



Policy and Planning
6060 Broadway
Denver, CO 80216

TO: Members of the Colorado Parks and Wildlife Commission
FROM: Hilary Hernandez, Regulations Manager
RE: July 17-18, 2025 Parks and Wildlife Commission Meeting Regulatory Items
DATE: July 3, 2025

The regulatory items detailed below are scheduled to be addressed at the Colorado Parks and Wildlife Commission's July 17-18, 2025 meeting. If there are questions about any of the agenda items below, or if additional information is needed, please feel free to contact Hilary Hernandez at hilary.hernandez@state.co.us.

FINAL REGULATIONS

Agenda Item 16: Chapter P-3 - "River Outfitters" 2 CCR 405-3 (Step 2 of 2)

Open for necessary changes to implement SB 24-161, relating to denials, suspensions, or revocations of river outfitter licenses.

CONSENT AGENDA

FINAL REGULATIONS

Agenda Item 20.1: Chapter W-6 - "Raptors" - 2 CCR 406-6 (Step 2 of 2)

Open for final consideration to allow legally acquired, captive bred in the United States, non-Migratory Bird Treaty Act corvids to participate in educational programming.

Agenda Item 20.2: Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 (Step 1 of 1)

Open for final consideration of regulations including, but not limited to updating the Gunnison Service Center address and removing the Red Mountain State Trust Lands property from the State Trust Lands Hunting and Fishing Access Program.

ISSUES IDENTIFICATION

Agenda Item 20.3: Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 (Step 1 of 2)



Open for annual review of the entire chapter including, but not limited to, updating the vehicle timed entry system at Eldorado Canyon State Park and modifying the hunting reservation system at Sweitzer Lake State Park.

Agenda Item 20.4: Chapter P-2 - “Boating” - 2 CCR 405-2 (Step 1 of 2)

Open for annual review of the entire chapter including but not limited to, updating the requirements for wearing an engine cutoff switch on Class A or Class 1 vessels operated above a wakeless speed and updating the fire extinguisher regulations to match federal requirements.

Agenda Item 20.5: Chapter P-8 - “Aquatic Nuisance Species” 2 CCR 405-8 (Step 1 of 2)

Open for annual review of the entire chapter including, but not limited to, adding the Golden Mussel to the list of Aquatic Nuisance Species list.

FINAL REGULATIONS - CHAPTER P-3 - RIVER OUTFITTERS

#308- River Outfitter License Denials and Non-Renewals, Cease and Desist Orders, and Disciplinary Actions; Hearings and Appeals

1. **Denials** - These regulations implement the Commission's authority to deny an application for a river outfitter license or a renewal of such a license.
 - a. The Division may deny an application for a river outfitter license or a renewal of such a license without a hearing if the license holder or applicant (collectively, applicant) does not meet the requirements specified in section 33-32-105 or 33-32-106, or commits an act described in section 33-32-109(1) (Initial Decision).
 - b. The Division shall notify the applicant of the Initial Decision via certified mail, with a return receipt requested. The Initial Decision must contain a certificate of mailing evidencing when the decision was mailed and is effective upon mailing.
 - c. The Initial Decision shall notify the applicant of their ability to request a hearing on the denial before a Division hearing officer. The applicant must request a hearing within 60 days of the effective date of the Initial Decision by filing a request for hearing. The request for hearing must be sent to "CPW River Outfitter License Hearings" 6060 Broadway, Denver, CO 80216. If a timely request for hearing is not made, the Initial Decision shall become final.
 - d. If a timely request for hearing on the Initial Decision is made, the hearing officer shall provide the applicant notice of the hearing pursuant to section 33-32-109(3). At the hearing, the applicant may appear and dispute the basis for the Initial Decision and demonstrate why the applicant should not be denied a license. The applicant may provide the hearing officer with documents and other evidence in support of their position in advance of the hearing. The hearing officer shall record the audio of the hearing by electronic recording device.
 - e. The hearing officer shall issue a Hearing Officer's Determination within thirty days after the conclusion of the hearing and notify the applicant of the same via certified mail, with a return receipt requested. The Hearing Officer's Determination must contain a certificate of mailing evidencing when the determination was mailed and is effective upon mailing. The Hearing Officer Determination shall evaluate whether the applicant meets the requirements specified in section 33-32-105 and 33-32-106, or committed an act described in section 33-32-109(1).
 - f. The Hearing Officer's Determination shall notify the applicant of their ability to appeal the determination to the Commission. The applicant must file an appeal within 35 days of the effective date of the Hearing Officer's Determination by filing a notice of appeal. The notice of appeal must be sent to "CPW River Outfitter License Hearings" 6060 Broadway, Denver, CO 80216. The notice of appeal shall include (1) the applicant's name, address and telephone number, (2) a narrative statement of the applicant's position, and (3) any other documentary evidence supporting the applicant's position or disputing the grounds for denial stated in the Hearing Officer Determination. The applicant shall be responsible for preparing a transcript of the hearing, if desired, and include the same with their notice of appeal. If a timely notice of appeal is not filed, the Hearing Officer Determination shall become final.

