Board will convene two stakeholder meetings prior to the rulemaking hearing, at which any person may comment on the proposed rule deletion. These meetings are scheduled during the August and September board meetings in Fort Collins/Greeley area and Walden, respectively. Final details including time, date, and place for these meetings will be posted on the State Land Board's website, <http://trustlands.state.co.us/Pages/SLB.aspx>.

COPIES OF DRAFT RULE: A draft of the proposed rule deletion is posted on the State Land Board's website at <http://trustlands.state.co.us/Pages/SLB.aspx>.

You may also contact the State Land Board to request a paper or editable electronic copy of the draft rule.

Dated this 30th Day of June, 2015



Tobin Follenwider
Deputy Director, State Board of Land Commissioners

APPENDIX A - Proposed Rule Deletion

~~DEPARTMENT OF NATURAL RESOURCES~~

~~Board of Land Commissioners~~

~~STATE BOARD OF LAND COMMISSIONERS RULES GOVERNING THE NOMINATION, EVALUATION, AND SELECTION OF STEWARDSHIP TRUST LANDS~~

~~2 CCR 409-2~~

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

~~BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE~~

~~Section 10(1)(b)(l) of article IX of the Colorado constitution mandates that the State Board of Land Commissioners shall, through a statewide public nomination process, establish a long-term stewardship trust of up to three hundred thousand acres of land that the Board determines to be valuable primarily to preserve long-term benefits and returns to the state. The purpose of these rules is to establish the public nomination process for designation of Stewardship Trust lands. The authority for these rules is found in section 10 of article IX of the Colorado constitution and sections 36-1-107.5 and 36-1-131, C.R.S.~~

~~RULE 1 - DEFINITIONS~~

~~Rule 1.1 "Board" or "State Land Board" means the State Board of Land Commissioners as described in article IX, section 9 of the Colorado constitution.~~

~~Rule 1.2 "Nominator" means any person, partnership, association, corporation, municipal entity, county government or agency thereof, state government or agency thereof, or federal government or agency thereof that nominates land to be included in the Stewardship Trust.~~

~~Rule 1.3 "Office of the Director" means the office of the Director of the State Board of Land Commissioners at 1313 Sherman, Room 620, Denver, CO 80203.~~

~~Rule 1.4 "Parcel" means the land included in a particular nomination and can be as many or as few acres as necessary to meet the purposes of Stewardship Trust designation.~~

~~Rule 1.5 "Staff" means the staff of the State Board of Land Commissioners.~~

~~RULE 2 - SCOPE OF RULES~~

~~These rules govern the public nomination of land to be included in the Stewardship Trust, evaluation of the nominations, and selection of Stewardship Trust lands. If there is a conflict between these rules and the Colorado constitution or Colorado Revised Statutes, then the constitution or statutes shall control, unless the constitution or statutes otherwise provide.~~

~~RULE 3 - COMMUNICATION WITH THE BOARD~~

~~Nominators and other interested parties shall direct any written communication concerning the nomination or evaluation process, or any parcel included in or being considered for inclusion in the Stewardship Trust to the Director of the State Land Board. The Director will distribute information to the Board members and appropriate staff.~~

~~RULE 4 - NOMINATIONS~~

~~Rule 4.1 Any nominator as defined in Rule 1.2 may nominate land for designation into the Stewardship Trust. Staff shall develop materials including a nomination form to be used in nominating parcels to be designated into the Stewardship Trust. The Board shall approve these nominating materials prior to distribution to the public in final form for use in nominating parcels for designation into the Stewardship Trust.~~

~~Rule 4.2 The nominated parcel can be as large or as small as necessary to meet the purposes of Stewardship Trust designation. The Board, in acting in the best interests of the trust beneficiaries, may consider and/or designate a greater or lesser area than is included in the nomination.~~

~~Rule 4.3 Stewardship Trust nomination materials can be obtained at the office of the Director. To nominate a parcel of land to be considered for Stewardship Trust designation, the nominator must submit all of the information requested in the nomination form as well as any required supporting documentation to the office of the Director according to the timelines outlined in Rule 4.4.~~

