



COLORADO

Parks and Wildlife

Department of Natural Resources

1313 Sherman, Room 111
Denver, CO 80203
P 303.866.3203

TO: Members of the Colorado Parks and Wildlife Commission
FROM: Krista Heiner, Regulations Manager
RE: July 16-17, 2020 Parks and Wildlife Commission Meeting, Regulatory Items
DATE: July 2, 2020

The regulatory items detailed below are scheduled to be addressed at the Colorado Parks and Wildlife Commission's July 16-17, 2020 meeting in Durango and/or virtually.

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 x4609.

EMERGENCY REGULATIONS (WILDLIFE):

Agenda Item 10 - Chapter W-0 - "General Provisions" 2 CCR 406-0

Open for consideration of emergency regulations necessary to temporarily reauthorize the use of a TAN as proof of privilege for most Division products for up to 45 days and to temporarily reauthorize offering hunter education completely online.

FINAL REGULATIONS (PARKS and WILDLIFE):

Agenda Item 11 - Chapter P-3 - "River Outfitters" - 2 CCR 405-3

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

- Increasing the fee for river outfitter licenses.

Agenda Item 12 - Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7

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

- Creating the 'Independence Parks Pass' for disabled veterans, pursuant to Senate Bill 20-069.

Agenda Item 13 - Chapter W-3 - "Furbearers and Small Game, except Migratory Birds" - 2 CCR 406-3

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

- Requiring the purchase of either a furbearer license, or a furbearer permit in addition to a small game license, for the avocational harvest of all furbearer species except coyotes.
- Closing the 2020 hunting season for greater sage-grouse in Game Management Units 4 and 5 pursuant to thresholds set forth in the Northwest Colorado Greater Sage-grouse Conservation Plan.

Agenda Item 14 - Chapter W-9 - "Wildlife Properties" - 2 CCR 406-9



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

- Corrections to 2020 Public Access Program enrollment, property names and administrative clean-ups.

ISSUE IDENTIFICATION (PARKS and WILDLIFE):

Agenda Item 15 - Chapter P-1 - "Parks and Outdoor Recreation Lands" - 2 CCR 405-1 and those related provisions of Chapter W-5 ("Small Game - Migratory Game Birds" - 2 CCR 406-5) necessary to accommodate changes to or ensure consistency with Chapter P-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:

- Managing limited waterfowl hunting opportunities at Sweitzer Lake State Park through the Hunting Reservation System.

Agenda Item 16 - 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:

- Requiring a \$4 daily pass per person for all visitors sixteen years of age or older entering Castlewood, Eleven Mile, Golden Gate Canyon, Jackson Lake, John Martin Reservoir, Lathrop, Mancos, Mueller, Navajo, North Sterling, Ridgway, Roxborough, Paonia, Spinney Mountain, Staunton, and St. Vrain State Parks, except those entering the park in a motor vehicle, with a valid annual parks pass or state parks annual transferable pass.

Agenda Item 17 - Chapter W-16 - "Parks and Wildlife Procedural Rules" 2 CCR 406-16

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

- Revising refund and reissue regulations to provide more consistency and customer service opportunities.

Agenda Item 18 - License Reissue Working Group Recommendations

Discussion regarding the Division's recommendations related to the license reissue program and feedback received through surveys of the public, license agents, and staff.

CONSENT AGENDA (PARKS):

ISSUE IDENTIFICATION (PARKS):

Agenda Item 25.1 - Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7

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

- Adding additional camping types to update and clarify fees.



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TO: Members of the Colorado Parks and Wildlife Commission
FROM: Krista Heiner, Regulations Manager
RE: Chapter W-0 Emergency Regulations for the July 2020 Parks and Wildlife Commission Meeting
DATE: July 2, 2020

Emergency regulatory changes for Chapter W-0 - "General Provisions" 2 CCR 406-0 are summarized below. If there are questions about the agenda item below, or if additional information is needed, please feel free to contact me at 303-866-3203 x4609.

Agenda Item 10: Emergency Regulations for Chapter W-0 - "General Provisions" 2 CCR 406-0 (Step 1 of 1)

Temporarily authorizing the use of a TAN as proof of privilege for most Division products for up to 45 days

This emergency rule allows for the continued use of a Temporary Authorization Number (TAN) as proof of privilege for small game licenses, combination small game and fishing licenses, fishing licenses, waterfowl stamps, habitat stamps, annual state park passes and OHV permits for up to 45 days.

