

**CHAPTER P-6 - PROCEDURAL RULES  
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## CHAPTER P-6 - PROCEDURAL RULES

### # 600 - DECLARATORY ORDERS

1. Any person may petition the Commission for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or any rule or order of the Commission.
2. The Commission will determine, in its discretion, whether to act upon such a petition. The Commission shall promptly notify the petitioner of its decision and the reasons for the decision.
3. In determining whether to rule upon a petition filed pursuant to this regulation, the Commission will consider the following matters, among others:
  - a. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or of any regulation of the Commission.
  - b. 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 Commission or a court involving one or more of the petitioners.
  - c. 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 Commission or a court but not involving the petitioner.
  - d. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - e. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, regulation, or order in question.
4. Any petition filed pursuant to this regulation shall set forth the following:
  - a. The name, address and telephone number of the petitioner and whether the petitioner is licensed pursuant to Article 32 of Title 33, C.R.S., as amended, or holds any permits, passes, or registrations issued pursuant to Articles 10 through 15 of Title 33, C.R.S., as amended.
  - b. The statutory provision, rule or order to which the petition relates.
  - c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statutory provision, rule or order in question applies or potentially applies to the petitioner.
5. If the Commission determines that it will rule on the petition, the following procedure will apply:
  - a. The Commission may rule upon the petition based solely upon the facts presented in the petition. In such a case:

- (1) Any ruling of the Commission will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  - (2) The Commission may order the petitioner to file a written brief, memorandum or statement of position.
  - (3) The Commission may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
  - (4) The Commission may dispose of the petition on the sole basis of the matters set forth in the petition.
  - (5) The Commission 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.
  - (6) The Commission may take administrative notice of the facts pursuant to the State Administrative Procedure Act and may utilize available experience, technical competence and specialized knowledge in the disposition of the petition.
  - (7) If the Commission rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- b. The Commission may, in its discretion, set the petition for hearing, upon due notice to the 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 such hearing shall set forth, to the extent known, the factual or other matters into which the Commission 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 statutory provision, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Commission to consider.
6. The parties to any proceeding pursuant to this regulation shall be the division and the petitioner. Any other person may seek leave of the Commission to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Commission. A petition to intervene shall set the same matters as required by # 600-4. Any reference to "petitioner" in this regulation also refers to any person who has been granted leave to intervene by the Commission.
7. Any declaratory order or other order disposing of a petition pursuant to this regulation shall constitute final agency action subject to judicial review pursuant to section 24-4-106, C.R.S.

**# 601 - Lone Mesa State Park Hunting Special Use Permit**

1. Purpose: This hunting management plan is designed to establish administration of hunting activities on Lone Mesa State Park.
2. Special Use Permit Procedure
  - a. Permit Numbers
    - (1) Colorado Parks and Wildlife (CPW) deems hunting activities on Lone Mesa State Park as those which currently require "special planning and/or scheduling for

proper management." Therefore, CPW issues special use permits to visitors wishing to engage in hunting use of the park.

- (2) The maximum number of approved Hunting Special Use Permits (HUPs) on Lone Mesa State Park at any one time during the 2002 big game seasons is as follows:

Archery: twenty (20)

Muzzle-loading: twelve (12)

1<sup>st</sup> separate elk rifle: fifteen (15)

2<sup>nd</sup> combined deer/elk rifle: twenty-five (25)

3<sup>rd</sup> combined deer/elk rifle: thirty-five (35)

4<sup>th</sup> combined deer/elk rifle: thirty-five (35)

- (3) The number of HUPs allocated in each of subsequent years, if applicable, will be determined by CPW after evaluating harvest and other data at the close of each year's hunting.

b. Permit Fees

- (1) Successful permit applicants shall pay the fee associated with their HUP(see fee schedule section b.5) at least thirty (30) days prior to any access to Lone Mesa State Park.
- (2) Upon payment of the fee and attendance of the mandatory orientation session, an HUP shall be issued to the applicant.
- (3) If an applicant who is successful in the drawing (see section c.7.) fails to pay the HUP fee, a permit will not be issued to them. The next qualified applicant on the drawing log (see section c. 8.), or the next first-come, first-served applicant will be offered an HUP.
- (4) If, at a later date, an applicant's payment of the HUP fee is found to be insufficient due to payment stops, insufficient funds or any other reason, an HUP will not be issued to them. And, if an HUP had been issued prior to CPW discovering the insufficient payment, that permit will be voided.
- (5) The schedule of fees associated with the HUP is as follows:
  - (a) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt during archery season, \$100.
  - (b) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt during archery season, \$200.
  - (c) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during muzzleloading season, \$100.

