

To: Colorado Parks & Wildlife Commission
c/o Commission Assistant
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Cc: Dan Prenzlou, Colorado Parks and Wildlife Director
Dan Gibbs, Colorado Department of Natural Resources Executive Director
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Brett Ackerman, Colorado Parks and Wildlife Southeast Region Manager
Nathan Fey, Colorado Office of Outdoor Recreation Industry Director

Date: July 1, 2020

Subject: Hunting/Fishing License requirement to access State Wildlife Areas

Greetings Commissioners,

On behalf of the undersigned organizations, we appreciate the opportunity to present some concerns regarding a new regulation to access State Wildlife Areas and certain State Trust Lands leased by Colorado Parks and Wildlife (CPW). The rule change - adopted April 30, 2020 by the CPW Commission - states that a valid hunting or fishing license will be required for everyone 18 or older attempting to access these lands beginning July 1. We understand the agency's goals to generate revenue and properly maintain and manage access to these areas but we have a number of questions and concerns regarding recreation access, implementation, enforcement, and public involvement in this decision.

The Colorado Mountain Club was founded in 1912 as a recreation, education and conservation organization with a goal to facilitate and advocate for safe and sustainable human-powered recreation. With over 7,000 members state-wide, the club represents hikers, climbers, mountaineers and backcountry skiers, as well as wildlife enthusiasts and public land supporters. CMC has a long history of working closely with Colorado Parks & Wildlife as well as federal and local land managers on access issues, trail stewardship, habitat conservation and more. Additionally, CMC is a founding member of Outdoor Alliance Colorado, as is American Whitewater, and we work closely with a variety of outdoor recreation, stewardship and conservation partners across the state.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 6,000 members and 100 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. Many of our members enjoy paddling on rivers that are accessed by or flow through State Wildlife Areas and State Trust Lands, and we are invested in finding a solution to keeping these areas open and accessible to the paddling community and other non-consumptive recreationists.

Great Old Broads for Wilderness is a national grassroots organization, led by women, that engages and inspires activism to preserve and protect wilderness and wild lands. They presented on this issue at the June 12 CPW Commission meeting. Boulder Climbing Community and Colorado Mountain Bike Association are both Front Range recreation organizations and members of Outdoor Alliance Colorado.

Recreation

There are dozens of State Wildlife Areas that currently provide recreation opportunities for non-hunting/fishing activities including hiking, boating, rock climbing, horseback riding, wildlife viewing, picnicking, camping and more. These uses have been promoted in CPW's Colorado State Recreation Lands brochure and these properties provide valuable access points and connections for outdoor recreation. Outdoor recreation in Colorado generates \$62 billion in economic output, \$21 billion in wages and salaries, and provides 511,000+ jobs across the state.¹ Southwick Associate's 2020 report found that trail sports, camping, picnicking, water sports, and wildlife viewing near Colorado waterways are incredibly popular, and the same report found that water-related recreation generated 10.8 billion in Colorado.² Because the proposed fee mechanism for access to these properties is a hunting or fishing license, there is no revenue generated for the recreation infrastructure to support these uses. Further, if the goal of the fee is to curtail recreation use, then there is no evidence to support that the fee will reduce recreation use and no way to track how many people will now be purchasing hunting or fishing licenses in order to use these sites for alternative forms of recreation. If there are critical resource issues occurring from recreation use, we encourage CPW to address those on a site-by-site basis rather than a blanket approach to impose a fee at all sites.

We have included a full list of areas where high-priority recreation occurs on these state lands in Appendix A and we encourage CPW to carefully assess how the new regulation will impact recreation use. A few specific issue areas include:

- Bergen Peak in Jefferson County is a popular destination for front range hikers and Colorado Mountain Club trips. The Bergen Peak trail begins in Elk Meadows (a Jefferson County Park), runs through the SWA, and reaches the peak summit, which is in a Denver Mountain Park. How will CPW educate the 1000s of users who travel through the SWA and adequately enforce the new license requirement?
- Dome Rock SWA is adjacent to Mueller State Park and includes a network of hiking trails as well as rock climbing access. Most users enter through the park and will now be required to purchase a state parks pass as well as a hunting or fishing license.
- Mount Evans SWA in Clear Creek County provides historic access to the Mt. Evans Wilderness, Beartrack Lakes and more for hiking and backpacking. There are no other routes that offer direct access to this pocket of federal lands.

