

September 30, 2019

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
November 14-15, 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 **November 14-15, 2019. The Parks and Wildlife Commission meeting will be held at the Elks Lodge, 36355 US 385, Wray, CO 80758. 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 14-15, 2019, beginning at 8:30 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the November 2019 Parks and Wildlife Commission meeting: January 1, 2020, unless otherwise noted.

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

At its November meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to a new discounted license combination, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission create a reduced price senior small game and fishing combination license priced at \$28.

Chapter W-2 - "Big Game" - 2 CCR 406-2

At its November meeting, the Parks and Wildlife Commission will consider Citizen Petitions for Rulemaking related to big game, as follows:

- Two separate Citizen Petitions for Rulemaking requesting that the Commission allow the use of stone broadheads/projectiles for archery hunting.
- A Citizen Petition for Rulemaking requesting that the Commission allow the use of an atlatl for big game hunting during archery and other big game seasons.

**Please reference the Commission agenda, to be posted on or after November 4, 2019, 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>.*

- A Citizen Petition for Rulemaking requesting that the Commission make Game Management Unit (GMU) 83 limited for elk hunting during the second and third regular rifle seasons.

Chapter W-2 – “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-16 (“Parks and Wildlife Procedural Rules” - 2 CCR 406-16) necessary to accommodate changes to, or ensure consistency with, Chapter W-2

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

- A Citizen Petition for Rulemaking requesting that the Commission allow the sale of all returned big game licenses at all licensing vendors and online, even after a season has started.

The Commission may accept all or a portion of these petitions for final action, further consideration or otherwise reject the petition(s) at the November Commission Meeting. A copy of any petition may be obtained by contacting Krista Heiner, Regulations Manager, Colorado Parks and Wildlife at (303) 866-3203 ext. 4609.

FINAL REGULATIONS

PARK REGULATIONS

Chapter P-7 – “Passes, Permits, and Registrations” 2 CCR 405-7

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

- Setting the platform for the future issuance of electronic parks passes, including adding a definition of a “parks pass” to regulation.
- Creating a transferable annual parks pass.

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 annual review and final consideration of regulations including, but not limited to, adjusting license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.

Chapter W-0 - “General Provisions” - 2 CCR 406-0

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

- Updating the annual license year regulation to address dual license year concerns.
- Adding electronic licenses to the definition of a license, to allow for the future issuance of electronic licenses.

Chapter W-1- "Fishing" 2 CCR 406-1 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter W-9 ("Wildlife Properties" 2 CCR 406-9) necessary to accommodate changes to or ensure consistency with Chapter W-1

Open for annual review and final consideration of the entire chapter including, but not limited to, consideration of regulations regarding season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state. Specific considerations include, but are not limited to, the following:

- Extending the spring fishing closure to March 15 through May 31 on Canyon Creek, Grizzly Creek, No Name Creek, Fourmile Creek, and Threemile Creek and their confluence with middle Colorado River and lower Roaring Fork River.
- Implementing a new spring and fall spawning closure on Elk Creek and its confluence with the Colorado River from March 15 through May 15 and from October 1 through November 30.
- Implementing artificial flies and lures only and catch and release regulations on a 2.1 mile stretch of the Uncompahgre River within the City of Montrose.
- Establishing a catch and release regulation for all bass and a bag and possession of one channel catfish on Valco Ponds #4-7.

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

Open for annual review and final consideration of regulations regarding turkey hunting, including but not limited to, license areas and limited license numbers, season dates, and manner of take provisions for the 2020 turkey hunting seasons. Specific considerations include, but are not limited to, the following:

- Extending the spring turkey season through May 31 annually.
- Converting spring turkey hunting licenses for GMU 30 from limited to unlimited.
- Creating a new, private land only, limited spring turkey hunt code for GMU 23.

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

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

- Establishing property-specific regulations and reservation requirements for Flanders Ranch State Wildlife Area.
- Adding Brett Gray Ranch, Queens and Pawnee Valley to the general State Trust Lands provisions index table.
- Revising current regulation to conform to state and federal disability law.

Chapter W-17 - " Damage Caused by Wildlife" 2 CCR 406-17 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter W-3 ("Furbearers and Small Game, except Migratory Birds" 2 CCR 406-3) necessary to accommodate changes to or ensure consistency with Chapter W-17

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

- Establishing dispatch rules for live-trapped wildlife.
- Revising trapping regulations to maintain consistency with Colorado Department of Agriculture rules.

- Revising dog hazing of geese regulations to allow year round hazing as long as no geese or killed or injured in the process.

DRAFT REGULATIONS

WILDLIFE REGULATIONS

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 consideration of draft regulations necessary to implement the approved 2020-2024 Big Game Season Structure Framework.

ISSUES IDENTIFICATION

PARKS REGULATIONS

Chapter P-7 – "Passes, Permits and Registrations" 2 CCR 405-7 and those related provisions of Chapter P-1 ("Parks and Outdoor Recreation Lands" 2 CCR 405-1) necessary to accommodate changes to or ensure consistency with Chapter P-7.

Open for consideration of regulations including, but not limited to:

- Increasing fees for daily vehicle park passes by \$1.
- Adding parks for which the individual daily pass fee of \$4 per person applies.
- Expanding the Division's ability to issue Special Activity Permits to commercial users.

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0 and those related provisions of Chapter W-5 ("Small Game – Migratory Birds" 2 CCR 406-5) necessary to accommodate changes to or ensure consistency with Chapter W-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

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

- Annual changes to season dates, limited license areas 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:**

October 31, 2019, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 1, 2019.**

Comments received by the Division between noon on **October 31, 2019** and noon **November 8, 2019** will be provided to the Commission during a second mailing. Comments received after noon on **November 8, 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**.

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 4, 2019**.