

AGENDA
PARKS AND WILDLIFE COMMISSION MEETING
November 14-15, 2019

Elks Lodge #2409

36355 US-385

Wray, CO

Phone: 970.332.4907



Thursday: November 14th

| <u>#</u> | <u>Time</u> | <u>AGENDA ITEM</u> |
|----------|-------------|--|
| | 7:30 | Commissioners Breakfast @ Cobblestone Inn |
| | 8:00 | Financial Sub-Committee Meeting |
| 1 | 8:30 (I) | Pledge of Allegiance |
| 2 | 8:35 (A) | Michelle Zimmerman, Approve Minutes of the September 5-6, 2019 Parks and Acting Chair Wildlife Commission Meeting and October 3 Subcommittee Meeting |
| 3 | 8:40 (I) | Michelle Zimmerman, Corrections to Agenda Acting Chair Corrections/Removal of Consent Agenda Topics |
| 4 | 8:45 (I) | Michelle Zimmerman, Commissioner's Questions and Comments Acting Chair |
| 5 | 9:00 (I) | Dan Gibbs, Department of Natural Resources Update DNR Executive Director |
| 6 | 9:10 (I) | Kate Greenberg, Department of Agriculture Update Dept. of Ag. Commissioner |
| 7 | 9:20 (I) | Dan Prenzlów, Director's Comments CPW Director |
| 8 | 9:30 (I) | Justin Rutter, Financial Update AD for Financial Services |
| | 9:50 | Break |

Final Regulations

| | | |
|---|-----------|---|
| 9 | 10:05 (A) | Danielle Isenhardt, Chapter P-7 - "Passes, Permits, and Registrations" 2 License, Pass and Reservations CCR 405-7 (Step 2 of 2) Section Manager |
| | | Open for final consideration of regulations including, but not limited to, the following: |

Continued on following page

- 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.
- 10 10:25 (A) Danielle Isenhardt,
License, Pass and Reservations
Section Manager 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 (“Division 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 (Step 2 of 2)
- 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.
- 11 10:30 (A) Danielle Isenhardt,
License, Pass and Reservations
Section Manager Chapter W-0 - “General Provisions” - 2 CCR 406-0 (Step 2 of 2)
- 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.
- 12 10:40 (A) Danielle Isenhardt,
License, Pass and Reservations
Section Manager Chapter W-1- “Fishing” 2 CCR 406-1 (Step 2 of 2)
- 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.

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| 13 | 10:50 | (A) | Danielle Isenhart, License, Pass and Reservations Section Manager | Chapter W-3 - "Furbearers and Small Game, except Migratory Birds" 2 CCR 406-3 (Step 2 of 2) |
| | | | | <p>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:</p> <ul style="list-style-type: none"> • 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. |
| 14 | 10:55 | (A) | Danielle Isenhart, License, Pass and Reservations Section Manager | Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 (Step 2 of 2) |
| | | | | <p>Open for consideration of final regulations including, but not limited to, the following:</p> <ul style="list-style-type: none"> • 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 regulations to conform to state and federal disability law. |
| 15 | 11:00 | (A) | Danielle Isenhart, License, Pass and Reservations Section Manager | 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 (Step 2 of 2) |
| | | | | <p>Open for consideration of final regulations including, but not limited to, the following:</p> <ul style="list-style-type: none"> • 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 are killed or injured in the process. |
| 16 | 11:10 | (I) | Emily Orbanek, Parks & Wildlife Program Manager, GOCO | GOCO Update and Strategic Plan |
| 17 | 11:40 | (I) | Mark Leslie, NE Region Manager | Awards and Recognition |
| | 11:50 | | | Lunch |

Citizen Petition

18 12:50 (I/A) Krista Heiner,
Regulations Manager
Robert Quintana,
Maclovio Gallegos,
Crystal Quintana,
Frank Kuhn,
Petitioners

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:

- 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.