¹ Southwick Associates. (2018, July 23). The 2017 Economic Contributions of Outdoor Recreation in Colorado. Retrieved June 26, 2020, from https://cpw.state.co.us/Documents/Trails/SCORP/2017EconomicContributions_SCORP.pdf

² Southwick Associates. (2020, March 9). The Economic Contributions of Water Related Outdoor Recreation in Colorado. Retrieved June 26, 2020, from <https://businessforwater.org/wp-content/uploads/2020/06/Southwick-Technical-report-2020.pdf>

- State Trust Lands open for recreation through CPW also have some access issues, particularly several in western Moffat County.
- Loma Boat Launch SWA in Fruita, Colorado is a river access point on the Colorado River that provides access to Ruby-Horsethief canyon and acts as a take-out for the day run in Grand Junction. Ruby-Horsethief is one of the most popular Class 2 multi-day floats in Colorado. Locals and visitors enjoy this beginner-friendly river segment in numerous different craft types, including rafts, hardshell kayaks, packrafts, and Stand Up Paddleboards. Many people float this section to enjoy the scenery and wildlife, side hikes, and paddling experience and are often not there to go fishing and hunting. This SWA is the primary access point to downstream public lands and limiting access here would limit access to our Federal public lands.
- Granite SWA is used for multiple river access points on the Arkansas River, including for the Granite, Pine Creek, and Numbers sections. The SWA access at Clear Creek is a critical access point for paddlers who are not capable of paddling the challenging Pine Creek rapid downstream.
- Whiskey Creek STL has been historically used as both a put-in and takeout for boating on the Eagle River. The access area is very minimalistic with no amenities and boaters have made efforts to improve the river access stairs and trail.

Community Access

A number of SWAs are located in close proximity to local communities and/or provide critical access and connector trails to adjacent public lands. The trails are popular for dog walkers, families, tourists and local residents and the new regulation will be incredibly difficult to enforce. These properties also help achieve the goal set forth in the Colorado the Beautiful initiative that every Coloradan will live within 10 minutes of a park, trail, or vibrant green space. Requiring a hunting or fishing license to access these properties may limit access for socio-economically disadvantaged populations who cannot afford the associated fees. We would like CPW to rethink the applicability of the new regulation on these highly popular community properties that provide important access for diverse populations.

- The Sands Lake, Mount Shavano & Franz Lake SWAs are directly adjacent to downtown Salida, CO and include a river trail that begins on City of Salida property and sees hundreds of walkers each day.
- The Buena Vista SWA includes the Buena Vista Whitewater Park and includes a bridge over the Arkansas River connecting downtown Buena Vista to the Midland Hills trail network on adjacent Bureau of Land Management property.
- The four properties above, and several other SWAs are also along the route of the Salida to Leadville Stage & Rail Trail - one of former Governor Hickenlooper's 16 in 2016 priority trails. A new license and fee on these segments of the trail could be cumbersome and confusing for users exploring the 80 mile route.
- West Lake SWA is located in the heart of Grand Junction and provides important greenspace and picnicking opportunities for area residents.

General Policy Questions/Concerns

We have a number of other general questions and concerns about the new regulation, including:

- How will implementation and enforcement work? Will users be required to show proof of their valid license when visiting these areas? Will CPW increase patrolling at key access points? How

will CPW ensure compliance at all 350 SWAs? Will some areas see more enforcement while the regulations are more lenient in others?