~~Rule 4.4 The office of the Director will accept nominations and supporting materials beginning January 15, 1998. Nominations and supporting materials for parcels to be designated into the Stewardship Trust on or before January 1, 1999 must be received at the office of the Director by 5:00 p.m. on March 31, 1998, except as provided in Rule 4.5. To allow additional time for analysis of the nominated parcel, early nominations are strongly encouraged.~~

~~Rule 4.5 The Board, in its discretion, may accept nominations or supporting materials filed after the deadline in Rule 4.4 upon a finding by the Board that it would be in the best interests of the trust beneficiaries to consider the late filed nominations or materials. A nominator may request an extension of time from the Board pursuant to procedures to be developed by Staff. The burden will be on the nominator to show that compliance with the deadline is prevented by exceptional circumstances.~~

~~Rule 4.6 The Board or Staff may request that the nominator provide additional information pertaining to the nominated parcel, and may designate the time period in which the information should be submitted.~~

~~RULE 5 – EVALUATION CRITERIA~~

~~Rule 5.1 The Board, in its discretion as a trustee, will decide on Stewardship Trust designations in the best interests of the trust beneficiaries in conformance with the criteria set forth in article IX of the Colorado constitution and title 36, article 1, C.R.S.~~

~~Rule 5.2 The Board, in its discretion as a trustee, may solicit and consider information from its Staff, the nominating parties, and/or other sources that it believes will be useful in evaluating the nominated parcels. Information that may be considered includes but is not limited to: the present uses of the parcel and associated revenue, the potential future uses of the parcel, the beauty, natural resource, open space, and wildlife habitat values of the parcel, any unique aspects of the parcel, and the current and anticipated changes in land use and land use management that affect the parcel.~~

~~Rule 5.3 In acting in the best interests of the trust beneficiaries, the Board may seek advice from its Staff and/or other sources regarding Stewardship Trust designations. The Board may, in acting in the best interests of the trust beneficiaries, request that its Staff and/or other entities rank the nominated parcels for informational purposes according to a particular evaluation criterion or set of criteria.~~

~~RULE 6 – NOTIFICATION TO INTERESTED PARTIES AND OPPORTUNITY FOR PUBLIC COMMENT~~

~~Rule 6.1 The Board shall make available to the public a list of parcels that have been nominated, the general location of the nominated land, and the procedures for public comment on the parcels.~~

~~Rule 6.2 If more than one nomination is received for a particular parcel, the Board will notify the affected nominators of the identity of the other nominators on the parcel, and encourage them to coordinate and cooperate in the nomination process.~~

~~Rule 6.3 The Board shall develop procedures for soliciting and receiving in a timely manner written and oral public comment on the nominated parcels. Staff shall present recommended procedures to the Board for approval. The Board need not consider any comment that does not comply with the timelines or format set forth in the final procedures.~~

~~Rule 6.4 The Board shall develop procedures to facilitate compliance with the requirements in § 36-1-107.5(2) for notification and participation by lessees and county and municipal governments.~~

~~RULE 7 -- DECISION~~

~~Rule 7.1 The Board may decide to designate nominated parcels into the Stewardship Trust, to reject nominated parcels for Stewardship Trust designation, or to table evaluation of nominated parcels for future consideration. The Board, in acting in the best interests of the trust beneficiaries, may designate a greater or lesser area into the Stewardship Trust than was included in the nomination(s) for the parcel.~~

~~Rule 7.2 The Board shall decide on the designation, rejection, or tabling of parcels nominated for the Stewardship Trust in an open meeting or meetings that shall be noticed and recorded. The Board shall issue a written order or orders announcing its decisions regarding designation of Stewardship Trust lands. Such decision or decisions shall be available to the public at the office of the Director, and be provided to anyone who requests a copy of the decision(s). Unless otherwise indicated in the decision, such decisions shall be considered final Board action.~~

Editor's Notes

History