Issues Identification

19 1:05 (I) Krista Heiner,
Regulations Manager

Chapter W-2 - "Big Game" 2 CCR 406-2 (Step 1 of 2)

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

- Limiting second and third rifle elk seasons in GMU 83.
- Expanding the Rabbit Mountain antlerless elk hunt code boundary.
- Converting certain antlered elk hunt codes in E-2 to either-sex elk hunt codes, and creating a separate hunt code for GMU 214.
- Adding GMU 591 to the list of elk antler point restricted units.
- Separating GMUs 59 and 581 for private-land-only antlerless elk hunt codes and eliminating unnecessary hunt codes for E-23.
- Adding archery, muzzleloader and rifle antlerless moose hunt codes east of the Peak-to-Peak Highway in GMU 38.
- Separating GMU 361 from GMU 36 for antlered moose hunt codes and creating antlerless moose hunt codes for both units.
- Converting the antlered moose license in GMU 65 to an either-sex license.
- Adding a ram bighorn sheep archery season to S-66.
- Eliminating the ewe bighorn sheep season in S-35.
- Creating two ram bighorn sheep rifle seasons in S-15 and changing the dates of the ewe bighorn sheep season in S-15 accordingly.
- Adding a second archery season for bighorn sheep in S-69.
- Adding a rifle hunt code for ram bighorn sheep in S-70 and removing S-70 from the current archery hunt code.
- Creating nanny-only mountain goat licenses for all rifle seasons in G-10.
- Combining the four individual nanny-only mountain goat rifle seasons in G-15 into one nanny-only season concurrent with the four either-sex mountain goat rifle seasons in G-15.
- Opening GMU 471 to mountain lion hunting, combining GMU 45 and 44 into one hunt code, and combining GMUs 47, 43 and 471 into one hunt code.

Continued on following page

- Splitting GMU 76 from GMUs 79 and 791 to create two separate mountain lion hunt codes.
- Creating list B, private-land-only, mule-deer-only, antlered rifle licenses for a subunit of GMU 951.
- Adding private-land-only either-sex deer hunt codes for GMUs 62, 64, 65 and 411.
- Adding second and third season rifle antlerless deer hunt codes in GMUs 55, 66, 67 and 551.

20 1:45 (I/A) Krista Heiner,
Regulations Manager

Chapter W-2 - "Big Game" 2 CCR 406-2 (Step 1 of 2)

- Discussion on limiting archery elk licenses in E-16, E-24, E-30, and E-31 and potential associated 2020-2024 Big Game Season Structure (BGSS) changes.

21 2:10 (I) Krista Heiner,
Regulations Manager

Chapter P-7 - "Passes, Permits and Registrations" 2 CCR 405-7 (Step 1 of 2)

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

- Increasing fees for daily vehicle park passes by \$1.

22 2:20 (I) Brett Ackerman,
SE Regional Manager
Heather Dugan,
Assistant Director, Law
Enforcement

Department of Interior Wildlife Officials Exchange Program

23 2:30 (I) John Frano,
Draw Coordinator

Secondary Draw Update

24 2:40 (I) Ed Gorman,
Small Game Manager

Walk-In Access Programs

25 3:00 (I) Ed Gorman,
Small Game Manager

Walk-In Access Field Tour

5:00

Recess

Friday: November 15th

7:30

Commissioner's Breakfast @ Cobblestone Inn

Citizen Petitions

26 8:30 (I/A) Krista Heiner,
Regulations Manager
Ken Montgomery,
Petitioner

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.