- How will the new license requirements impact commercial outfitters and guides?
- How will boating through a SWA or STL be regulated if the user does not park or access the river on SWA land?
- How will CPW educate users about the new license requirements? Will users be able to purchase licenses on-site or from agency staff (especially in more remote areas)? This may help with compliance especially during initial implementation of the new regulation.
- How will new revenue generated from additional license sales be utilized? How will it benefit SWAs, including the wildlife habitat and the recreation infrastructure on those properties? We recommend that CPW develop public education information about how these fees are utilized to increase transparency and public support for the new regulations.
- Purchasing a general hunting or fishing license does not allocate money to a specific site and therefore does not address site-specific management issues. A site-base fee, like a parking fee or walk-in fee, would better allow the agency to both track use but also allocate funds to more heavily used areas.
- Purchasing a general hunting or fishing license does not necessarily reduce recreation volume at problematic sites. CPW should consider a different management strategy if this is a goal at specific sites.
- Requiring recreationists to purchase a hunting or fishing license may create a false perception that these activities are on the rise. With this new requirement, there is no way to determine why a user is purchasing a license and the perceived increase in consumptive use may lead to ill-informed management decisions (e.g. if CPW sells 3x as many fishing licenses, will there be pressure to spend 3x as much money on the fisheries program?).
- In some areas, the new regulation may be double/triple taxing recreationists with a state parks fee, hunting/fishing license, and habitat stamp required to access a given area.
- The rapid decision and implementation of this new fee seems at odds with the strategic work CPW has been doing in recent years to address the funding gap for wildlife management. This regulation change was not included or analyzed in the 2018 CPW Future Funding Study³ and could present unforeseen issues with future funding initiatives for many of the funding opportunities laid out in the study, such as, a “recreation stamp”, an outdoor gear tax, or one of the many options detailed in the 2018 study. CPW needs to devise some way for non-consumptive quiet users and wildlife enthusiasts to contribute funding that will be earmarked exclusively for wildlife habitat protection. We support creative remedies that meet the needs of all users and CPW but requiring a consumptive license for non-consumptive use is not a smart solution.

³ Meridian Institute, & Earth Economics. (2018, December 6). Colorado Parks and Wildlife Future Funding Study. Retrieved June 29, 2020, from https://docs.merid.org/SITECORE_DOCS/Colorado%20Parks%20and%20Wildlife%20Future%20Funding%20Study%20Dec2018.pdf

Lack of Public Involvement in Decision Making

The manner by which this new rule was proposed and approved raises a number of concerns about why no public notice or comment process was provided. While the emergency rulemaking may technically exempt the agency/commission from this duty, it does not engender public confidence and perhaps would have allowed for many of our concerns to come to light earlier. A public comment period would have allowed users of these properties to highlight different access issues and allowed for more creative ideas and problem solving to address CPW's concerns. We would propose that the agency put a hold on the implementation of this new regulation before it goes into effect and initiate a 90-day review period which includes a 45-day public comment period. The public engagement and regulatory analysis that would be required under the Colorado Revised Statutes 24.4.103(4) and (4.5) if this were not an emergency ruling would be very beneficial to this process and would lead to a more sustainable solution that has public support. We additionally ask that the Commission complete a regulatory analysis as outlined in 24.4.103(4.5).

Conclusion

As recreation and conservation organizations, we understand the need and challenge to balance outdoor access and habitat protection. CPW is in a uniquely difficult position to manage SWAs and STL lands for their intended purpose while facilitating other recreational uses. We also understand the funding challenges the agency is facing and we are eager to work towards and support collaborative solutions to this problem. However, we do not agree that requiring a hunting or fishing license for non-consumptive use is an appropriate mechanism to address this issue.

Sincerely,



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Appendix A

List of Recreation Impacts

HIKING

Screening criteria: West of I-25 and in alphabetical order; description specifically mentions hiking or “wildlife viewing” as an approved activity in the Colorado State Recreation Lands Brochure; sizeable acreage, at least 1 square mile (640 acres) or higher.

