

November 27, 2019

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
January 15-16, 2020**

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 15-16, 2020. 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 15-16, 2020, beginning at 8:30 a.m.*

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

FINAL REGULATIONS

PARKS REGULATIONS

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

Open for final review of regulations including, but not limited to:

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

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), 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, and regulatory changes based on a Citizen Petition for Rulemaking. Specific regulatory changes include, but are not limited to the following:

- Creating a senior small game and fishing combination license.
- Adding electronic licenses to the definition of a license, to allow for the future issuance of electronic licenses.

**Please reference the Commission agenda, to be posted on or after January 6, 2020, 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>.*

- 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.

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, and implementation of the approved 2020-2024 Big Game Season Structure Framework. Specific regulatory changes include, but are not limited to the following:

- 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, and manner of take provisions for deer, elk, pronghorn antelope, moose and bear.
- Annual changes to season dates, limited license areas, harvest limits and manner of take provisions for mountain lion.
- Creating limited, sex-specific (limited bull/limited cow) licenses for archery elk hunting in E-16, E-24, E-30, and E-31.
- 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.

- 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.
- 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.

ISSUES IDENTIFICATION

PARKS AND WILDLIFE 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:

- Expanding the Division’s ability to issue Special Activity Permits to commercial users.

Chapter P-4 - “Snowmobile Regulations” 2 CCR 405-4

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to registration and required safety equipment of snowmobiles.

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 and those related provisions of Chapter W-9 (“Wildlife Properties” 2 CCR 406-9) and Chapter P-1

("Parks and Outdoor Recreation Lands" 2 CCR 405-1) necessary to accommodate changes to or ensure consistency with Chapter W-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 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 W-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.

Chapter W-16 – "Parks and Wildlife Procedural Rules" 2 CCR 406-16

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

- Revising the process by which the Division and the Commission respond to citizen petitions for rulemaking.

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:**

January 2, 2020, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **January 3, 2020.**

Comments received by the Division between noon on **January 2, 2020** and noon **January 10, 2020** will be provided to the Commission during a second mailing. Comments received after

noon on **January 10, 2020** 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 **January 6, 2020**.