

# Colorado Natural Areas Act of 1977

*The Colorado Natural Areas Act of 1977 mandated that CNAP identify and protect certain natural areas and phenomena across the state. The text of this act is provided below.*



SENATE BILL NO. 480. BY SENATORS L. Fowler, Gallagher, Hatcher, Anderson, Comer, Harding, Meiklejohn, Plock, Stewart, and Wunsch; also REPRESENTATIVES Traylor, Dick, Frank, Jones, Witherspoon, Cantrell, DeMoulin, Hilsmeier, Hume, Knox, Lloyd, McElderry, Smith, and Zakhem.

CONCERNING THE ESTABLISHMENT OF A COLORADO NATURAL AREAS PROGRAM,  
AND MAKING AN APPROPRIATION THEREFOR.

## COLORADO NATURAL AREAS ACT C.R.S. 33-33 (2012)

33-33-101. Short title.

This article shall be known and may be cited as the "Colorado Natural Areas Act".

33-33-102. Legislative declaration.

The general assembly hereby finds and declares that certain lands and waters of this state representing diverse ecosystems, ecological communities, and other natural features or phenomena, which are our natural heritage, are increasingly threatened with irreversible change and are in need of special identification and protection and that it is in the public interest of present and future generations to preserve, protect, perpetuate, and enhance specific examples of these natural features and phenomena as an enduring resource. It is the intent of this article to provide a means by which these natural features and phenomena can be identified, evaluated, and protected through a statewide system of designated natural areas.

### **33-33-103. Definitions.**

As used in this article, unless the context otherwise requires:

(1) "Articles" or "articles of designation" means the documents filed by or at the direction of the owner of a natural area or a government agency having ownership or control thereof with the commission and accepted by the commission in the process of the designation of a natural area as provided in section 33-33-108.

(2) Repealed.

(3) "Council" means the Colorado natural areas council created as an advisory council to the commission by section 33-33-106.

(4) "Designated natural area" means a natural area which is formally designated under the provisions of this article.

(5) and (6) Repealed.

(7) "Inventory" means a compilation of data to identify areas described in subsection (8) of this section.

(8) "Natural area" means a physical and biological area which either retains or has reestablished its natural character, although it need not be completely undisturbed, and which typifies native vegetation and associated biological and geological features or provides habitat for rare or endangered animal or plant species or includes geologic or other natural features of scientific or educational value.

(9) "Program" means the statewide Colorado natural areas program established by this article.

(10) "Registry" means the list of natural areas identified by the council as areas eligible for designation.

(11) "System" means those natural areas designated under the provisions of this article for which articles of designation have been accepted.

### **33-33-104. Colorado natural areas program.**

(1) There is hereby established a statewide Colorado natural areas program to implement the intent and provisions of this article. The program shall be administered by the board through the division with the advice of the council.

(2) The program shall identify and protect certain natural areas in this state which provide, among other benefits, the following benefits:

- (a) Serve as examples of the native condition in studies relating to air, water, and soil quality and habitat productivity;
- (b) Serve as resource material from which new knowledge may be derived and as a reservoir of genetic material which has present and future value to scientific inquiry;
- (c) Provide habitat for rare or endangered animal or plant species;
- (d) Serve as outdoor classrooms and laboratories for scientific study by students of all ages; or
- (e) Serve as areas of natural beauty, inspiration, and diversity which meet aesthetic needs and which enrich the meaning and enjoyment of human life.

**33-33-105.** Powers and duties of the commission - rules.

(1) The commission, through the division and with the advice of the council, shall administer the program in accordance with this article and has the following additional powers and duties:

- (a) To establish and continue an inventory and a registry;
- (b) To establish criteria by which inventoried natural areas can be evaluated and selected for the registry and for designation as natural areas; except that no area shall be included in the registry without permission of the owner of the land;
- (c) To promulgate rules for the registry and designation of natural areas and for the development of plans for the management and use of designated natural areas;
- (d) To seek and approve, upon recommendation by the council, the designation of natural areas under the provisions of section 33-33-108 and, when necessary, to acquire by gift, devise, or grant the fee or other interest in real property or accept, under section 33-33-108, the designation of real property for inclusion in the system; except that the commission does not have the power of eminent domain for such purposes;
- (e) To encourage and oversee scientific research and educational use of the designated natural areas; to conduct or encourage conduction of interpretive programs; and to establish and disseminate information and recommendations pertaining to the system and other natural areas;
- (f) To administer and enforce this article and rules adopted pursuant thereto, including the provisions of the articles of a designated natural area; except that the commission has no regulatory jurisdiction under this article over lands or interests therein which are not part of the system;

(g) To cooperate and contract with any federal, state, or local governmental agency, educational institution, private organization, or individual for the purpose of carrying out the provisions of this article;

(h) To publish and submit to the governor every three years, or more often as it deems necessary, a report on the status and condition of each designated natural area and each natural area in the registry;

(i) To accept and disburse moneys and grants made available to the commission under any federal law for the purposes of this article; and

(j) To notify, ninety days prior to the final designation action, the board of county commissioners in the county in which any designation is being considered. At the request of the board of county commissioners, the commission shall hold a public hearing in said county for the purpose of evaluating any local concerns regarding the proposed designation.

