

January 31, 2023

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
March 15-16, 2023**

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 **March 15-16, 2023 with a virtual participation option. The Parks and Wildlife Commission meeting will be held at the Aurora Public Schools Professional Learning & Conference Center in the Mt. Massive conference room located at 15771 East 1st Ave, Aurora, CO 80011. For up-to-date information on the meeting, please refer to the Parks and Wildlife Commission website:**

<https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>. The public is encouraged to comment before the meeting by submitting written comments to the Commission's email address at: dnr_cpwcommission@state.co.us.

Comment deadlines: Written comments will be accepted at any time. 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:**

March 2, 2023, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **March 3, 2023**.

Comments received by the Division between noon on **March 2, 2023** and noon on **March 10, 2023**, will be provided to the Commission two business days before the meeting. Comments received after noon on **March 10, 2023** will be held and shared with the Commission as part of the subsequent meeting mailing.

More information on submitting public comments is available at:
<https://cpw.state.co.us/aboutus/Pages/Submit-Public-Comments.aspx>.

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, 33-1-105, 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 – **March 15-16, 2023**, beginning **at 8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the March 2023 Parks and Wildlife Commission meeting: May 1, 2023, unless otherwise noted.

FINAL REGULATIONS

WILDLIFE REGULATIONS

**Please reference the Commission agenda, to be posted on or after March 6, 2023, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

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 consideration of any necessary corrections or administrative clean-ups to regulations previously adopted by the Parks and Wildlife Commission for the 2023 big game seasons, including, but not limited to, game management unit boundaries, season dates, limited license areas and manner of take provisions for bighorn sheep, mountain goat, deer, elk, pronghorn, moose, bear and mountain lion, and regulations otherwise necessary for implementation of the 2023 big game seasons.

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. Specific regulatory changes include the following:

- Modification of the Harvest Information Program (HIP) to no longer require sportspersons only pursuing furbearers to register with the HIP.
- Creation of a white-tailed ptarmigan, Greater sage-grouse, and Columbian sharp-tailed grouse permit that would be required in addition to a small game license, to take these species.

(Issue Stage January 2023 -

https://cpw.state.co.us/Documents/Commission/2023/January/Item.19-W-3_Issue.pdf)

Chapter W-5 - "Small Game - Migratory Game Birds" - 2 CCR 406-5

Open for annual review and final consideration of regulations related to waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits manner of take provisions, and the closure of the crow, sora and Virginia rail seasons.

(Issue Stage January 2023 -

https://cpw.state.co.us/Documents/Commission/2023/January/Item.20-W-5_Issue.pdf)

Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 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-9

Open for annual review and final consideration of regulations related 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. Specific considerations include the following:

- Modification of the Colorow State Wildlife Area closure period.
- Modification of the hunting restrictions at Oxbow State Trust Land to open the land to all hunters.
- Adoption of permeant regulations for the new SKCK fishing access easement on the Yampa River.
- Combining the Ruby Mountain SWA Fishing Easement (FE) regulations and the Bighorn Springs SWA FE under the Bighorn Springs SWA FE.
- Administrative clean-up to correct the misspelling of the Bill Patterson State Wildlife Area.

(Issue Stage January 2023 -
<https://cpw.state.co.us/Documents/Commission/2023/January/Item.30.1Consent-Issue.pdf>)

Chapter W-13 - "Wildlife Possession, Scientific Collecting and Special Licenses" 2 CCR 406-13 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-13

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife possession, scientific collecting and special licenses.

(Issue Stage January 2023 -
<https://cpw.state.co.us/Documents/Commission/2023/January/Item.21-W-0-W-13-Issue.pdf>)

PARKS AND WILDLIFE REGULATIONS

Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7 and Chapter W-0 ("General Provisions" 2 CCR 406-0)

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

- Updating the reference to the U.S. Federal Poverty Guidelines applicable to the Centennial Pass and other low-income licenses and passes offered by the Division.

ISSUES IDENTIFICATION

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 consideration of changes to big game license distribution, including preference point banking, averaging group points, an across-the-board allocation, and/or updating the high-demand hunt code split, such as from 80% for residents and 20% for nonresidents to 90% for residents and 10% for nonresidents.

Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and 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 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.

Chapter W-16 –"Parks and Wildlife Procedural Rules" 2 CCR 406-16 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter P-7 ("Passes, Permits and Registrations" 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-16

Open for consideration of any necessary changes to implement and administer the Search and Rescue program.

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.

For Viewing of Proposed Rules or Questions: copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection online at <https://cpw.state.co.us/aboutus/pages/commission.aspx> and copies can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us 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. Questions may be sent to the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us as well.

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.

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, if time permits, at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be 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 <https://cpw.state.co.us>, on or after **March 9, 2023**.