January 31, 2022

RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
March 9-10, 2022

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 9-10, 2022. The Parks and Wildlife Commission meeting will be held virtually in accordance with guidance from the Governor's Office of Operations** *Addressing Boards and Commissions Vaccination Policy***. If circumstances change, there may also be in-person public comment in Denver, CO. 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 Parks and Wildlife Commission will make every attempt to conduct the March 9-10, 2022 meeting on Zoom or a similar platform in order to allow public comment. However, 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:**

> **February 24, 2022,** for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **February 25, 2022.**
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> Comments received by the Division between noon on **February 24, 2022** and noon on **March 4, 2022,** will be provided to the Commission two business days before the meeting. Comments received after noon on **March 4, 2022** 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 9-10, 2022,** beginning **at 8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the March 2022 Parks and Wildlife Commission meeting: May 1, 2022, unless otherwise noted.

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after February 28, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at http://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx.*

WILDLIFE REGULATIONS

Chapter W-0 – "General Provisions" – 2 CCR 406-0

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

- Allowing the release of privately-owned game birds during an established season for falconry training under specific conditions.

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 2022 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 2022 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.

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 and manner of take provisions.

Chapter W-6 – "Raptors" – 2 CCR 406-6

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

- Adding a means by which leftover peregrine falcon capture permits could be purchased on a first-come, first-served basis.

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, but are not limited to, the following:

- Updating regulations for Creede State Wildlife Area (SWA).
- Creating a seasonal closure on Fish Creek SWA from December 1 – June 30th annually.
- Clarifying how to obtain an access permit for Higel SWA.
- Clarifying regulations on John Martin Reservoir SWA and Queens SWA.
- Updating regulations for San Luis Lakes SWA.

- Changing regulations for the Big Springs, Brett Gray Ranch, Karval, and Punkin Center State Trust Lands (STLs) to prevent overcrowding and provide consistency with other STLs.
- Changing the opening dates of recently enrolled STL properties in Moffat County to August 15th.

PARKS REGULATIONS

Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7

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

- Setting the price of the Keep Colorado Wild annual pass.
- Updating the reference to the U.S. Federal Poverty Guidelines applicable to the Centennial Pass to correspond with the requirements of other low-income licenses and passes offered by the Division.

Chapter P-8 – "Aquatic Nuisance Species (ANS)" – 2 CCR 405-8

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

- Amending the definition of "vessel or other floating device" and exempting vessels or other floating devices that are "hand-launched and human-powered" from mandatory aquatic nuisance species (ANS) inspections.

ISSUES IDENTIFICATION

Chapter W-0 – "General Provisions" – 2 CCR 406-0 and those related provisions of Chapter W-11 ("Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11) necessary to accommodate changes to or ensure consistency with Chapter W-0

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

- Updating the disease testing requirements for cervids in commercial parks to maintain consistency with the revised requirements of the Colorado Department of Agriculture.

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

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

- Adopting property-specific regulations for the new SKCK State Wildlife Area (Fishing Easement).

Chapter P-1 - "Parks and Outdoor Recreation Lands" - 2 CCR 405-1 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 P-1

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

- Piloting a timed entry reservation system at Eldorado Canyon State Park.

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.

Viewing of Proposed Rules: 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 Krista Heiner at krista.heiner@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.

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 **http://cpw.state.co.us**, on or after **February 28, 2022**.