

## COLORADO WEATHER MODIFICATION RULES AND REGULATIONS

August 1, 1986

These rules and regulations are issued pursuant to the State Administrative Procedures Act, C.R.S. 24-4-101 et seq. and 36-20-101 et seq. Section 36-20-107 empowers the Executive Director of the Department of Natural Resources (in consultation with a ten-member advisory committee) to issue rules and regulations required to implement the Weather Modification Act. The rules include the information needed by persons applying for licenses and permits. Applicants may also wish to read the Act.

### A. General Information

A license is granted for expertise in a specified form of weather modification technology (e.g., snow augmentation, hail suppression). A permit is required for each weather modification project and projects must be directed by persons who hold a current Colorado weather modification license.

### B. Application for License

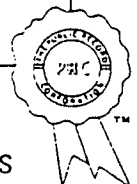
- (1) Use Application for License (Form WM1) to apply for a license. Form WM1 should be submitted at least 45 days before the beginning date of proposed project use.
- (2) Licensees must meet at least one of the following requirements:
  - a. Eight years professional experience in weather modification field research or operations with at least three years as project director.
  - b. Baccalaureate degree in engineering, mathematics or physical sciences and three years experience in weather modification field research or operations.
  - c. Baccalaureate degree in meteorology or baccalaureate degree in engineering (which includes, or is in addition to, twenty-five semester hours of meteorology) and two years experience in weather modification operations or research.
  - d. Certification as manager by the Weather Modification Association.
- (3) A license fee of \$100 is required of all applicants including persons employed by commercial firms, government and non-profit agencies.



- (4) A license expires at the end of the calendar year in which it is issued.

C. Application for Permit

- (1) Use Form WM2 to apply for a weather modification permit. Submit Form WM2 at least 45 days before the beginning date of a proposed project. Information requested includes:
  - a. A description of the objectives of the proposed project.
  - b. A written description and map identifying the target area and the area reasonably expected to be affected by the project.
  - c. A description of how the project will be carried out including location of office, weather data used, aircraft types, seeding devices and material, seeding rates, etc.
  - d. How the proposed project is designed to provide and offers promise of providing economic benefit to the target area (applicable to commercial projects only).
  - e. How the proposed project is reasonably expected to benefit both persons living in the target area and the people of Colorado.
  - f. How the proposed project is scientifically and technically feasible (applicable to commercial projects only).
  - g. How the proposed project is designed for and offers promise of expanding the knowledge and technology of weather modification (applicable to research projects only).
  - h. The risk that the proposed project could cause substantial harm to land, water, people, health, safety, property and the environment and the safeguards proposed for use by the operator to prevent substantial harm.
  - i. How other weather modification projects (if any) could be affected adversely by the proposed project.
  - j. The significant ecological impacts which may result from the project such as how precipitation patterns might be changed and how increased runoff would affect erosion.
  - k. Provide evidence of a liability policy of at least \$1 million to show financial responsibility. Provide proof that the insuring company is authorized to do business in Colorado.



(2) Legal Notice of Intent

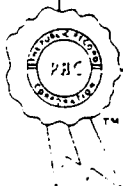
Licenses applying for a permit shall publish a legal notice of intent to modify weather in the official newspapers of those Colorado counties which lie wholly or partly within the target area of the proposed project and in those counties which are reasonably expected to be affected by the project. Official newspapers are those newspapers designated by County Commissions for publication of legal notices. The target area is defined as the area in which the operator desires to produce effects. Counties which may reasonably be expected to be affected by the project include, at a minimum, those counties that are adjacent to the county (or counties) containing the target area. Consult Form WM4 for suggested wording for the legal notice.

a. The legal notice shall:

1. be published in at least one newspaper of general circulation in the counties included within this proposed operation; publication constituting a minimum of at least two consecutive weekly legal notices with not less than one week intervening between the first publication and the last publication. Notice shall be complete on the date of the last publication.
2. state the purpose, intended effects, dates and sponsor(s) of the proposed project.
3. designate the target area by referring to townships and ranges and by referring to lines drawn between prominent points. Counties contained therein should be named.
4. state that a copy of the licensee's application for permit is available on request from the licensee, the Executive Director, or other persons or agencies specified by the Executive Director.
5. state the time and place for the public hearing, as scheduled by the Department of Natural Resources. The hearing shall not be held more than one week following completion of publication of the notice of intent.

b. If the County Commissioners have not designated a newspaper for publishing legal notices, the required notice shall be posted in at least three public places in the county. Posting shall be not more than fourteen days nor less than seven days before the public hearing.

c. Affidavits provided by newspaper publishers, radio or television station managers, or sheriffs are sufficient proof of publication.



(3) Evaluating Permit Applications

Information provided on Form WM2 will be used by the Executive Director to decide (based on the criteria in C.R.S. § 36-20-112) if a permit should be granted.

(4) Granting of Permits

Permits shall be granted for a maximum of one year. Exceptions may be made for projects scheduled to last up to 18 months. Permits may be renewed during the five years following the date of issue providing conditions under which the permit was issued have not changed substantially.

C. Reports

- (1) A current, daily log (which includes the information required by Form WM3) shall be kept by the permittee at the project office and made available for inspection by the public in a manner that does not interfere with the project.
- (2) Form WM3 shall be submitted biweekly to the Executive Director not later than ten days after the end of the reporting period.
- (3) Annual reports shall be made in accordance with C.R.S. § 36-20-117(3). A written final report which evaluates the project shall be submitted to the Executive Director and to county commission offices (in those counties in which publication of a legal notice of intent is required) within 30 days of completion of the project.