A TAN was previously provided for all telephone or internet license or pass sales, except for licenses with carcass tags. This number allowed the license or pass-holder to exercise the benefits of that license or pass prior to receiving or picking up the physical license or pass, but not to exceed 14 days from the date of purchase. TANs are unique to each customer order and are trackable in IPAWS.

In March 2020, Aspira, CPW's licensing vendor, started experiencing significant delays in fulfillment of CPW products due to "shelter-in-place" orders related to COVID-19. This created a significant backlog in printing and mailing licenses, passes, or other CPW products. In order to address lengthy delays and a possible closure of the Aspira fulfillment centers, emergency regulations were initially passed on March 30, 2020 to allow the use of a TAN for proof of privilege for most of the Division's products and extended the timeframe for which a TAN is valid from 14 days to 45 days.

In light of ongoing executive orders encouraging Coloradans to stay at home, the possibility of such orders being extended in the near term, and CPW's desire to minimize in-person contact at CPW service centers, the Commission finds that immediate adoption of these rules are imperatively necessary to comply with state law and for the preservation of public health, safety, or welfare, and that compliance with the requirements for the adoption of permanent rules would be contrary to the public interest.

Temporarily making hunter education classes available completely online

Due to the COVID-19 pandemic and Executive Order D 2020 091, which limits mass gatherings to no more than 10 people through June 30, 2020, the Division's in-person Hunter Education courses have been suspended. To permit hunters to be able to complete the Division's Hunter Education course, regulation #002.N.3.e was added on March 30, 2020 to temporarily allow the Division to offer its hunter



education course completely online. This emergency rule temporarily allows the Division to continue to offer hunter education courses completely online for up to 120 days from adoption.

Absent the emergency rules, the Division would be unable to offer its hunter education courses until limitations on mass gatherings are lifted. Accordingly, the emergency rules are necessary for the use, benefit, and enjoyment of the people of this state.

EMERGENCY REGULATIONS - CHAPTER W-0 - GENERAL PROVISIONS

ARTICLE II - LICENSE TYPES AND REQUIREMENTS

#002 - License Requirements

- A. Except as otherwise provided by these regulations any person who takes or possesses any wildlife shall have in possession the appropriate and valid Colorado resident or non-resident license as provided in §33-4-102, C.R.S. and shall only take wildlife of the species and type as indicated on the license. In addition to the required license, the taking of some species may also require a permit.
- B. Except as otherwise provided, any person who hunts or fishes in Colorado shall have in possession the appropriate and valid Colorado resident or nonresident hunting, fishing or furbearer license including a customer identification number.

A customer identification number is not required for the following license categories:

- 1. Senior Lifetime licenses issued prior to 1990.
- 2. Senior Lifetime Low-Income licenses issued prior to 1994.

- C. Except for licenses that require a carcass tag, all telephone and internet license, pass, or permit sales where a physical license, pass or permit is requested to be mailed or picked up at an agent by the customer may be issued a Temporary Authorization Number (TAN). This number allows the license, pass or permit holder to exercise the benefits of that license, pass or permit prior to receiving or picking up the physical license, pass or permit but not to exceed 45 days from the date of purchase. Any person who purchases a 1- or 5-day license by phone or internet will not be issued a physical license unless the valid dates for the license are more than fourteen days out from the date of purchase.

~~All telephone or internet license, pass or permit sales where a physical license, pass, or permit is requested to be mailed or picked up at an agent by the customer may be issued a Temporary Authorization Number (TAN). This number allows the license, pass or permit holder to exercise the benefits of that license, pass or permit prior to receiving or picking up the physical license, pass or permit, but not to exceed 45 days from the date of purchase. Any person who purchases a 1 or 5 day license by phone or internet will not be issued a physical license unless the valid dates for the license are more than fourteen days out from the date of purchase.~~

