

COLORADO PARKS AND WILDLIFE COMMISSION POLICY

Title: **PUBLIC RULEMAKING PETITIONS**
Effective Date: July 8, 2016

I. AUTHORITY

As a state rulemaking body, the Parks and Wildlife Commission is required by law to operate pursuant to section 24-4-103(7), C.R.S. This section gives any interested person the right to petition for the issuance, amendment, or repeal of a rule. The statute also states that the timeframe for action on such petitions shall be at the discretion of the agency. However, if the Commission chooses to postpone a petition, it is required to consider the petition when it next addresses related rulemaking matters.

II. POLICY STATEMENT

The Parks and Wildlife Commission recognizes that public participation in decisions regarding the management of the state's wildlife and park resources is both desirable and necessary. A petition for rulemaking is one of the many methods available to the public to allow for active engagement in the rulemaking process. A standard procedure for the consideration of public petitions is essential to ensure fair and equitable treatment of such documents, and is intended to enable the public to be informed about the most effective manner in which to introduce petitions to the Commission's regulatory process. In addition, a uniform standard establishes the framework for the petitioner to set forth sufficient facts and supporting documentation to provide the Commission with the appropriate information to form the basis for Commission action.

III. IMPLEMENTATION

Petitions presented to the Commission must include the petitioner's name and sufficient information to enable the Commission to make an initial determination about whether to accept the petition for further consideration. The petition should refer to the regulation proposed for modification, and should be submitted through the Division to the Commission. Petitioners may contact Division staff for related forms, assistance with the process, or any other information necessary for submission of a citizen petition.

Petitioners should be prepared to submit complete documentation in support of the rule changes proposed in their petition.

Once a petition is received, staff will recommend to the Commission the schedule for considering it, within the following guidelines:

- If the petition corresponds to a regulatory chapter which is scheduled for review by the Commission on an annual basis, the petition will be heard during the rulemaking hearings applicable to that chapter.
- If the petition corresponds to a regulatory chapter which is not scheduled for review by the Commission on an annual basis, the petition will be heard at the Commission's next possible regularly-scheduled hearing within the public notice requirements of the State Administrative Procedures Act.
- In order to maintain consistency in regulations and regulatory process, the Commission generally will not consider a citizen petition addressing a regulation passed, with full process, within the previous 12 months.
- In order to maintain consistency in regulations and regulatory process, petitions requesting reconsideration of five-year season structure decisions during the applicable five-year period are disfavored, and petitioners wishing to address such issues will generally be asked to participate in the Division's next applicable Five-Year Big Game Season Structure planning process.
- Resubmission of denied petitions will only be accepted after a full calendar year and only if new and substantial information has been added to the petition.

When a determination is made regarding the placement of a petition on a specific agenda, petitioners will be notified immediately of that decision, and will be made aware of their opportunity to testify in support of their petition.

Public petitions should initially be placed on the rulemaking agenda clearly separated from other rulemaking matters brought forward by staff. The agenda and rulemaking notice specifically will notice the petition for action by the Commission. Thus, the petitioner should understand that the Commission will either take action to move the petition forward or deny the petition.

At the initial hearing, the petitioner will be given an opportunity to present the petition. Staff may be requested to present its position on the petition to assist Commission deliberations. Any decision to support,

reject, or modify the petition will be made based upon the information placed in the record at the time of the hearing.

If the Commission accepts the petition for further consideration, the petitioner will be asked to work with staff to develop regulatory language and any other information or materials requested by the Commission. Within statutory guidelines, the Commission reserves the right to determine the schedule for moving the petition forward, including continuance beyond the regularly-scheduled two-step regulations process. Denial of a petition constitutes final action by the Commission.

Petitioners should be aware that signatures of supporters are not required for submission of a petition. Further, submission of multiple petitions asking for similar Commission action is disfavored, and such petitioners may be asked to coordinate their petitions.