

FINAL REGULATIONS - CHAPTER P-3 - RIVER OUTFITTERS

304 - PERSONAL FLOTATION DEVICES

1. River outfitters shall provide commercial passengers participating in regulated trips personal flotation devices (PFDs) as follows:
 - a. PFDs shall be in good and serviceable condition, of the proper size and fit for the intended wearer and be used in accordance with the manufacturer's label. PFDs shall have 70 Newtons (NT) of buoyancy, be adjustable, and be capable of retaining the wearer in swift water conditions. PFDs shall be U.S. Coast Guard approved and inherently buoyant. Hybrid and inflatable PFDs are unacceptable. PFDs shall be wearable, meaning a PFD that is intended to be worn or otherwise attached to the body in accordance with the manufacturer's label. Or,
 - b. PFDs must be U.S. Coast Guard Type II, Type III, or Type V, provided the PFD is a vest style design. CPW incorporates the PFD type codes promulgated by the U.S. Coast Guard and codified in the October 21, 2014 version of 46 CFR § 160 by reference, but not subsequent amendments. Such materials are available through the U.S. Coast Guard, Office of Governmental & Public Affairs (CG-0922), 2703 Martin Luther King Jr. Ave. SE, Washington, D.C. 20593.
 - (1) All Type III PFDs ~~that are not labeled for youth or child~~ must have a minimum of 2 adjustable straps on the side, 1 adjustable waist strap and adjustable shoulder straps, capable of retaining the wearer in swift water conditions. Type III PFDs ~~that are not labeled for youth or child must, according to the manufacturer's label,~~ must be intended for paddling or kayaking use by the U.S. Coast Guard and be labeled accordingly.
 - c. All child and ~~youth infant~~ PFDs must be a vest style design equipped with an additional flotation collar and ~~all child PFDs~~ must have a crotch strap worn in accordance with the manufacturer's label, including previous Type II, Type III, and Type V PFDs.
2. Each guide shall require that every commercial passenger wears and has tied or otherwise securely fastened his or her assigned personal flotation device at all times while on or in a river, except during regulated trips operating on designated flatwater where passengers thirteen years of age or older may be permitted to remove or loosen the personal flotation device at the discretion of the guide or trip leader.
3. Except on designated flatwater, every river outfitter, guide, guide in training, guide instructor, and trip leader shall at all times while participating in a regulated trip or guide training trip wear a PFD meeting the specifications listed in #304-1 and in the manner specified in #304-2.
4. Designated flatwater means:
 - a. The Colorado River- from the Loma boat launch in Mesa County to the Utah/Colorado state line; and
 - b. The Gunnison River in Delta County -from the Smith Fork to the North Fork.
 - c. The Yampa River from the Hayden Station Pump Station in Routt County to the Juniper Canyon Access Site in Mofatt County and from the Maybell Bridge at Highway 40 in Mofatt County to the Cross Mountain River Access Site in Mofatt County.

5. The trip leader shall ensure that at least one spare U.S. Coast Guard approved personal flotation device as specified in # 304-1 is carried per regulated trip that includes one or more rafts, dories, or motorboats. All required spare personal flotation devices shall be in good and serviceable condition.

**AS APPROVED 07/20/2023
Basis and Purpose
Chapter P-3 - River Outfitters**

Basis and Purpose:

When the regulations were updated in 2022 to meet the updated definition of a personal floatation device, CPW accidentally began requiring an extra floatation collar on all Youth (30-50lbs) PFDs and did not regulate Infant (0-30lbs) PFDs. These changes did not meet the goal of allowing any PFDs that outfitters had previously used to still be legal and not require the outfitters to purchase new PFDs. This change is a cleanup to allow youth PFDs with no floatation collar to meet the previous goal and reincorporate requirements for infant PFDs.

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 or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106 and 33-10-107, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE SEPTEMBER 1, 2023 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 20TH DAY OF JULY, 2023.

**APPROVED:
Dallas May
Chair**

**ATTEST:
Karen Bailey
Secretary**

Phil Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Shannon Stevenson
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Tanja Wheeler
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Tracking Number: **2023-00291**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (405 Series, Parks)
ON 07/20/2023**

**2 CCR 405-3
CHAPTER P-3 - RIVER OUTFITTERS**

The above-referenced rules were submitted to this office on 07/20/2023 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 28, 2023 06:38:29 MST

A handwritten signature in blue ink, appearing to read "Philip J. Weiser".

Philip J. Weiser
Attorney General
by Kurtis Morrison
Deputy Attorney General