g. The Commission appeal will be based on the notice of appeal and any written materials or documentary evidence provided to the Commission by the Division in response to the notice of appeal. Unless the Commission directs otherwise, there will be no oral presentations or further submittals to the Commission. Except as may otherwise directed by the Commission, such appeals will be reviewed at the next regular meeting of the Commission following their receipt, provided the notice of appeal is received by the Commission at least thirty days prior to the meeting. The Hearing Officer Determination will be placed on the consent agenda for approval unless the applicant makes an oral presentation to the Commission pursuant to #1601.A.1. The final decision of the Commission is effective upon mailing to the applicant and must contain a certificate of mailing.

2. **Cease and Desist Orders** - These regulations implement the Division's authority to issue cease and desist orders.

a. The Division may issue a cease-and-desist order pursuant to § 33-32-108(3) without notice. The respondent may request a hearing with the Hearing Officer to determine whether a violation has actually occurred if such request is made in writing within thirty days after the date of the service of the order. If a timely request for hearing is not made, the cease-and-desist order shall become final.

b. The request for hearing must be sent to "CPW River Outfitter License Hearings" 6060 Broadway, Denver, CO 80216. The date of service of the cease-and-desist order is the date on which a copy of the order is delivered to the respondent in person. Alternatively, such notice may be provided via certified mail, with a return receipt requested. If mailed, the cease-and-desist order must contain a certificate of mailing evidencing when the order was mailed and is effective upon mailing.

c. At the hearing on the cease-and-desist order, the respondent shall be given the opportunity to appear and dispute the allegation(s) and demonstrate why the order should not be maintained. The respondent may provide the hearing officer with documents and other evidence in support of their position in advance of the hearing. The hearing officer shall record the audio of the hearing by electronic recording device.

d. The hearing officer shall issue a Hearing Officer's Determination within thirty days after the conclusion of the hearing and notify the respondent of the same via certified mail, with a return receipt requested. The Hearing Officer's Determination must contain a certificate of mailing evidencing when the determination was mailed and is effective upon mailing.

e. The Hearing Officer's Determination shall notify the respondent of their ability to appeal the determination to the Commission. The respondent must file an appeal within 35 days of the effective date of the Hearing Officer's Determination by filing a notice of appeal. The notice of appeal must be sent to "CPW River Outfitter License Hearings" 6060 Broadway, Denver, CO 80216. The notice of appeal shall include (1) the respondent's name, address and telephone number, (2) a narrative statement of the respondent's position, and (3) any other documentary evidence supporting the respondent's position or disputing the grounds for denial stated in the Hearing Officer Determination. The respondent shall be responsible for preparing a transcript of the hearing, if desired, and

include the same with their notice of appeal. If a timely notice of appeal is not filed, the Hearing Officer Determination shall become final.

f. The Commission appeal will be based on the notice of appeal and any written materials or documentary evidence provided to the Commission by the Division in response to the notice of appeal. Unless the Commission directs otherwise, there will be no oral presentations or further submittals to the Commission. Except as may otherwise directed by the Commission, such appeals will be reviewed at the next regular meeting of the Commission following their receipt, provided the notice of appeal is received by the Commission at least thirty days prior to the meeting. The Hearing Officer Determination will be placed on the consent agenda for approval unless the respondent makes an oral presentation to the Commission pursuant to #1601.A.1. The final decision of the Commission is effective upon mailing to the respondent and must contain a certificate of mailing.