(2) It is not a permitted function of the commission under this article to make or pursue direct or indirect objection or opposition before any governing body to any application for development of private lands.

### **33-33-106. Colorado natural areas council.**

(1) There is hereby created the Colorado natural areas council as an advisory council to the commission. The council shall advise the commission on the administration of the program and shall approve the registry and recommend the designation of natural areas by the commission.

(2) The council consists of the following seven members:

(a) One member each from the commission and the state board of land commissioners, appointed by their respective commission or board, who serve for three-year terms; and

(b) Five members appointed by the governor, who are individuals with a substantial interest in the preservation of natural areas and who serve for four-year terms.

(3) Vacancies shall be filled in the same manner as original appointments for the balance of the unexpired term. All members of the council shall be residents of the state of Colorado, and no member appointed by the governor shall serve longer than two successive terms.

(4) The council shall, by majority vote of all members, elect its chairman from among the members appointed by the governor. A simple majority of the council membership shall constitute a quorum for the transaction of business.

(5) Members of the council shall receive no compensation for their service on the council but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(6) The council shall hold at least one regular meeting in each quarter of each calendar year and shall keep a record of its proceedings, which shall be open to the public for inspection. Special meetings may be called by the chairman and shall be called by him upon written request therefore signed by two or more members. A written notice of the time and place of each meeting shall be sent to each member.

(7) Any person who was a member of the Colorado natural areas council on January 1, 1988, shall continue to serve for the remainder of the term to which he was appointed.

### **33-33-107. Responsibilities of the council.**

(1) The council has the following responsibilities:

(a) To establish procedures for the conduct of council business;

(b) To review the inventory and to approve the registry;

(c) To review and make recommendations on the commission's criteria for and selection of natural areas to be included in the registry and the system; except that no area shall be included in the registry without permission of the owner of the land;

(d) To advise the commission of the promulgation of rules for the registry and for the designation, management, protection, and use of designated natural areas;

(e) To seek and recommend the designation of natural areas by the board as part of the system, as provided in section 33-33-108;

(f) To review and make recommendations regarding scientific research, educational use, interpretive programs, and public information pertaining to designated natural areas;

(g) To review and make recommendations regarding the negotiation and enforcement of the articles of a designated natural area;

(h) To advise the commission on the disbursement of funds for the purposes of this article;  
and

(i) To review and make recommendations on commission reports made to the governor on the status of the program.

**33-33-108.** Designation of a natural area.

(1) A natural area that has been found by the commission, pursuant to its criteria, to be desirable for inclusion within the system and which inclusion has been approved by the owner of the land, becomes a designated natural area when articles of designation have been filed with the commission by the owner of the land or by a governmental agency having ownership or control of the land and such articles have been accepted by the commission with the advice and recommendation of the council.

(2) Articles of designation filed with the commission under subsection (1) of this section shall:

(a) Constitute a management agreement for the designated natural area;

(b) Contain a purpose clause defining the attributes which are the basis for the area's designation;

(c) Define the respective rights and duties of the owner and the commission;

(d) Contain provisions relating to management, development, use, public access, sale, or transfer of the area;

(e) Provide procedures to be applied in case of any violation of such articles;

(f) Contain such other provisions as may be necessary or advisable to carry out the purposes of this article, which shall include the recognition of reversionary rights if less than fee simple title has been acquired; and

(g) Contain the legal description of the designated property.

(3) The commission may, with the approval or upon the request of the owner of an interest therein and with the approval of the council, amend the articles of a designated natural area.

(4) A notice of the designation shall be certified by the commission to the county clerk and recorder in the county or counties in which the designated natural area is located for filing in the same manner as any document affecting real property.

**33-33-109.** Effect of article - rights of property owners - water rights - prior designations.

(1) Nothing in this article shall be construed as:

(a) Diminishing the rights of owners of property as provided in the constitution of this state or in the constitution of the United States;

(b) Modifying or amending existing laws or court decrees with respect to the determination or administration of water rights;

(c) Affecting any previous designation of an area as a natural area.

**33-33-110.** Public entities urged to encourage designation of natural areas.

State agencies, counties, municipalities, institutions of higher education, and all other entities and institutions of the state and its political subdivisions are empowered and urged to recommend to the board natural areas within their jurisdictions for inclusion in the system.

**33-33-111.** Periodic evaluation to be made by board.

The commission shall make an evaluation of each designated natural area every three years, or more often as it deems necessary, to determine whether it is being administered in accordance with the conditions and provisions of the articles of designation. If such conditions and provisions are not being met, the commission may remove the area from the system.

**33-33-112.** Supplemental protection.

The provisions of this article shall supplement and not replace or otherwise affect any existing protective status that a designated natural area may have under any other law.

**33-33-113.** Legislative review - termination.

(1) The council shall be terminated on July 1, 2014, unless the general assembly votes to renew the legislative mandate of this article. Absent a vote to renew the legislative mandate of this article, the council shall cease all operations within a twelve-month period after July 1, 2014.

(2) Prior to said termination, such advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.