



COLORADO

Parks and Wildlife

Department of Natural Resources

1313 Sherman, Room 111
Denver, CO 80203
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TO: Members of the Colorado Parks and Wildlife Commission
FROM: Danielle Isenhardt, Regulations Manager
RE: July 2019 Parks and Wildlife Commission Meeting, Regulatory Items
DATE: July 3, 2019

The regulatory items detailed below are scheduled to be addressed at the Colorado Parks and Wildlife Commission's July 18-19, 2019 meeting in Telluride.

If there are questions about any of the agenda items below, or if additional information is needed, please feel free to contact me at 303-866-3203 ext. 4625.

ISSUE IDENTIFICATION (PARKS):

Agenda Item 9 - Chapter P-1 - "Parks and Outdoor Recreation Lands" (2 CCR 405-1)

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, parks properties controlled by Colorado Parks and Wildlife. Specific considerations include, but are not limited to, the following:

- Removing the horsepower restriction for boaters at Blue Heron Reservoir, while keeping the reservoir limited to no wake operations only.
- Requiring all persons swimming in the Arkansas River within designated whitewater parks in the Arkansas Headwaters Recreation Area to wear a personal floatation device.
- Clarifying regulations related to the maximum number of days visitors may stay at state parks.
- Removing dog restrictions at Harvey Gap State Park.

Agenda Item 10 - Chapter P-7 - "Passes, Permits and Registrations" (2 CCR 405-7)

Open for annual review of the entire chapter including but not limited to, regulations pertaining to eligibility requirements and fees for individual and vehicle park passes, use permits, vessel, snowmobile and off-highway vehicle registrations and license agent requirements. Specific considerations include, but are not limited to, the following:

- Creating a transferable annual hangtag pass for state parks.
- Clarifying regulations related to the primary occupant of campsites.
- Requiring pass holders that receive a senior discount on camping permits to be an occupant of the campsite reserved and to hold the eligible permit at time of occupancy. Additionally, limit senior discounts to one site per day, per pass holder.
- Clarifying what documents will be acceptable as qualifying documentation to prove a "total and permanent" disability for the Columbine Annual Parks Pass.
- Adopting regulations related to qualifying documentation to receive free parks passes for disabled first responders, pursuant to H.B. 19-1080.



Agenda Item 11 - Chapter W-0 - "General Provisions" (2 CCR 406-0)

Open for review of proposed regulations necessary to comply with H.B. 19-1080 and statute 33-4-104.5, including but not limited to, adopting regulations related to qualifying documentation for first responders with a permanent occupational disability to receive free lifetime resident combination small game hunting and fishing licenses.

OTHER AGENDA ITEMS

Agenda Item 14 - Trapping Dispatch Research Update

Informational update to the Commission regarding trapping dispatch rules in other states, including applicable release regulations as requested by the Commission in May 2019.

Agenda Item 16 - Big Game Season Structure Final Recommendations

The 2020-2026 Big Game Season Structure framework will be up for final consideration and adoption by the Commission at the July meeting. Specific regulatory changes for the 2020 hunting seasons will be seen as drafts in November.