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| 27 | 8:45 | (I/A) | Krista Heiner, Regulations Manager Devin Pettigrew, Petitioner | 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: <ul style="list-style-type: none"> • 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. |
| 28 | 9:15 | (I/A) | Krista Heiner, Regulations Manager Justin Moore, Petitioner, Colorado Leftover Watch | 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: <ul style="list-style-type: none"> • 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. |
| 29 | 9:30 | (I) | Andy Neinas, Colorado Wildlife Council Chair | Colorado Wildlife Council Campaign Report |
| | 9:50 | | | Break |
| 30 | 10:05 | (I) | Craig Workman, Capital Program Manager | Annual Capital Program Update |
| 31 | 10:25 | (I) | Mark Leslie, NE Region Manager | Update on Pathways Workshop |
| 32 | 10:45 | (I) | Katie Lanter, Policy and Planning Supervisor | Strategic Plan Progress Report and Future Generations Act Report |
| 33 | 11:15 | (I/A) | Reid DeWalt, Assistant Director, Wildlife and Natural Resources | Commission Resolution Supporting the Executive Order for Conserving Colorado's Big Game Habitat and Winter Range |
| 34 | 11:30 | (I/A) | David Klute, Species Conservation Unit Supervisor | Recovering America's Wildlife Act Update and Commission Resolution Supporting House Bill |
| | 11:45 | | | Lunch |
| 35 | 12:45 | (A) | Steve Cooley, Hearing Examiner Steve Byrd, Appellant | License Suspension Appeal Byrd, Steve B, Case # DEN 8718, 5 Years |
| 36 | 1:00 | (A) | Michelle Zimmerman, Acting Chairperson | Consent Agenda |

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|----|------|-------|--|---|
| 37 | 1:05 | (I) | | Public Comments, Input and Presentations |
| 38 | 1:25 | (I) | Amanda Nims, Land Protection Specialist | Colorado Wildlife Habitat Program / RFP: 2019 Public Presentation |
| 39 | 1:35 | (I/A) | Jake Matter, Assistant Attorney General | Legal Report <ul style="list-style-type: none"> • Executive Session: To consider the purchase of private property for public purposes, including Crazy French Ranch and 2019 RFP projects, and to receive legal advice concerning the case captioned State of Colorado v. 5 Star Feedlot, 2019COA162, as authorized by the Open Meetings Law, § 24-6-402(3)(a)(I)(II) and (III). |
| 40 | 2:50 | (A) | Brett Ackerman, SE Region Manager | Crazy French Ranch Final Vote as fee title acquisition |
| 41 | 2:55 | (A) | Amanda Nims, Land Protection Specialist | RFP: 2019 Final Vote |
| 42 | 3:00 | (I/A) | Michelle Zimmerman, Acting Chairperson | Election/Discussion of 2020 Commission Officers |
| | 3:15 | | | Adjourn |

"Except the time indicated for when the meeting is scheduled to begin, the times indicated on the Commission agenda for each agenda item are approximate and subject to change. Generally, upon completion of each agenda item, the Commission will immediately move to the next agenda item. However, the order of the agenda items is tentative and, when necessary to accommodate the public and Commission's schedules, the order of the agenda items is also subject to change."

"Members of the public wishing to provide comment to the Parks and Wildlife Commission on any topic not otherwise on the agenda can do so during the "Public Presentations" agenda item. However, comments are limited to no more than 3 minutes of time in which to address the Commission and all persons must submit a "Request to Speak before the Parks and Wildlife Commission" (blue) slip indicating the topic for comment prior to the start of the "Public Presentations" agenda item.

Persons wishing to provide a presentation to the Parks and Wildlife Commission that exceeds 3 minutes in length or requires the use or provision of specialized equipment (slide show, power point, video, etc.) must submit a written request to the Chairman of the Commission at least thirty days in advance of the Commission meeting setting forth the subject matter of the presentation, the time requested and the equipment needed for the presentation. The granting of such requests is up to the discretion of the Chairman of the Commission.

In all cases, the Parks and Wildlife Commission appreciates and encourages the provision of written materials on the subject matter of the comment or presentation prior to the meeting in question."

NOTE: All programs, services and activities of Colorado Parks and Wildlife are operated in compliance with the Americans with Disabilities Act. If you need an accommodation as a result of a disability, please submit your request to Tracy Gripp, Colorado Parks and Wildlife, 6060 Broadway, Denver, CO 80216 or 303-291-7485 or tracy.gripp@state.co.us. To assure that Colorado Parks and Wildlife can meet your needs, please notify Tracy Gripp of your request at least seven working days prior to the scheduled event.