- D. All annual resident and nonresident licenses authorized in 33-4-102 (1.4), C.R.S., including fishing, small game hunting, furbearer, and combination fishing and small game hunting shall be valid and otherwise in effect from March 1st to March 31st of the following year.
 - 1. The Colorado wildlife habitat stamp shall be valid and otherwise in effect for the same license year as the license to which it was originally associated. If purchased independently of a license, the Colorado wildlife habitat stamp shall be valid and otherwise in effect from March 1st to March 31st of the following year.
- E. Except as otherwise provided in these regulations, any person who hunts or fishes in Colorado shall be physically present in the immediate vicinity of the activity. Internet or other computer-assisted remote hunting or fishing is prohibited.
- F. Any person who hunts big game or turkey in a game management unit, or portions thereof, for which the Wildlife Commission has established limited license quotas must have a limited

license valid for that unit. General season, over-the-counter licenses may not be used in a limited license unit unless validated by the Division.

- G. Any person possessing a license or permit restricted to a specific game management unit or portions thereof, may only hunt that unit or area for which his license or permit is issued.
- H. Duplicate small game, fishing, furbearers, senior citizen lifetime licenses and combination small game licenses may be obtained from the Division by submitting an affidavit on forms provided by the Division and payment of a \$5.00 fee. All other license duplicates may be obtained from the Division by submitting an affidavit on forms provided by the Division and payment of a fee of fifty percent of the cost of the original license, not to exceed \$25.00.
- I. All license exchanges will be charged a fee of fifty percent of the cost of the original license, not to exceed \$25.00.
- J. Any person who is authorized to hunt, fish or trap wildlife in Colorado pursuant to a permit issued by the Division shall comply with all of the terms and conditions of that permit.
- K. The Director is hereby authorized to issue the following licenses.
 - 1. Licenses for law enforcement investigative purposes to District Wildlife Managers, U.S. Fish & Wildlife (USFWS) Service Special Agents, or other persons cooperating with them or otherwise participating in a wildlife-related law enforcement activity authorizing them to hunt or fish as an appropriate element of an investigation of violation of Articles 1 through 6 of Title 33 of the Colorado Revised Statutes, regulations issued pursuant thereto, or federal wildlife laws; provided however, that no wildlife shall be taken with such a license if the taking would jeopardize the maintenance of populations at viable self-sustaining levels.

A written report shall be provided by the Director to the Wildlife Commission annually specifying the total number of licenses issued under this authority during the previous calendar year.

L. Turning In Poachers (TIPS) Reward Program

- 1. The Director is authorized to award licenses and preference points in accordance with this regulation to otherwise eligible persons that report the illegal take or possession or willful destruction of big game or turkey in Colorado to the Division.
- 2. Any person who voluntarily provides information that results in a person being charged with the illegal take or possession of big game or turkey may be awarded a preference point for the wildlife species of their choice or an over-the-counter license for the same species reported. As an alternative to the above reward options, and except as provided below, any person who voluntarily provides information that results in a person being charged with willful destruction of big game or turkey or assessment of a § 33-6-109(3.4), C.R.S., penalty may be awarded a limited license for the same species and unit reported.
 - a. In limited license units where less than 10 licenses (total) are allocated annually for all manners of take, only one reward license can be issued in any three year period.
 - b. In limited license units where less than 20 licenses (total) are allocated annually for all methods of take, only one reward license may be issued per year.
 - c. In limited license units where the reward license has already been issued the person may:
 - 1. wait until the next reward license in that unit is available, or