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should the 10 horsepower restriction be removed for Blue Heron Reservoir at St. Vrain State Park, while keeping the reservoir limited to no wake operation only?		
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):			
<p>No wake restrictions are very common throughout the country and are well known by boaters. St. Vrain staff has been very astute while observing potential violations of this restriction on the park waters. There have been two citations for wake operations since the opening of the Blue Heron Reservoir in May of 2015; one by a personal watercraft and another by a pontoon boat. Both were unfamiliar with boating regulations in general and were in violation of the no wake, 10hp or less motor restriction, and other more serious safety regulations.</p> <p>Park staff has been lenient on the use of 10hp and greater motors, provided there is no wake output. Most boats must utilize a 10hp or greater motor to launch and reload their boats at the ramp. Rangers have understandably allowed this without question. Rangers have even encouraged the use of these motors when weather is unsafe and boaters are returning quickly to the ramp for safety purposes. A high percent of boats on Blue Heron Reservoir have an outboard motor 10hp or greater to launch and load, and then utilize their electric trolling motors around the reservoir. These boats are almost all competitive style bass fishing boats and the users are very well versed in proper and legal use of motors, and almost exclusively use the boat for trolling while fishing.</p> <p>Blue Heron Reservoir is a trophy bass and catfish fishery and primarily is used by serious warm water anglers. Rangers have also allowed small craft that do not have a trolling motor, but have a 10hp-50hp motor to utilize a restrictor plate and maintain a no wake speed; which they have been able to do every time. The reservoir is less than 82 surface acres and does not promote use of large motors or wake production or towing. The staff sees very little use of larger motor boats such as ski boats, has had zero wakeboard style boats, zero cabin cruisers, and only 1 personal watercraft utilizing the lake. The true spirit behind the regulations on Blue Heron Reservoir were to provide high quality, safe fishing access; a restriction on motor size in addition to the already wakeless designation, does little to affect this intended use, and perhaps to some degree discourages use by the intended target user group. Blue Heron Reservoir is also the only reservoir in the state to restrict both wake speed and horsepower, not one or the other; this includes bodies of water owned and or operated by cities, counties, and federal agencies. Therefore, it is recommended that the regulation be changed to remove the 10hp motor restriction, while maintaining the no wake portion of the regulation.</p>			
STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:			
IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED.			
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):			
<ol style="list-style-type: none"> 1. *Preferred Alternative*: Amend regulation #100.D.33.b. as follows: Only hand or trailer launched vessels with electric or gasoline motors operated at a wakeless speed shall be permitted on Blue Heron Reservoir. 2. Status Quo 			
Issue Raised by:	Scott J. Reffel		
Author of the issue paper (if different than person raising the issue):	Scott J. Reffel		
CC:			
APPROVED FOR FURTHER CONSIDERATION BY:		Mark Leslie	
REQUIRES NEW SPACE IN THE BROCHURE?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION		NE Region	
RECOMMENDED FOR CONSENT AGENDA?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should the Arkansas Headwaters Recreation Area (AHRA) require all persons swimming in the Arkansas River within designated whitewater parks within the AHRA to wear a personal floatation device (pfd)?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p>Chapter P-1 Article I #100 D.1.c. states that swimming is permitted in the Arkansas River from the confluence of the East Fork/Lake Fork of the Arkansas within the boundaries of the Arkansas Headwaters Recreation Area. All persons under the age of 13 swimming in the Arkansas River within the Arkansas Headwaters Recreation Area must wear a properly fitting U.S.Coast Guard approved wearable personal floatation device.</p> <p>Chapter P-1 Article I #100 D.1.e. states that innertubes, air mattresses, and similar devices are permitted on the Arkansas River from the confluence of the East Fork/Lake Fork of the Arkansas within the boundaries of the Arkansas Headwaters Recreation Area. All occupants of these devices must wear a properly fitting U.S.Coast Guard approved wearable personal floatation device.</p> <p>Four whitewater parks are located within this stretch of the Arkansas River. Inner tubes, air mattresses, and similar devices are utilized almost exclusively within AHRA designated whitewater parks. It seems contradictory to require personal floatation devices (pfd's) on all occupants of these devices and not require all persons swimming at these locations to also wear a pfd.</p>	
<p>STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:</p> <p>*IT IS ASSUMED THAT ALL NECESSARTY INTERNAL PARTIES HAVE BEEN NOTIFIED*.</p>	
<p>The impacted external public are those visitors within the AHRA age 13 and over who swim within designated whitewater parks. This issue paper is intended to clean up this contradictory public safety language.</p> <p>Internal impacts include the following:</p> <ul style="list-style-type: none"> • Staff will no longer have to explain to the public why all persons on an inner tube, air mattress, and/or similar device within a designated whitewater park is required to wear a pfd while someone age 13 or older swimming in the same body of water is not required to do so. • Staff will no longer have to try to determine who should be wearing a pfd while swimming within a designated whitewater park and who is exempt (13 years of age or older). • Staff should have less issues enforcing pfd related regulations within designated whitewater parks because all people swimming will be wearing a pfd (adults will model pfd example for all aged children). • Staff should experience fewer near miss and/or drownings. 	