There are numerous other SWAs that include popular hiking trails but these highlight some of the priority areas that deserve additional consideration before the new regulations are implemented.

- Beaver Creek SWA (Fremont County, north of Canon City near Skaguay Dam). Game Management Unit (GMU) 59. 2,227 acres. Open for hiking, wildlife viewing, no overnight camping.
- Bergen Peak SWA. Jefferson County. GMU 39, 1,093 acres. Open for hiking, horseback riding, no camping, dogs on leash. Bergen Peak trail begins in Elk Meadows JeffCo Park, runs through the SWA, and reaches the peak summit, which is in a Denver Mountain Park.
- Billy Creek SWA (four tracts in Ouray and Montrose Counties). GMUs 62, 65, 5,498 total acres. Open for public access May 1 – Dec. 31, for wildlife viewing, camping, hiking.
- Browns Park SWA (Moffat County, four tracts 41 and 59 miles west of Maybell, three tracts off County Road 10N). GMU 201, 2,226 acres all units. Camping, wildlife viewing allowed.
- Buena Vista SWA (Chaffee County, fishing easement). GMUs 49, 481, 41 acres. Use described as “coldwater stream, fishing access only.” Unit includes footbridge across Arkansas River, etc.
- Colorow Mountain SWA (Rio Blanco County, two units located 15 miles west of Meeker). GMU 11, 1,979 acres. Uses include hiking, mountain biking, horseback riding, limited OHV access.
- Dome Rock SWA (Teller County, 5 miles south of Divide). GMU 581, 6,980 acres. Wildlife viewing and hiking. Access is from County Road (CR) 61 trailhead or from Mueller State Park. SWA has a system of trails. Beginning July 1, a person under age 65 accessing from the State Park will need a Parks pass, habitat stamp, and hunting or fishing license to access the SWA
- Dry Creek Basin SWA (San Miguel County, 17 miles SW from Naturita along State Hwy. 141). GMU 70, 12,773 acres. Hiking, wildlife viewing, camping in designated areas.
- Escalante SWA (10 separate tracts located in Mesa, Delta, Montrose counties). GMU 62, 7,609 total acres. Hiking, wildlife viewing, interpretative program, historical area.
- Heckendorf SWA (Chaffee County 5 miles NW from Buena Vista). GMU 481, 720 acres. Hiking & wildlife viewing. Access only from designated parking areas.
- James M. John SWA (Las Animas County, current access is through New Mexico). GMU 140, 8,200 acres. Wildlife viewing, hiking, picnicking, access by foot or horseback Apr. 2 – Nov. 30.
- Lake Dorothy SWA (Las Animas County, current access is through New Mexico). GMU 140, 4,500 acres. Picnicking, hiking, wildlife viewing, access by foot or horseback only from established parking areas, camping in designated areas.
- Little Snake SWA (Moffat County, 17 miles north of Maybell, CR 19 runs through the SWA). GMUs 2, 3, 4,860 acres. Wildlife viewing, hiking, camping only in self-contained units in hunting season.

- Mount Evans SWA (Clear Creek County, approx.. 9.5 miles west of Evergreen Lake). Wildlife viewing. Open for non-hunting & fishing June 15 to day after Labor Day. GMU 39, 3,438 acres. Historic access for CMC to Mt. Evans Wilderness, Beartrack Lakes, etc.
- Oak Ridge SWA (Rio Blanco County, six tracts, two water only, east of Meeker). GMUs 23, 24, 13,664 total acres. Wildlife viewing, hiking, camping only in designated areas. Oak Ridge Unit open July 16 – Nov. 30.
- Radium SWA (Eagle, Grand, Routt counties, approx.. 14.5 miles SW from Kremmling). GMUs 15, 27, 361, 10,996 acres. Camping and wildlife viewing.
- Sarvis Creek SWA (Routt County, approx 11 miles from Steamboat Springs). The nearby Sarvis Creek Wilderness is typically accessed through Pleasant Valley via the SWA. It is a popular area for hiking as well as equestrian use and bird watching.
- Sharptail Ridge SWA (Douglas County, E of Roxborough State Park and NE from USFS Indian Creek trailhead, part of Douglas County open space system, but closed in hunting season). GMU 51, 699 acres. Day use only. Access by foot only.
- Spanish Peaks SWA (Las Animas County, west of Aguilar). GMU 85, 6,450 acres. Hiking, wildlife viewing, camping only in designated areas. Access only from designated parking areas.
- Twin Sisters SWA (Larimer County, 6.5 miles north of Allenspark). GMU 20, 640 acres. Hiking and wildlife viewing.

