

March 31, 2023

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
May 3-4, 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 **May 3-4, 2023 with a virtual participation option. The Parks and Wildlife Commission meeting will be held at Colorado Mountain College Spring Valley at Glenwood Springs at 3000 County Road 114, Glenwood Springs, CO 81601. 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.

- Comments regarding wolves should be submitted through <https://engagecpw.org/comment-form>.
- Comments not regarding wolves should be sent to 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:**

April 20, 2023, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **April 21, 2023**.

Comments received by the Division between noon on **April 20, 2023** and noon on **April 28, 2023**, will be provided to the Commission two business days before the meeting. Comments received after noon on **April 28, 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, 33-2-105.8, 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 – **May 3-4, 2023**, beginning **at 8:00 a.m.***

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

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after April 24, 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>.*

WILDLIFE REGULATIONS

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

- Adoption of all limited license numbers for black bear, deer, elk, pronghorn and moose for all Game Management Units in the state that have limited licenses for these species for the 2023 big game seasons.
- Modifying the big game license distribution to an across-the-board allocation for black bear, deer, elk and pronghorn of 75% for residents and 25% for nonresidents effective for the 2024 big game seasons.

Chapter W-10 – “Nongame Wildlife” 2 CCR 406-10 and those related provisions of Chapter W-16 (“Parks and Wildlife Procedural Rules” 2 CCR 406-16) necessary to accommodate changes to or ensure consistency with Chapter W-10

Open for final consideration of regulations for the cleanup of a referenced regulation and to implement and administer wolf reintroduction, including:

- Regulations authorizing owners of livestock to file applications with CPW seeking to injuriously or lethally take gray wolves, including applications seeking retroactive authorization for take of wolves caught in the act of attacking livestock or working dogs.
- Regulations codifying procedures related to the filing and review of applications seeking authorization to injuriously or lethally take wolves, and related administrative appeals.

Chapter W-16 – “Parks and Wildlife Procedural Rules” 2 CCR 406-16 and those related provisions of 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 final consideration of any necessary changes to implement and administer the Search and Rescue program.

The Chapter P-7 – changes to the COSAR Card will become effective on March 1, 2024.

Chapter W-17 – “Damage Caused by Wildlife” 2 CCR 406-17

Open for final consideration of regulations regarding payment of compensation for gray wolf depredation.

DRAFT REGULATIONS

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.

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 preference points for deer, elk, pronghorn and bear including point banking.

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 **April 24, 2023**.