

November 30, 2018

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
January 9-10, 2019**

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 **January 9-10, 2019. The Parks and Wildlife Commission meeting will be held at the offices of Colorado Parks and Wildlife, Hunter Education Building, 6060 Broadway, Denver, CO 80216. 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 - January 9-10, 2019, beginning at 8:30 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the January 2019 Parks and Wildlife Commission meeting: March 2, 2019, unless otherwise noted.

**CITIZEN PETITION:**

**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-3 ("Furbearers and Small Game, Except Migratory Birds" 2 CCR 406-3) and those related provisions of Chapter W-17 - "Damage Caused by Wildlife" 2 CCR 406-17 necessary to accommodate changes to or ensure consistency with Chapter W-3**

At its January meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to furbearer trapping, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission prohibit the recreational or commercial trapping of bobcats.

The Commission may accept all or a portion of this petition for final action, further consideration or otherwise reject the petition at the January 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.

*\*Please reference the Commission agenda, to be posted on or after December 31, 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>.*

## **FINAL REGULATIONS:**

### **WILDLIFE REGULATIONS**

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

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

- Adjusting the boundaries of Game Management Units (GMU) 56, 57, 58, 581, 69, 691, and 86 to focus on the Arkansas River as a boundary rather than U.S. Hwy 50.
- Adjusting the boundaries of GMUs 3 and 301 by removing Moffat County Road 158 from the boundary unit descriptions.
- Adjusting the boundaries of GMU RBS-05 in accordance with the Herd Management Plan.

#### **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, quotas and manner of take provisions for bighorn sheep and mountain goat.
- Annual changes to season dates, limited license areas, harvest limits and manner of take provisions for mountain lion.
- Changing the big game leftover draw to a big game secondary draw for the 2020 season by removing application restrictions and including bear and pronghorn to the existing species list one could apply for.
- Modifying big game application deadlines.
- Adding an opt-out option for the preference point fee for unsuccessful moose, Rocky Mountain bighorn sheep, and mountain goat applicants, allowing unsuccessful applicants to choose whether they want to pay to receive a preference point/weighted preference point per application.
- Creating a Novice Adult Hunter Outreach program with associated licenses.
- Accommodating novice adult hunting programs through the Ranching for Wildlife program, in addition to youth hunting programs.
- Adding a second Rocky Mountain bighorn sheep hunting season to S42 (Waterton Canyon Herd).
- Making all bear licenses in Data Analysis Units B2, B5, B10, B14, B15, B18 and B19 List B, and all private-land-only bear licenses in B1, B2, B4, B5, B10, B11, B14, B17, B18 and B19 List C starting in 2019.
- Separating GMU 9 antlered rifle deer hunts from GMUs 19 and 191, making one long extended season.
- Creating a special GMU 581 and GMU 69 antlerless deer hunt code around the city of Canon City to alleviate urban deer issues.
- Creating a late antlerless rifle deer season in DAU D-4 (GMUs 7, 8, 9, 19, 191).
- Eliminating late antlerless elk seasons in GMUs 68, 681, 79, 80, and 81.
- Including a portion of GMU 79 in the San Luis Valley damage elk hunt season.
- Including private lands in GMU 82 in the San Luis Valley damage elk hunt season, including an early bull season and an extended bull and cow season.
- Removing private land only designations from limited elk licenses in GMU 83.
- Changing first season (excluding private land only) and fourth season either sex elk licenses in DAU E-16 to antlered and antlerless limited licenses, and limiting over-the-counter archery in DAU E-12 to antlered only.

- Designating late season antlerless elk licenses, and all general rifle antlerless elk licenses in GMU 38 as List B.
- Changing all antlerless licenses (except private-land only licenses) in elk DAUs E-12 and E-16 to List A licenses.
- Converting GMU 55 & 551 fourth season either-sex rifle elk license hunt codes (EE055O4R and EE551O4R) to antlered only hunt codes.
- Deleting the late season public land antlerless hunt code in GMU 61 (EF061L1R) and the late season private land hunt code in GMU 62 (EF062P5R).
- Splitting GMU 53 and GMU 63 combined first season hunt codes (EF053O1R and EM053O1R) into separate applicable hunt codes.
- Eliminating either-sex private land only elk tags in GMU 54 (EE054P1R and EE054P4R).
- Deleting the late season public land antlerless hunt code in GMU 70 (EF070L1R).
- Removing GMU 13-specific antlerless elk hunt codes in the second, third and fourth seasons and adding GMU 13 to hunt codes EF012O2R, EF012O3R and EF011O4R.
- Closing the early antlerless cow elk season in GMU 45.
- Creating a separate hunt code, EF025O1R, for GMUs 25, 26 and 34 for the first rifle antlerless season.
- Expanding the private land only elk harvest opportunity in DAU E-8 and E-13 to include E-7 for the September 1- January 31 private land only season.
- Expanding the GMU 551 pronghorn archery hunt code to include GMU 55.
- Designating new hunt codes for GMU 142 and removing the GMU from hunt codes AM12801M and AF12801M.
- Adding GMU 12 to hunt codes AM023P5R and AF023P5R.
- Adding late season private land only hunt codes to portions of DAU PH13.
- Reopening pronghorn buck hunting in GMU 10.

## **PARKS AND WILDLIFE REGULATIONS**

**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-15**

Open for administrative changes, to insert vendor commission rates for park products into the vendor commission rate tables.

### **DRAFT REGULATIONS**

#### **WILDLIFE REGULATIONS**

**Chapter W-11 - "Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11**

Open for consideration of draft regulations concerning a potential wildlife education license with associated restrictions, as originally requested through a Citizen Petition for Rulemaking.

### **ISSUES IDENTIFICATION**

#### **WILDLIFE REGULATIONS**

**Chapter W-3 - "Furbearers and Small Game, Except Migratory Birds" 2 CCR 406-3**

Open for consideration of annual changes to game bird seasons, excluding turkey, and other small game seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.

**Chapter W-5 - "Small Game -Migratory Game Birds" - 2 CCR 406-5**

Open for consideration of annual changes to waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.

**Chapter W-9 - "Wildlife Properties" 2 CCR 406-9**

Open for annual review of the entire chapter including, but not limited to, generally applicable and property-specific requirements for, or restrictions on use of, wildlife properties controlled by the Division of Parks and Wildlife, including State Trust Lands leased by the Division.

**Chapter W-11 - "Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11**

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife parks, sanctuaries and unregulated wildlife.

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:**

**December 27, 2018,** for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **December 28, 2018.**

Comments received by the Division between noon on **December 27, 2018** and noon on **January 4, 2019** will be provided to the Commission during a second mailing. Comments received after noon on **January 4, 2019** 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](mailto: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 **December 31, 2018**.