3. Disciplinary Actions - These regulations implement the Commission's authority to suspend or revoke a river outfitter license, place a licensed river outfitter on probation, or issue a letter of admonition to a licensed river outfitter (Disciplinary Action).

a. The Commission, through a hearing officer, may bring an action against a license holder to impose a Disciplinary Action if the holder commits an act described in section 33-32-109(1). The hearing officer shall provide the license holder notice of the action pursuant to section 33-32-109(3).

b. At the hearing, the license holder shall be given the opportunity to appear and dispute the allegation(s) and demonstrate why a Disciplinary Action should not be imposed. The license holder may provide the hearing officer with documents and other evidence in support of their position in advance of the hearing. The hearing officer shall record the audio of the hearing by electronic recording device.

c. The hearing officer shall issue a Hearing Officer's Determination within thirty days after the conclusion of the hearing and notify the license holder of the same via certified mail, with a return receipt requested. The Hearing Officer's Determination must contain a certificate of mailing evidencing when the determination was mailed and is effective upon mailing.

d. The Hearing Officer Determination shall consider the following factors in imposing a Disciplinary Action, if any:

1) Whether the violation(s) were committed negligently, knowingly or intentionally;

2) Whether the violation(s) show negligent, knowing or intentional disregard for public safety or the environment;

3) Whether the license holder or its agents were previously warned, convicted, cited, or subject to another Disciplinary Action;

4) Whether the violation(s) were a factor in and/or discovered during a commercial boat incident investigation;

5) The experience and age of the license holder or its agents and other social factors or circumstances associated with the violation(s);

- 6) Whether license holder or its agents party interfered with or hindered the investigation of the violation(s); and
- 7) Whether the license holder took prompt remedial action.
- e. The Hearing Officer's Determination shall notify the license holder of their ability to appeal the determination to the Commission. The license holder must file an appeal within 35 days of the effective date of the Hearing Officer's Determination by filing a notice of appeal. The notice of appeal must be sent to "CPW River Outfitter License Hearings" 6060 Broadway, Denver, CO 80216. The notice of appeal shall include (1) the license holder's name, address and telephone number, (2) a narrative statement of the license holder's position, and (3) any other documentary evidence supporting the license holder's position or disputing the grounds for Disciplinary Action stated in the Hearing Officer Determination. The license holder shall be responsible for preparing a transcript of the hearing, if desired, and include the same with their notice of appeal. If a timely notice of appeal is not filed, the Hearing Officer Determination shall become final.
- a.f. The Commission appeal will be based on the notice of appeal and any written materials or documentary evidence provided to the Commission by the Division in response to the notice of appeal. Unless the Commission directs otherwise, there will be no oral presentations or further submittals to the Commission. Except as may otherwise directed by the Commission, such appeals will be reviewed at the next regular meeting of the Commission following their receipt, provided the notice of appeal is received by the Commission at least thirty days prior to the meeting. The Hearing Officer Determination will be placed on the consent agenda for approval unless the license holder makes an oral presentation to the Commission pursuant to #1601.A.1. The final decision of the Commission is effective upon mailing to the license holder and must contain a certificate of mailing.

MAILING 07/03/2025
Basis and Purpose
Chapter P-3 - River Outfitters

Basis and Purpose:

This regulatory change covers the implementation of the river outfitter provisions of Senate Bill 24-161. Specifically, it focuses on establishing new procedural rules for the denial, non-renewal, and disciplinary actions related to river outfitter licenses. Previously, decisions regarding license denial, non-renewal, or disciplinary actions by Colorado Parks and Wildlife were subject to review by an external administrative law judge. The new legislation mandates that these responsibilities now fall to a CPW hearing officer, operating under the supervision of the Commission.

Under this new framework, the hearing officer will review Division decisions regarding license denials or non-renewals. Furthermore, they are empowered to impose disciplinary actions in cases of legal violations. Such actions may include license suspensions or revocations, probation, or a letter of admonition. Licensees retain the right to appeal decisions made by the hearing officer to the Commission.

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager, Policy and Planning Unit, 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, 2025 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 17TH DAY OF JULY 2025.

APPROVED:
Richard Reading
Chair

ATTEST:
Eden Vardy
Secretary