

FINAL REGULATIONS - CHAPTER W-16 - PARKS AND WILDLIFE PROCEDURAL RULES

ARTICLE III – ~~CITIZEN RULEMAKING~~ PETITIONS

#1606 - Citizen Petition Requirements

Any person may petition the Commission to initiate rulemaking pursuant to 24-4-103(7), C.R.S. All petitions for rulemaking must contain the following information: (1) The name, address, and telephone number of the person requesting the rulemaking; and (2) A copy of the rule proposed in the petition, preferably in redline format, and a general statement of the reasons for the requested rule or revision.

#1607 - ~~Reserved~~Implementation of SB 23-267, Chatfield State Park Water quality Fee

A. The Chatfield Watershed Authority may petition the Commission to initiate rulemaking pursuant to SB 23-267, codified at § 33-9-114, CRS, to impose a water quality fee on visitors to Chatfield State Park, provided the requested fee shall not apply to visitors to Chatfield State Park holding an annual or lifetime pass. The Authority's petition must:

- (1) Contain a general statement of the reasons for imposing the requested water quality fee,
- (2) Contain a copy of the proposed rule, preferably in redline format,
- (3) Identify current or proposed water quality projects within the boundaries of the Authority in need of funding, including an overview of the anticipated costs and benefits of such projects, and
- (4) Prioritize current or proposed water quality projects in terms of most urgent need and demonstrate financial need for such projects.

B. In the event the Commission imposes a water quality fee on visitors to Chatfield State Park, the Authority must, on or before June 1, 2029, submit a report to the Division detailing how and to what extent the resulting funding supported water quality projects that benefited Chatfield State Park and its recommendation on whether the water quality fee should be increased, repealed or otherwise amended. At least 25% of the funding will be used for water quality projects within the boundaries of Chatfield State Park. If the recommendation is to increase the fee with CPI, the fee may only be increased to the nearest dollar amount.

#1608 - Reserved

**Basis and Purpose:**

**Implementing regulations for SB 23-267 Chatfield State Park Water Quality Fee**

The General Assembly passed SB 23-267 in 2023, creating new § 33-9-114, CRS. The law created a funding mechanism for the Chatfield Watershed Authority, which is comprised of counties, municipalities, and water and sanitation districts near Chatfield State Park (the Authority). The Authority's mission is to promote the protection of water quality in the Chatfield watershed.

The new law is intended to raise money for the Authority by enabling CPW, at the Authority's request, to charge certain people who visit Chatfield SP an additional fee, up to \$2.00. CPW must collect the fee and transmit proceeds to the Authority, less CPW's administrative costs. The Authority must spend at least 25% of the proceeds on water quality projects within Chatfield SP. Annual and lifetime pass holders cannot be charged the fee.

The new law requires the Commission to adopt implementing regulations in two phases. The new law contemplates the Authority filing a rulemaking petition with the Commission requesting CPW impose the fee. These regulation changes, amend CPW procedural rules to accommodate such a petition before one is filed.

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](mailto: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 Wildlife Act, § 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: § 33-6-106, C.R.S. and §33-1-106(1)(a), C.R.S.**

**EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2024 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 ON THIS 13TH DAY OF MARCH 2024.**

**APPROVED:**  
**Dallas May**  
**Chair**

**ATTEST:**  
**Karen Bailey**  
**Secretary**

**Phil Weiser**  
Attorney General

**Natalie Hanlon Leh**  
Chief Deputy Attorney General

**Shannon Stevenson**  
Solicitor General

**Tanja Wheeler**  
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**Office of the Attorney General**

Tracking Number: **2024-00052**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN  
CONNECTION WITH THE RULES ADOPTED BY THE  
Colorado Parks and Wildlife (406 Series, Wildlife)  
ON 03/13/2024**

**2 CCR 406-16  
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The above-referenced rules were submitted to this office on 03/15/2024 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.

**March 26, 2024 14:00:29 MST**

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