- (d) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during muzzleloading season, \$200.
- (e) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during muzzleloading season, \$200.
- (f) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during muzzleloading season, \$300.
- (g) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt elk during the first elk-only rifle season, \$150.
- (h) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt elk during the first elk-only rifle season, \$250.
- (i) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during the second, third, or fourth combined elk/deer rifle season, \$100.
- (j) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during the second, third, or fourth combined elk/deer rifle season, \$200.
- (k) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during the second, third, or fourth combined elk/deer rifle season, \$200.
- (l) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during the second, third, or fourth combined elk/deer rifle season, \$300.

c. Allocation of Permits

- (1) Advertising: it shall be the responsibility of the park manager or his/her designee to advertise the availability of HUPs for Lone Mesa through normal media and internet formats.
- (2) Application requests: requests for the application for the HUP on Lone Mesa State Park can be made by contacting the Lone Mesa State Park office: 1321 Railroad Ave, PO Box 1047, Dolores, Colorado 81323, Phone: 970-882-2213, Fax: 970-882-4640, e-mail: [lone.mesa.park@state.co.us](mailto:lone.mesa.park@state.co.us). Applications may also be accessed via the internet at [www.cpw.state.co.us](http://www.cpw.state.co.us)
- (3) Requests for permit applications shall be acted upon promptly, and an application for permit shall be mailed, faxed or e-mailed to the prospective permittee within five days of receiving the request.
- (4) Permit applications must be mailed, e-mailed, or faxed to the Lone Mesa State Park office at the above address prior to the application deadline. It is the applicant's responsibility to confirm receipt.

- (5) Permit applications will be secured by the park manager or his/her designee until the scheduled public drawing to be held at the Lone Mesa State Park office at least 60 days prior to the opening of the archery season. The public opening of applications will be advertised locally and to the applicants.
- (6) Once opened, the HUP applications will be checked for completeness, logged by applicant name, season desired, and application number, and a drawing "chip" - reflecting the application number- will be created for each complete and legible qualifying application.
- (7) Drawing: after applications are opened and logged in the application log, the drawing for successful applicants will take place. There will be drawings for each of the six big game seasons for which hunting will be permitted on Lone Mesa: archery, muzzleloading, 1<sup>st</sup> separate limited elk, 2<sup>nd</sup> combined deer and elk, 3<sup>rd</sup> combined deer and elk, and 4<sup>th</sup> combined deer and elk. Permits will be issued up to the numbers outlined in this regulation, #601.2.a.
- (8) The drawing will continue until all "chips" are drawn, and a drawing log will be completed which will list the applicants in the order drawn. The drawing log will be used to facilitate fair re-allocation of permits per the re-allocation of unused permits protocol (see section 3.c.).
- (9) Successful applicants will be notified of their success by mail via a letter of successful application, which shall include a summary of rules associated with the HUP (a complete list shall be provided with the permit during the required orientation and information for remittance of the HUP fee).

d. Reporting and Filing

- (1) All files pertaining to the HUP for Lone Mesa State Park will be stored at the Lone Mesa State Park office.
- (2) The park manager or designee will include a summary of hunting activity under permit on the park manager monthly report.
- (3) Revenues derived from the HUP fee will be deposited in the parks cash fund and reflected on the consignment usage/revenue report for the month such fees are deposited.

3. Field Enforcement Procedure

a. Possession of Permit

- (1) Copies of the permitted hunter list will be made available to commissioned CPW officers and the officers of other cooperating agencies in the interest of maintaining compliance with this plan.
- (2) It shall be the permittee's responsibility to adequately identify themselves as a permit holder when contacted while hunting in Lone Mesa State Park.

b. Statute and Regulation Compliance

- (1) Permit holders will be supplied a list of rules associated with the HUP upon issuance of the permit. Failure to comply with the rules of the permit may result in permit revocation.
- (2) Nothing in this plan or in the rules of the HUP shall imply or be construed to imply that HUP holders are exempt from any statute or regulation governing hunting, motor vehicle operation, conduct on a state park, or other activity in which the permit holder may engage while performing the activities allowed under the permit. These statutes and regulations include, but are not limited to:
  - (a) Permit holders must possess a valid license issued by CPW for the Game Management Unit, species, and season hunted.
  - (b) Vehicles involved in hunting use of the park are required to display a valid Colorado State Parks pass, unless the vehicle displays a Disabled Veteran license plate.