2. select another limited license unit for which a reward license is available.
- d. If the violation(s) reported occurred within a game management unit, which is closed to hunting the species reported, the person may select another limited license unit for which a reward license is available.
3. Limited licenses awarded as part of the TIPs Reward Program shall be in addition to the number of licenses generally available through or allocated as part of the Division's limited license draw.
4. Licenses for use on properties participating in the Division's Ranching for Wildlife program are not available as part of the TIPs Reward Program.
5. Licenses awarded as part of the TIPs Reward Program do not confer or otherwise guarantee access to any property for the purpose of exercising the benefits of the license. Securing such access is the responsibility of the license holder.
6. Except as provided in 2(c)(1), all licenses awarded as part of the TIPs Reward Program must be for a season occurring within 18 months of the final judicial disposition of the charges.
7. Licenses and preference points issued as part of the TIPs Reward Program are nontransferable.
8. For the purposes of the TIPs Reward Program, "charging" means the issuance of a penalty assessment or summons and complaint and such charging decision is at the sole discretion of the investigating officer or District Attorney.
9. While conviction is not necessary to support the awarding of a preference point or license, no applications for TIPs rewards will be accepted and no such rewards will be issued until final judicial disposition of the charges.
10. Only one TIPs reward will be issued per poaching incident, no matter how many animals are illegally taken. Further, if more than one person reports the violation(s) and files an application, the TIPS reward will be awarded to the person the Director finds to have provided the most pertinent information regarding the violation.
11. Applications for TIPs rewards must be made on forms provided by the Division, must be filed within 90 days of the judicial disposition of the charges and all applicants are subject to the following eligibility requirements:
 - a. To be eligible for a TIPs reward, a person must voluntarily come forward and report the violation, and must be willing to testify, and testify if requested, in any subsequent criminal prosecution. Information obtained through criminal investigation or court process is not considered "voluntary" for the purposes of the TIPs Reward Program.
 - b. A person is eligible for only one TIPs reward per year.
 - c. A person is ineligible to receive a TIPs reward if they have received any other reward for reporting the violation(s), including but not limited to a monetary payment under the Operation Game Thief program.
 - d. A person must be eligible to apply for, possess or exercise the benefits of any license or preference point conferred through the TIPs Reward Program and must otherwise comply with all other generally applicable hunting requirements and restrictions.

- e. All Division employees, and peace officers that report violation(s) to the Division as part of their law enforcement duties, are ineligible for the TIPs Reward Program.

M. Terrestrial Invasive Species

1. The following terrestrial invasive species are hereby declared to be detrimental to Colorado's wildlife and habitat. They may be seized, captured or destroyed by the Division or its authorized agents whenever and wherever found.
 - a. Feral hog
 - b. Eurasian collared-dove
 - c. European starling
 - d. House (English) sparrow
2. No license is required for a person to hunt or take terrestrial invasive species. However, commercial hunting or taking of terrestrial invasive species is prohibited. No person shall receive compensation or attempt to receive compensation from the hunting of terrestrial invasive species in Colorado. Terrestrial invasive species may be taken year-round in any number by any method allowed for the take of big or small game. In addition, terrestrial invasive species may be taken at night with the use of artificial light and night vision equipment.
 - a. Except when counted as part of the bag and possession limit for doves in #508 of these regulations, while in the field and during transport all Eurasian collared-doves shall be fully feathered.
3. Except as authorized in writing by the Director when such release is determined to be biologically non-detrimental to Colorado's wildlife and habitats, no person shall release terrestrial invasive species or hybrids of terrestrial invasive species in Colorado for the purpose of allowing them to run at large or otherwise facilitate the distribution or abundance of these species in Colorado.

N. Hunter Education

1. For the purpose of this regulatory provision, the following terms have the following definitions:
 - a. **"Active Duty"** means a person who is a full time employee of a U.S. military service branch under the Department of Defense and can be deployed at any time.
 - b. **"National Guard"** means the Army National Guard or Air National Guard that is part of an organized militia of any state within the United States of America. National Guard members are not considered active duty military personnel.
 - c. **"Reserve Duty"** means a person who is trained and qualified by a U.S. military Reserve Component to be available for active duty in the armed forces when needed. Reserve members are not considered active duty military personnel.
 - d. **"Veteran"** means a person who served in the Active Duty or Reserve Duty military or the National Guard and who was discharged or released from such service under conditions other than dishonorable.
2. As authorized and in accordance with §33-6-107(8) and §33-6-107(10) C.R.S, these regulations establish requirements for Colorado's hunter education certification program. Hunter education classes within this state must include a minimum of 10 hours of instruction, including, but not limited to, the topics of wildlife management,

wildlife identification, firearms safety, ethics, and laws and regulations. A portion of the course curriculum must also include hands-on activities where students demonstrate, at a minimum, safe firearms handling and a live fire exercise. Students must also pass a written test to successfully complete the course. Except as provided in regulation #002(N)(3) below, any person born on or after January 1, 1949, must have a valid hunter education certificate prior to hunting, trapping, or purchasing any hunting license in accordance with §33-6-107(8) and §33-6-107(10) C.R.S.