RIVER ACCESS for WHITEWATER PADDLING: Overlap with SWAs and STLs

**In addition to these river access points, there are 60+ whitewater paddling river segments that overlap with SWAs and STLs, which may limit camping, hiking, wildlife viewing, and other activities along the river corridor.*

- Arkansas River
 - Granite to Numbers Launch; Granite SWA is used as put-in
 - Clear Creek to Numbers Launch; Granite SWA used an alternative put-in for the Pine Creek section or take out for Granite section so paddlers don't have to run the challenging Pine Creek rapid
 - Railroad Bridge to Buena Vista; Buena Vista SWA used as take-out
 - Buena Vista Whitewater Park; Buena Vista SWA overlaps with access to the whitewater park, which primary purposes include whitewater kayaking, rafting, and river surfing
 - Buena Vista to Fisherman's Bridge; Buena Vista SWA also serves as the put-in for the BV Town section and the longer "milk run" segment
- Cache la Poudre River
 - Cherokee Park Rd. to Halligan Reservoir; Cherokee SWA overlaps with both the put-in and the takeout for this segment
 - Filter Plant to Picnic Rock Access; Poudre River STL is used as the put-in for this segment
- Colorado River
 - Hot Sulphur Springs to Hwy 40 Bridge; Hot Sulphur Springs SWA serves as the take-out for this segment
 - Palisade to Loma Launch; Loma Boat Launch SWA serves as the take-out for this segment

- Loma Launch to Westwater (Ruby-Horsethief); Loma Boat Launch SWA serves as the put-in for this segment. Ruby-Horsethief is one of the most popular Class 2 multi-day floats in the State and is used heavily by the non-angling community
- Eagle River
 - Forest Service Visitor Center to River Run; Whiskey Creek STL is the takeout for this run, also known as the Dowd Chute. Access and parking developments are very limited and non-angling river users have been using this area for decades
 - River Run to Edward; Whiskey Creek STL is the put-in for this run, which provides a mellower floating opportunity and is historically used by commercial and non-commercial river users
- Rio Grande River
 - Box Canyon to Creede; Creede SWA is used for the take out for this run
 - Creede to Wagon Wheel Gap; Creede SWA is used for the put-in
 - Wagon Wheel Gap to South Fork; Coller SWA is the take-out
 - South Fork to Del Norte; Coller SWA is the put-in
- Roaring Fork River
 - Basalt to Carbondale; Bob Terrell SWA overlaps with the takeout for this run
- White River, North Fork
 - Mirror Lake to South Fork; Oak Ridge SWA serves as the takeout for this segment
- White River, South Fork
 - National Forest CG to North Fork; Oak Ridge SWA serves as the takeout for this segment
- Uncompahgre River
 - Billy Creek SWA to Trout Rd; SWA is used as the put-in

ROCK CLIMBING: listed as recreation in Colorado State Recreation Lands Brochure

- Dome Rock SWA [*climbing is listed though currently prohibited*]
- Two Buttes Res. SWA

BIKING: listed as recreation in Colorado State Recreation Lands Brochure

- Colorow Mountain SWA
- San Luis Lakes SWA

WINTER USE:

- Haviland Lake SWA in La Plata County provides excellent snowshoeing opportunities
- San Luis Lakes SWA lists Crosscountry Skiing as a recreation use in the Colorado State Recreation Lands Brochure