

September 28, 2018

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
November 15-16, 2018**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **November 15-16, 2018. The Parks and Wildlife Commission meeting will be held at Old Town Museum Barn, 420 S. 14th St., Burlington, CO 80807. The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-9-101 to 111, C.R.S. ("Administration of Parks and Wildlife"), in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

FINAL REGULATORY ADOPTION - November 15-16, 2018, beginning at 8:30 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the November 2018 Parks and Wildlife Commission meeting: January 1, 2019, unless otherwise noted.

FINAL REGULATIONS

PARK REGULATIONS

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter W-9 ("Wildlife Properties" 2 CCR 406-9) and Chapter W-16 ("Parks and Wildlife Procedural Rules" 2 CCR 406-16) necessary to accommodate changes to, or ensure consistency with, Chapter P-1

Open for consideration of final regulations regarding the consumption and sale of alcohol on state parks, state wildlife areas, and Division-leased state trust lands based on implementation of Senate Bill 18-243.

Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7

Open for consideration of final regulations making park fee adjustments based on implementation of the Hunting, Fishing, and Parks for Future Generations Act (Senate Bill 18-143), including, but not limited to, the following:

- Addition of a transferable annual state parks pass pilot program.
- Increases to daily and annual parks pass fees.
- Increases to camping, yurts, cabins, and group picnic fees.
- Expansion of the individual daily pass requirement to additional state parks.
- Modifications to camping reservation, special activity, and replacement park pass fees.

**Please reference the Commission agenda, to be posted on or after November 5, 2018, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <http://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0, and those related provisions of Chapter W-2 ("Big Game" 2 CCR 406-2), Chapter W-3 - "Furbearers and Small Game, except Migratory Birds" 2 CCR 406-3, Chapter W-15 ("License Agents" 2 CCR 406-15), and Chapter P-7 ("Passes, Permits and Registrations" – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0

Open for consideration of final regulations related to license fees adjustments based on implementation of the Hunting, Fishing, and Parks for Future Generations Act (Senate Bill 18-143) including, but not limited to, the following:

- Adjusting wildlife license fees based on prices provided in statute.
- Increasing the Wildlife Council surcharge from .75 cents to \$1.50.
- Considering wildlife license combinations, as well as adjustments to application and preference point fees.
- Adjusting commission rates applicable to the sale of licenses by license agents.

Chapter W-1- "Fishing" 2 CCR 406-1

Open for final consideration of annual changes to fishing regulations, including but not limited to, the following:

- Extension of special fishing regulations on the upper Rio Grande River from Masonic Park to the Highway 149 bridge.
- Decreasing the bag and possession limit at Upper Seepage Lake in Mineral County, and limiting fishing to artificial flies and lures only.
- Implementing catch and release regulations at Dry Gulch in Clear Creek County.
- Adjusting the start date of the spring walleye spawning fishing closure on the dams at Chatfield, Cherry Creek, and Pueblo Reservoirs to March 1st. Also removing the time of day stipulations for the Pueblo Reservoir walleye spawning closure.
- Adjusting the bag and possession limit, and implementing a minimum size requirement for crappie at Pueblo Reservoir.
- Adjusting the bag and possession limit for wiper at Pueblo Reservoir, including allowing no more than one wiper greater than 21 inches to be taken per day.

Chapter W-3 - "Furbearers and Small Game, except Migratory Birds" 2 CCR 406-3, and those related provisions of Chapter W-0 – ("General Provisions" 2 CCR 406-0) necessary to accommodate changes to, or ensure consistency with, Chapter W-3

Open for final consideration of annual changes regarding turkey hunting, including but not limited to, license areas and license numbers, season dates, manner of take provisions and adopting new preference point application hunt codes for the 2019 fall and spring turkey seasons.

CITIZEN PETITIONS:

Final action may be taken on rule-making petitions at any step of the Commission's generally applicable two-step rule-making process.

WILDLIFE REGULATIONS

Chapter W-17 - "Damage Caused by Wildlife" 2 CCR 406-17

At its November meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to Damage Caused by Wildlife, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission allow dogs to haze geese year-round on private property in order to prevent or alleviate damage.

The Commission may accept all or a portion of this petition for final action, further consideration or otherwise reject the petition at the November Commission Meeting. A copy of any petition may be obtained by contacting Danielle Isenhardt, Regulations Manager, Colorado Parks and Wildlife at (303) 866-3203 ext. 4625.

ISSUES IDENTIFICATION

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

Chapter W-2 - "Big Game" 2 CCR 406-2 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas, license numbers, and manner of take provisions for bighorn sheep and mountain goat.
- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, mountain lion, and bear.
- Annual changes to limited license application and drawing processes.

Except for the days and time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission's schedule.

Viewing of Proposed Rules: Copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection and distribution at the Office of the Regulations Manager, Division of Parks and Wildlife, 1313 Sherman St., Denver, Colorado, at least five (5) days prior to the date of hearing. Such copies, however, are only proposals to be submitted to the Commission by the Division of Parks and Wildlife.

Modification of Proposed Rules prior to adoption: Subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife

or the Commission before the Commission promulgates final rules and regulations on the above topics.

Comment deadlines: Comments will be accepted at any time prior to, or as part of the meeting. However, to ensure sufficient time for consideration prior to the meeting, **comments should be provided to the Division of Parks and Wildlife by noon on the following date:**

November 1, 2018, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 2, 2018.**

Comments received by the Division between noon on **November 1, 2018** and noon **November 9, 2018** will be provided to the Commission during a second mailing. Comments received after noon on **November 9, 2018** will be held and shared with the Commission as part of the subsequent meeting mailing.

Opportunity to submit alternate proposals and provide comment: The Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be submitted to the Division of Parks and Wildlife at 1313 Sherman St., Denver, CO 80203; or e-mailed to **dnr_cpwcommission@state.co.us.**

Use of Consent Agenda:

In order to increase the Parks and Wildlife Commission's efficiency and allow more time for consideration of parks and wildlife policy and contested issues, some or all of this regulatory agenda may be listed for action by the Commission as part of a "Consent Agenda" for this meeting.

The process for placing matters on the Consent Agenda is as follows:

The Director identifies matters where the recommended action follows established policy or precedent, there has been agreement reached or the matter is expected to be uncontested and non-controversial.

Regulatory Matters on the Consent Agenda are noticed for hearing at the same time and in the same manner as other Consent Agenda items. If a member of the Commission requests further consideration of an item on the Consent Agenda, that item will be withdrawn from the Consent Agenda and discussed at the end of the meeting or at the next meeting. The Consent Agenda may be voted on without the necessity of reading individual items. Any Commission member may request clarification from the Director of any matter on the Consent Agenda.

OTHER AGENDA ITEMS: The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda may be viewed on the Division of Parks and Wildlife's internet home page at **http://cpw.state.co.us**, on or after **November 5, 2018.**