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
<p>*Preferred Alternative*: Swimming is permitted in the Arkansas River from the confluence of the East Fork/Lake Fork of the Arkansas within the boundaries of the Arkansas Headwaters Recreation Area. All persons swimming within designated whitewater parks and all persons under the age of 13 swimming outside of designated whitewater parks in the Arkansas River within the Arkansas Headwaters Recreation Area must wear a properly fitting U.S.Coast Guard approved wearable personal floatation device.</p> <p>1. Swimming is permitted in the Arkansas River from the confluence of the East Fork/Lake Fork of the Arkansas within the boundaries of the Arkansas Headwaters Recreation Area. All persons under the age of 13 swimming in the Arkansas River within the Arkansas Headwaters Recreation Area must wear a properly fitting U.S.Coast Guard approved wearable personal floatation device.</p> <p>2. Status quo.</p>	
Issue Raised by:	Arkansas Headwaters Recreation Area
Author of the issue paper (if different than person raising the issue):	Rob White
CC:	Brad Henley
APPROVED FOR FURTHER CONSIDERATION BY:	BRAD HENLEY
REQUIRES NEW SPACE IN THE BROCHURE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	SE Region
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should P-01 #100.C.4.a be updated to clarify the consecutive stay rule?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p><u>Current language:</u> “No person may camp or park a motor vehicle, trailer or camper on a state park for more than fourteen (14) days in any forty-five (45) day period, except that extensions totaling no more than a maximum of fourteen (14) additional days may be permitted.”</p> <p><u>Issue:</u> Currently, some parks customers stay longer than the 14-day period by making additional reservations under another person’s name or information. The current regulation therefore needs more specificity to help address this issue during the reservation process and on the park.</p> <p>Additionally, while allowing the park manager to extend the number of days limit based on their discretion is a valuable tool, allowing only a one-time exception keeps the practice from being over-utilized.</p> <p>Lastly, a 45-day period is difficult to track in the reservation system, which tracks reservations on a monthly basis. Therefore, switching to a 28-day period vs. a 45-day period will help ensure consistency between the regulation and the reservation system.</p> <p><u>Recommended update:</u> Camping is limited to any 14 days within a 28-consecutive day period at a single park, except that the park manager (as a one-time exception) may grant extensions totaling no more than a maximum of 14 additional days. This limit applies to any individual and/or group. A group may include any collection of individuals who has/have occupied a site or sites on the park, whether or not they are formally listed on the reservation as the reserving party or primary occupant, or a formal organization. This limit does not apply to multiple sites reserved for the same day by an individual or group pursuant to regulation P-07 #704.2</p>	
<p>STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:</p> <p>*IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.</p> <p>Camping customers. No formal public input process has occurred as this is an ongoing law enforcement issue.</p>	
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
<p>1. *Preferred Alternative*: No individual may camp or park a motor vehicle, trailer or camper on a state park for more than fourteen (14) days in any twenty-eight (28) day period on a single park, except that extensions totaling no more than a maximum of fourteen (14) additional days may be permitted by the park manager, as a one-time exception. An individual is defined as any person who has occupied a site, whether or not they are formally listed on the reservation as the reserving party or primary occupant. This limit does not apply to multiple sites reserved for the same day by an individual or group pursuant to regulation P-07 #704.2</p> <p>2. Status quo</p>	
Issue Raised by:	Regional park staff & customers
Author of the issue paper	Devon Adams

(if different than person raising the issue):	
CC:	Brad Henley, Windi Padia, Jacob Brey, Kirstin Copeland, Heath Kehm, Dean Riggs
APPROVED FOR FURTHER CONSIDERATION BY:	Cory Chick
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Regions and Licensing
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should the special restrictions limiting dogs at Harvey Gap State Park be eliminated?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p>Under park specific regulations for Harvey Gap State Park, regulation #100-D-13(a) states: No dogs or other pets shall be permitted except when used for hunting during the period beginning the Tuesday after Labor Day and continuing through the Friday prior to Memorial Day.</p> <p>The reason this regulation was implemented many years ago was in response to farmers and ranchers who had filled their water tanks at the reservoir. Often times, uncontrolled dogs would interfere with water collection and Farmer's Irrigation Company as well as Silt Water Conservancy requested this regulation be added.</p> <p>This practice of filling water tanks at the reservoir no longer exists and therefore the regulation is no longer necessary.</p> <p>Over the years, the enforcement of this regulation has been challenging for our rangers. Since, most other state parks, including nearby Rifle Gap and Rifle Falls State Parks allow leashed dogs, we were constantly informing visitors that they could not have their dogs at Harvey Gap, often leading to very disgruntled visitors. If we can eliminate this regulation, we would be consistent with these other State Parks and we can avoid confusion with our visitors.</p>	
STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:	
IT IS ASSUMED THAT ALL NECESSARTY INTERNAL PARTIES HAVE BEEN NOTIFIED.	
<p>We have had several conversations with members of the Silt Water Conservancy Board over the years regarding allowing dogs at Harvey Gap. Individually, none of the members had issues with us allowing dogs at Harvey Gap. In December 2018, we presented at their board meeting, asking if they had any issue with us removing this regulation. None of the board members were in opposition of us removing this regulation.</p> <p>The other stakeholders affected by this are the visitors. We have had many comments from visitors saying that we should allow dogs at Harvey Gap. Overall, they will be very pleased with this change in regulation.</p>	
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
<ol style="list-style-type: none"> 1. *Preferred Alternative*: Remove special regulation #100-D-13(a): No dogs or other pets shall be permitted except when used for hunting during the period beginning the Tuesday after Labor Day and continuing through the Friday prior to Memorial Day. 2. Status Quo- No change to regulation. 	
Issue Raised by:	Brian Palcer and Matt Schuler
Author of the issue paper (if different than person raising the issue):	Brian Palcer
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	
	JT ROMATZKE
REQUIRES NEW SPACE IN THE BROCHURE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	NW Region
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO