

July 31, 2019

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
September 5-6, 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 **September 5-6, 2019. The Parks and Wildlife Commission meeting will be held at Colorado Mountain College - Rifle, 3695 Airport Road, Rifle, CO 81650. 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 – September 5-6, 2019, beginning at 8:30 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the September 2019 Parks and Wildlife Commission meeting: November 1, 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-1- "Fishing" - 2 CCR 406-1

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

- A Citizen Petition for Rulemaking requesting that the Commission prohibit barbed hooks for fishing in established catch and release waters.

The Commission may accept all or a portion of this petition for final action, further consideration or otherwise reject the petition at the September Commission Meeting. A copy of any petition may be obtained by contacting Katie Lanter, Policy and Planning Supervisor, Colorado Parks and Wildlife at (303) 866-3203 ext. 4601.

FINAL REGULATIONS

PARK REGULATIONS

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1

**Please reference the Commission agenda, to be posted on or after August 26, 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>.*

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

- Removing the horsepower restriction for boaters at Blue Heron Reservoir, while keeping the reservoir limited to no wake operations.
- Requiring all persons swimming 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.

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

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

- 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 reservation and occupancy. Additionally, limit senior discounts to one site per day, per pass holder.
- Clarifying what documents will be accepted to prove a "total and permanent" disability for eligibility to receive 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.

WILDLIFE REGULATIONS

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

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

- Clarifying what documents will be accepted to prove a "total and permanent" disability for eligibility to receive lifetime resident fishing licenses.
- Adopting regulations related to qualifying documentation to receive free resident combination small game hunting and fishing licenses for disabled first responders, pursuant to H.B. 19-1080.
- Clarifying what documents will be accepted as qualifying documentation for veteran's lifetime combination small game hunting and fishing licenses.

DRAFT REGULATIONS

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-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 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.

ISSUES IDENTIFICATION

PARK REGULATIONS

Chapter P-3 – “River Outfitters” – 2 CCR 405-3

Open for annual review of the entire chapter including, but not limited to, consideration of regulations regarding river outfitter requirements.

WILDLIFE REGULATIONS

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 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.

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

Open for annual review of regulations regarding turkey hunting, including but not limited to, license areas, season dates, and manner of take provisions for the 2020 turkey hunting seasons.

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 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.

Except for the day 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. Rm. 111, 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:**

August 22, 2019, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **August 23, 2019**.

Comments received by the Division between noon on **August 22, 2019** and noon on **August 30, 2019**, will be provided to the Commission two business days before the meeting.

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. Rm. 111, 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 can be viewed on the Division of Parks and Wildlife's internet home page at **http://cpw.state.co.us**, on or after **August 26, 2019**.