c. Reallocation of Permits

- (1) Permit re-allocations may take place in the event a permittee is unable to engage in the activities of the permit for any reason, including sickness, death, hunting license revocation, permit revocation, park eviction, or simple changes in plans.
- (2) Re-allocations of HUPs will be conducted following this procedure:
  - (a) The park manager or designee will attempt to contact the next individual on the drawing log by phone.
  - (b) If the next individual is unable to be contacted upon the first call, the park manager or designee will continue down the drawing log until an individual can be contacted and notified of the availability of an HUP for Lone Mesa.
  - (c) If no hunter on the drawing log can be contacted, no applicant is qualified, or none is available to hunt the remainder of the season, the availability of the HUP will be advertised by the park manager or designee and the permit may be allocated on a first-come, first-served basis.
  - (d) Hunters who are contacted via the drawing log and who obtain or decline an HUP for Lone Mesa will have their name removed from the drawing log.
- (3) Re-allocated permits shall not be valid until payment of the HUP fee and attendance of the hunter orientation by the new permittee.

**# 602 - GOLDEN GATE CANYON STATE PARK HUNTING SPECIAL USE PERMIT**

1. Purpose: this hunting management plan is designed to establish administration of hunting activities on the Green Ranch portion of Golden Gate Canyon State Park.
2. Special use permit procedure
  - A. Permit numbers

- (1) Colorado Parks and Wildlife deems hunting activities on the Green Ranch portion of Golden Gate Canyon State Park as those which currently require "special planning and/or scheduling for proper management." Therefore, CPW issues special use permits to visitors wishing to engage in hunting on the Green Ranch portion of the park.
- (2) The maximum number of approved hunting special use permits (HUPs) for the Green Ranch on Golden Gate Canyon State Park at any one time during the 2003 big game season is as follows:
  - Archery (pre-muzzleloading and post-muzzleloading): twenty (20)
  - Muzzle-loading: ten (10)
  - 1st separate elk rifle: ten (10)
  - 2nd combined deer/elk: ten (10)
  - 3rd combined deer/elk: ten (10)
  - 4th combined deer/elk: ten (10)
- (3) The number of HUPs allocated in each of the subsequent years will be determined by CPW after evaluating harvest and other data at the close of each year's hunting.

B. Application and permit fees

- (1) Each applicant must submit a \$10.00 application fee for each application submitted.
- (2) Successful permit application holders shall pay a special use permit fee of \$100, which must be received by Golden Gate Canyon State Park (address below) prior to any access to the Green Ranch.
- (3) Upon payment of the fee, a an HUP for the Green Ranch shall be issued to the applicant.
- (4) If an applicant who is successful in the drawing (see section c.7) fails to pay the special use permit fee within 10 days prior to Labor Day, a permit will not be issued to them. The next qualified applicant on the alternate list (see section c.8) will be offered an HUP.
- (5) If, at a later date, an applicant's payment of the HUP fee is found to be insufficient due to payment stops, insufficient funds or any other reason, an HUP will not be issued to them. If an HUP had been issued prior to CPW discovering the insufficient payment, that permit will be voided.

C. Allocation of permits

- (1) Advertising: it shall be the responsibility of the park manager or his/her designee to advertise the availability of the HUPs for the Green Ranch through normal media and internet formats.