36 (A) Consent Agenda

**Proposed Parks and Wildlife Commission Consent Agenda
November 14th and 15th, 2019**

In order to increase the Parks and Wildlife Commission’s efficiency and allow more time for consideration of wildlife policy and contested issues, the listed items are noticed for action by the Commission as part of the November, 2019 “Consent Agenda.”

Note: 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. Staff will provide written memos to the Parks and Wildlife Commission members explaining the matters on the Consent Agenda. Copies of the memos will be available to the public.

Matters on the Consent Agenda are noticed for hearing at the same time and in the same manner as other 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 and acted upon as determined by the Commission. The Consent Agenda may be voted on without the necessity of reading individual items. Any Commission member may request clarification from the Director for any matter on the Consent Agenda.

Real Estate

| 36.1 | (A) <u>Project #</u> | <u>Project Name</u> |
|------|----------------------|--|
| | 19-008 NE | Barr Lake SP - Ironhorse Exploration LLC - O&G Lease |

Habitat Partnership Program - Program Nominations

| 36.2 | (A) <u>Name</u> | <u>Representing</u> | <u>Committee Name</u> | <u>Background</u> | <u>Starting Date</u> |
|------|-----------------|---------------------|-----------------------|----------------------|----------------------|
| | Scott Nilson | BLM | Mount Blanca | Replacing Paul Minow | Upon Appointment |

License Suspension Appeals

| 36.3 | (A) <u>Name</u> | <u>Case #</u> | <u>Suspension</u> |
|------|---------------------------|---------------|-------------------|
| | a. O’Neill, Joshua R. | SAL 8535 | 1 Year |
| | b. Strickland, Timothy E. | MON 8537 | 10 Years |
| | c. Tapia, Gerard L. | Den 8592 | 2 Years |

Issues Identification

36.6 (I) 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) and Chapter W-2 (“Big Game” 2 CCR 406-2) 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:

- Adding the letter X to the list of hunt code manners of take to denote season choice licenses.
- Authorizing the use of a TAN number as valid documentation of Colorado Waterfowl and Federal Duck Stamp purchase for up to 14 days from date of purchase.
- Updating the counties listed for the boundary description of GMUs 20 and 521.
- Modifying the GMU boundaries for S-11, S-13, S-17 and S-26 to follow roads and trails rather than river drainages.
- Combining mountain goat units G-3 and G-13 into a single GMU that matches the current boundary for sheep unit S-11 and updating the related hunt codes.

36.7 (I) Chapter W-2 - "Big Game" 2 CCR 406-2

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

- Designating all general bear licenses in B-6 as list B, and all private-land-only bear licenses as list C.
- Amending the boundary description for the private-land-only deer hunt codes in GMU 38.
- Converting archery deer licenses in D-15 from either-sex to antlered.
- Increasing the late antlerless elk hunt season length in the Jefferson County portion of GMU 38 from December 1st to January 31st to September 1st to January 31st.
- Extending the closing date for the private-land-only antlerless elk hunt in GMUs 3, 4, 5, 301 and 441 to December 31st, removing GMU 214 from EF003P5R and removing GMU 441 from EF014P5R.
- Adding a private-land-only late antlerless elk season in GMU 42.
- Removing the elk 4-point antler restriction for all San Luis Valley game damage hunt codes.
- Removing the GMU boundary split for antlerless elk in the 2nd, 3rd and 4th rifle seasons in GMU 521, and updating the applicable hunt codes.
- Removing the private-land-only either-sex elk hunt code in GMU 38.
- Separating GMUs 50 and 501 from current moose hunt codes and creating new moose hunt codes that include GMUs 50, 51, 59, 501, 511, and 581.
- Creating antlerless moose licenses for GMU 76.
- Extending the pronghorn season in GMUs 9 and 191 to the end of January.

Habitat Partnership Program - Distribution Management Plans

- 36.8 (A) White River HPP - Amendments
- 36.9 (A) Republican Rivers HPP - Amendments
- 36.10 (A) Northwest CO HPP - Amendments
- 36.11 (A) San Luis Valley HPP - Amendments

End of Consent Agenda