3. Allowable hunter education course delivery options and methods are as follows:
 - a. Traditional class- 10 hours, minimum, in a standard classroom setting that includes hands-on learning activities. Additional time beyond the 10 hour requirement is also necessary to complete the written test and live fire exercise.
 - b. Internet course with conclusion class- The internet portion of the class is credited with 6 hours of study. A 4-6 hour, in-person, conclusion class is required and will cover laws and regulations, wildlife identification, and hands-on firearms activities. Additional time beyond the 4-6 hour requirement is also necessary to complete the written test and live fire exercise.
 - c. A person age 50 and older may complete a one-time test-out of the hunter education certification requirements by passing a timed hunter education test online with a score of 90% or above. This online test can only be taken once.
 - d. U.S. military veterans, active duty, reserve duty and National Guard members may complete a one-time test-out of the hunter education certification requirements by passing a timed hunter education test online with a score of 90% or above. This online test can only be taken once. Military personnel must bring test certificate and military identification to a CPW office to verify military status and obtain a hunter education certificate. To qualify, a veteran must be discharged under conditions other than dishonorable. Acceptable forms of military identification include:
 - i. DD 214;
 - ii. DD Form 2;
 - iii. DD Form 2765;
 - iv. Active, retired, veteran military identification card;
 - v. A current Colorado Drivers License or state issued identification card with the word "veteran" printed on it as specified in 42-2-303(5)(a) C.R.S.;
 - vi. VA medical card.
 - ~~e. For 120 days from approval, CPW Hunter Education will make available a completely online delivery of a Hunter Education course.~~
 - e. For 120 days from approval, CPW Hunter Education will make available a completely online delivery of a Hunter Education course.
4. Exceptions to the hunter education certification requirements are as follows:
 - a. A person 10 years of age or older who obtains an apprentice certificate. An apprentice certificate can only be obtained twice and is valid for a one year period, identified as April 1-March 31 annually. Apprentice certificate holders must be personally accompanied by, and in voice and visual contact with a mentor while hunting. A mentor may oversee no more than 2 apprentices at a time and must carry proof of hunter education and age while in the field.

O. Antler and Horn Collection

These regulations govern the collection of shed antlers, shed horns, or antlers or horns naturally attached to skull plates.

1. On any lands east of I-25, any person may, with lawful access, collect shed antlers or horns at any time. On private lands west of I-25, any person may, with lawful access, collect shed antlers or horns at any time. Public lands west of I-25 are closed to collection

from January 1 through April 30, annually. On public lands west of I-25, any person may collect shed antlers or horns from May 1 through December 31, annually, except in GMUs 54, 55, 66, 67, and 551 where the collection of shed antlers or horns shall further be prohibited between legal sunset and 10:00 AM from May 1 through May 15 annually.

2. Possession of antlers or horns on public lands west of I-25 from January 1 through April 30 is prohibited. Possession of antlers or horns on public lands in GMUs 54, 55, 66, 67, and 551 between legal sunset and 10:00 AM from May 1 through May 15 annually is prohibited. Possession of antlers or horns on private property without lawful access is prohibited. Each antler or horn will be treated singularly for the purpose of this regulation, unless naturally attached together on a skull plate.
3. For the purpose of this regulatory provision, the following terms have the following definitions:
 - a. **“Antlers”** means the bony, deciduous appendages protruding from the heads of members of the deer family (Cervidae), including deer, elk, and moose.
 - b. **“Collect”** means to search for, locate, stockpile, or possess shed antlers, shed horns, or antlers or horns naturally attached to skull plates of big game animals on public land or attempt to search for, locate, stockpile, or possess shed antlers, shed horns, or antlers or horns naturally attached to skull plates of big game animals on public land.
 - c. **“Horns”** means the hard, permanent or deciduous appendages protruding from the heads of bighorn sheep, mountain goats, or pronghorn.
 - d. **“Public land(s)”** means federal lands and lands owned or administered by the Division.
 - e. **“Shed antler”** or **“shed horn”** means one or more antlers and/or horns having become naturally separated from the skull.

P. Wildlife License Prices

Upon the effectiveness of SB 18-143, wildlife license prices will remain at the price provided in Appendix F, until further amended by regulation.