- (2) Application requests: requests for the application for the HUP for the Green Ranch can be made by sending a self-addressed stamped envelope (SASE) to Golden Gate Canyon State Park, Attn: Green Ranch Hunt: 92 Crawford Gulch Road, Golden, Colorado 80403, phone: 303 582-3707. Applications may also be accessed via the internet at [www.cpw.state.co.us](http://www.cpw.state.co.us)
- (3) Requests for permit applications shall be acted upon promptly, and an application for permit shall be mailed to the prospective applicant within five days of receiving the SASE.
- (4) Permit applications must be mailed to Golden Gate Canyon State Park at the above address and clearly marked "Green Ranch Hunt" on the envelope. All applications must be received by July 31st for the upcoming big game season.
- (5) Permit applications will be checked for completeness and require a copy of the hunting license, if applicable (for limited licenses). All complete and correct permit applications will be recorded for future use.(6) If additional information is needed to process the permit application, the park manager or his/her designee will make reasonable attempts to contact the applicant to rectify the application.
- (7) Drawing: the drawing will be held on the first Sunday in August. There will be one random drawing for each of the seven slots on the Green Ranch: pre-muzzleloading archery, muzzleloading, post-muzzleloading archery, 1st separate limited elk, 2nd combined deer and elk, 3rd combined deer and elk, and 4th combined deer and elk. Permits will be issued up to the numbers outlined in this regulation, #602.2.a.
- (8) Up to fourteen names will be drawn for each of the hunting slots; a maximum of ten for the "hunter list" and four "alternates" for each slot. If one of the hunters drawn does not wish to accept the HUP, an alternate will be contacted in the consecutive order that they were drawn.
- (9) Successful applicants will be notified of their success by mail via a letter of successful application, which shall include a summary of rules associated with the HUP (a complete list to be provided with the permit during the required orientation) and information for remittance of the special use permit fee.

D. Reporting and filing

- (1) All files pertaining to the HUP for the Golden Gate Canyon State Park Green Ranch will be stored at the Golden Gate Canyon State Park office.
- (2) The park manager or his/her designee will include a summary of hunting activity under permit on the park manager monthly report.
- (3) Revenues derived from the HUP and application fee will be deposited in the parks cash fund and reflected on the consignment usage/revenue report for the month such fees are deposited.

3. Field enforcement procedure

A. Possession of permit

- (1) Copies of the "hunter list" will be made available to commissioned CPW officers and the officers of other cooperating agencies in the interest of maintaining compliance with this plan.
- (2) It shall be the permittee's responsibility to carry the access permit with them while hunting the Green Ranch portion of Golden Gate Canyon State Park.

B. Statute and regulation compliance

- (1) Permit holders will be supplied a list of rules associated with the HUP upon issuance of the permit. Failure to comply with rules of the permit may result in permit revocation.
- (2) Nothing in this hunting management plan or in the rules of the special use permit shall imply or be construed to imply that HUP holders are exempt from any statute or regulation governing hunting, motor vehicle operation, conduct on a state park, or other activity in which the permit holder may engage while performing the activities allowed under the permit. These statutes and regulations include, but are not limited to:
  - (a) Permit holders must possess a valid hunting license issued by CPW for the game management unit, species and season hunted.
  - (b) Vehicle involved in hunting use on the Green Ranch are required to display a valid Colorado State Parks pass, unless the vehicle displays a disabled veteran license plate.

C. "Alternate" system

- (1) Alternate hunters may be contacted in the event a permittee is unable to engage in the activities of the permit for any reason, including sickness, death, hunting license revocation, permit revocation, park eviction or simple changes in plans.
- (2) Alternates will be contacted in the following manner:
  - (a) The park manager or his/her designee will attempt to contact the next individual on the alternate list by phone.
  - (b) If the next individual is unable to be contacted upon the first call, the park manager or his/her designee will continue down the alternate list until an individual can be contacted and notified of the availability of an HUP for the Green Ranch..
  - (c) If no hunter on the alternate list can be contacted, the park manager or his/her designee will return to the applicant pool of the individual slot and randomly draw four more alternates. This process will be continued until the hunting slot is filled by a qualified applicant.
  - (d) If no hunter can be contacted, no applicant is qualified, or none is available to hunt the remainder of the season, the availability of the HUP will be advertised by the park manager or his/her designee and the permit may be issued on a first-come, first-served basis.

(e) Hunters who are contacted via the hunting list or alternate list and who obtain or decline an HUP for the Green Ranch will have their name removed from the applicant pool.

(2) Alternate permits shall not be valid until payment of the HUP and application fee are made by the new permittee.

D. Refund policy

(1) Refunds will only be provided by relinquishing the HUP for the Green Ranch before the opening day of the slot for which the permit is valid.

**Basis and Purpose:**

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager, Policy and Planning Unit, 1313 Sherman, Room 111, Denver, CO 80203.

**The statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106 and 33-10-107, C.R.S.**

**EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JANUARY 1, 2015 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.**

**APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 14th DAY OF NOVEMBER, 2014.**

**APPROVED:  
Gaspar Perricone  
Vice Chairman**

**ATTEST:  
Christopher J. Castilian  
Secretary**