Q. Lifetime Resident Licenses

1. **Veterans Resident Lifetime License** - Any resident of the state who has received a purple heart for service in the United States armed forces or who is a disabled veteran as defined in state statute 33-4-104 (3) (b) may obtain, free of charge, a veterans resident lifetime combination small game hunting and fishing license, pursuant to 33-4-104 (3), C.R.S. The lifetime license will only remain valid as long as the individual maintains their Colorado residency as defined in 33-1-102 (38) (a), C.R.S.
 - a. In order to qualify for a veterans resident lifetime combination license, a resident must provide the following written proof to the Division:
 - i. A letter from the Veterans Administration indicating a 60% or greater overall-combined rating for service connected disability; or
 - ii. A Purple Heart award certificate; or
 - iii. A DD214 Form from the United States Defense Department showing decoration of a Purple Heart.
 - b. Proof of hunter education certification is also required for the small game hunting component of this license. A veterans resident lifetime fishing license alone will be

issued in the absence of hunter education certification, until such certification is provided to the Division.

2. **Disabled Resident Lifetime Fishing License** – Any resident of the state who is totally and permanently disabled may obtain, free of charge, a disabled resident lifetime fishing license. The lifetime license will only remain valid as long as the individual maintains their Colorado residency as defined in 33-1-102 (38) (a), C.R.S.
 - a. In order to qualify for a disabled resident lifetime fishing license, a resident must provide the following written proof to the Division:
 - i. A “Final Admission of Liability” form from the Division of Workers Compensation that indicates a total and permanent disability; or
 - ii. A fully completed Division “Physician’s Affidavit” signed by a licensed physician attesting that the resident meets the definition of a total and permanent disability. A “**total and permanent disability**” shall mean any physical or mental impairment which prevents substantial gainful employment, but only if it is reasonably certain that such a disability will continue throughout the lifetime of the disabled person.
3. **First Responder Resident Lifetime License** - Any resident of the state who is a first responder with a permanent occupational disability as defined in state statute 33-4-104.5 (2) may obtain, free of charge, a lifetime resident combination small game hunting and fishing license. The lifetime license will only remain valid as long as the individual maintains their Colorado residency as defined in 33-1-102 (38) (a), C.R.S.
 - a. In order to qualify for a first responder lifetime combination license, a resident must provide the following written proof to the Division:
 - i. The “Initial Disability Administration Decision” form from the Fire and Police Pension Association that specifies a permanent occupational disability; or
 - ii. For residents that are not members of the Fire and Police Pension Association, a fully completed Division “First Responder Affidavit” signed by the applicant attesting to the fact that their permanent disability or disease was obtained while on active-duty.
 - b. Proof of hunter education certification is also required for the small game hunting component of this license. A first responder resident lifetime fishing license alone will be issued in the absence of hunter education certification, until such certification is provided to the Division.

Basis and Purpose:

At its July 16-17, 2020 meeting, the Colorado Parks and Wildlife Commission adopted emergency rules affecting Chapter W-0 (General Provisions, 2 CCR 406-0). The emergency rules temporarily allow the use of a TAN as proof of privilege for small game licenses, combination small game and fishing licenses, fishing licenses, waterfowl stamps, habitat stamps, annual state parks passes and off-highway vehicle (OHV) permits for 45 days. In addition, the emergency rules permit the Division to temporarily make hunter education classes available completely online.

The Commission adopted the foregoing rules on an emergency basis as authorized by the Colorado Administrative Procedures Act (APA), CRS § 24-4-103(6)(a). This section authorizes emergency rules where “the agency finds that immediate adoption of the rule is imperatively necessary ... for the preservation of public health, safety, or welfare” where the APA’s standard rulemaking requirements “would be contrary to the public interest.” The Commission finds such standards are satisfied here.

Temporarily authorizing the use of a TAN as proof of privilege for most Division products for up to 45 days

The Commission is required to manage wildlife and their environment for “the use, benefit, and enjoyment of the people of this state and its visitors” (CRS, § 33-1-101(1)) and it has the responsibility “for all wildlife management, for licensing requirements, and for the promulgation of rules, regulations, and orders concerning wildlife programs.” C.R.S § 33-1-104(1). The Commission has the authority to “provide for the issuance of and require persons to obtain licenses for the purpose of hunting, fishing, trapping, taking, or possession of wildlife...” C.R.S § 33-1-106(1)(e). In addition, the Commission has the duty to “promulgate rules and orders relating to parks and outdoor recreation programs which are necessary to carry out the purposes of articles 10 to 15 and 32 of this title.” C.R.S § 33-10-106(1)(a).

The TAN, or Temporary Authorization Number, was previously provided for all telephone or internet license or pass sales, except for licenses with carcass tags. This number allowed the license or pass-holder to exercise the benefits of that license or pass prior to receiving or picking up the physical license or pass at a CPW location, but not to exceed 14 days from the date of purchase. TANs are unique to each customer order and are trackable in IPAWS.

In March 2020, Aspira, CPW’s licensing vendor, started experiencing significant delays in fulfillment of CPW products due to “shelter-in-place” orders related to COVID-19. This created a significant backlog in printing and mailing licenses, passes, or other CPW products. In order to address lengthy delays and a possible closure of the Aspira fulfillment centers, emergency regulations were initially passed on March 30, 2020 to allow the use of a TAN for proof of privilege for most of the Division’s products and extended the timeframe for which a TAN is valid from 14 days to 45 days. Emergency rules adopted on July 16, 2020 extend the use of a TAN as proof of privilege for small game licenses, combination small game and fishing licenses, fishing licenses, waterfowl stamps, habitat stamps, annual state park passes and OHV permits, and extend the timeframe for which a TAN is valid from 14 days to 45 days.

In light of ongoing executive orders encouraging Coloradans to stay at home, the possibility of such orders being extended in the near term, and CPW’s desire to minimize in-person contact at CPW service centers, the Commission finds that immediate adoption of these rules are imperatively necessary to comply with state law and for the preservation of public health, safety, or welfare, and that compliance with the requirements for the adoption of permanent rules would be contrary to the public interest.

Temporarily making hunter education classes available completely online

The Commission is required to manage wildlife and their environment for “the use, benefit, and enjoyment of the people of this state and its visitors” (CRS, § 33-1-101(1)) and it is responsible “for all wildlife management, for licensing requirements, and for the promulgation of rules, regulations, and orders

concerning wildlife programs.” C.R.S § 33-1-104(1). In addition, “to increase hunter recruitment and retention, the commission may promulgate a rule establishing alternative requirements to obtain a certificate of hunter education. The alternatives may include: options to demonstrate knowledge of hunting, safety, and ethics; course delivery options; issuing temporary or apprentice certificates of hunter education; and an option to test out of the hunter education course.” C.R.S § 33-6-107(8)(b).

Due to the COVID-19 pandemic and Executive Order D 2020 091, which limits mass gatherings to no more than 10 people through June 30, 2020, the Division’s in-person Hunter Education courses have been suspended. To permit hunters to be able to complete the Division’s Hunter Education course, regulation #002.N.3.e was added on March 30, 2020 to temporarily allow the Division to offer its hunter education course completely online. The emergency rule adopted on July 16, 2020, temporarily allows the Division to continue to offer hunter education courses completely online for up to 120 days from adoption.

Absent the emergency rules, the Division would be unable to offer its hunter education courses until limitations on mass gatherings are lifted. Accordingly, the emergency rules are necessary for the use, benefit, and enjoyment of the people of this state.

Notice of the proposed emergency rule-making was posted on the CPW website, as well as at the State Capitol, Regional Service Centers, and Area Service Centers (area offices) where possible, indicating the Commission would consider the emergency regulations at its meeting on July 16-17, 2020 and written comments would be accepted prior to that date.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us. The statements of basis and purpose are not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic and Executive Orders D 2020 017 and D 2020 024.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S. and 33-4-102, C.R.S.

EFFECTIVE DATE - THESE EMERGENCY REGULATIONS SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION AND SHALL REMAIN IN EFFECT FOR NO MORE THAN 120 DAYS OR UNTIL PERMANENT REGULATIONS TAKE EFFECT, WHICHEVER OCCURS FIRST, OR THE EMERGENCY REGULATIONS ARE OTHERWISE REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 16TH DAY OF JULY, 2020.

**APPROVED:
Marvin McDaniel
Chair**

**ATTEST:
Marie Haskett
Secretary**