

COLORADO PARKS AND WILDLIFE COMMISSION POLICY

TITLE: PROVIDING PUBLIC COMMENT TO THE COLORADO PARKS AND WILDLIFE COMMISSION

Effective Date: ~~June 13, 2024, amended November 14, 2024~~ MONTH DAY, 2026

I. PURPOSE

The purpose of this policy is to establish policies and procedures relating to providing public comment to the Colorado Parks and Wildlife Commission (Commission), either orally or in writing, and to inform the public of such policies and procedures.

II. AUTHORITY

§ 33-9-101(1)(b), C.R.S. (“The commission shall meet as often as necessary and may adopt policies and procedures necessary to carry out its duties.”).

§ 24-4-103(4)(a), C.R.S. (“At the place and time stated in the notice [of rulemaking], the agency shall hold a public hearing at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally unless the agency deems it unnecessary.”).

§ 24-6-402(2)(l), C.R.S. (“Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public.”).

§ 18-8-306, C.R.S. (“Any person who attempts to influence any public servant by means of deceit or by threat of violence or economic reprisal ..., with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action ... commits a class 4 felony.”).

§ 18-9-108, C.R.S. (“(1) A person commits disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession, or gathering, he significantly obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means. (2) Disrupting lawful assembly is a petty offense....”).

§ 18-9-110(5), C.R.S. (“No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt, or hinder the normal proceedings of such body or official.” Any person who violates this section commits a petty offense.)

III. POLICY STATEMENT

The primary purpose of Commission meetings is for the Commission to establish policies that will enable the Commission and Division of Parks and Wildlife (Division) to

accomplish their shared mission “to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.” § 33-9-101(12)(b), C.R.S. All public comments must be reasonably related to CPW’s mission.

The Commission encourages members of the public to attend and actively participate in Commission meetings and share their viewpoints so that the Commission can make better informed policy decisions. Such participation also enables the public to become better acquainted with CPW’s operations, programs, and mission. CPW recognizes the value of public comments on its policy-making decisions. To permit fair and orderly expression of public comments concerning CPW’s mission at Commission meetings, while still allowing the Commission to conduct its business efficiently, the Commission has established the following procedures for providing public comment. Nothing in this policy is intended to require the Commission to accept comment unless required by law.

IV. PROCEDURES

There are numerous opportunities for the public to provide comments to the Commission concerning its policy decisions. Public comments may be made in writing or orally if time permits and may be provided in person or, when applicable, virtually. The procedures below provide additional details on how the public can take advantage of such opportunities and how the Commission manages public comment and engagement.

A. Written Comments to the Commission

Members of the public are encouraged to submit formal comments to the Commission via email at the Commission’s Engage webpage. dnr_cpwcommission@state.co.us. The Division collects and organizes written comments received via the above-referenced Engage webpage ~~email address~~ and provides them to the Commission in advance of its meetings. To ensure that public comments are presented to the Commission and, where applicable, included in the rulemaking record, members of the public should use the above-referenced Engage webpage ~~email address~~.

Emails sent to individual Commissioner email addresses are not distributed to all Commissioners by CPW staff and will not be included in the rulemaking record. The public comment deadlines associated with specific Commission meetings are available on the Commission’s webpage here (<https://cpw.state.co.us/committees/colorado-parks-and-wildlife-commission>). Comments received after applicable deadlines will be held for the next Commission meeting.

~~The Division created EngageCPW, available at <https://engagecpw.org/>, as a means to engage with the public on a variety of issues, including through surveys. Although comments provided via EngageCPW are not forwarded to the Commission and are not included in the administrative record for rulemakings, such comments and survey results may be summarized by Division staff in oral or written form for consideration by the Commission.~~

B. Oral Comments to the Commission

~~The Commission typically holds 6 regular~~^{8 to 10} ~~meetings per year at various locations across the state, two of which must be west of the continental divide (§ 33-9-101(1)(b), C.R.S.). CPW develops a formal agenda for each meeting as required by the Open Meetings Law (§ 24-6-402(2)(c)(I), C.R.S.).~~

Commission meeting agendas~~s items~~ often include informational or programmatic updates, rulemakings, and adjudications, such as license suspension or wildlifegame damage appeals. The Commission ~~typically~~ accepts oral public comment for all regulatory agenda items and typically accepts public comment for items that will be voted on by the Commission after the agenda item is introduced by Division staff. The Commission is generally required to accept public comment during rulemakings (§ 24-4-103(4)(a), C.R.S.). The Commission does not accept public comment for adjudications, such as license suspension or wildlifegame damage appeals, because such decisions only affect one individual and not the public generally.

In addition to the agenda-item-specific public comment opportunity discussed in the preceding paragraph, the Commission often includes time for general public comment at its ~~monthly~~ meetings. This is an opportunity for the public to raise issues within the Commission's mission and authority that may not appear on a specific agenda. The Commission does not offer the general public comment opportunity at special meetings, such as for Commission study sessions or for meetings where the primary purpose of the meeting is for the Commission to enter executive session as authorized by the Open Meetings Law (§ 24-6-402(3)(a), C.R.S.).

The content of oral public comment, whether related to a specific agenda item or provided during the general public comment period, is subject to the requirements specified in Section V of this policy.

~~Commenters, regardless of whether they are making personal comments or speaking on behalf of an organization, are limited to two or three minutes. The amount of time that commenters are afforded, regardless of whether they are making personal comments or speaking on behalf of an organization, is at the discretion of the Chair, but is typically between one to three minutes.~~ These limits may be modified at the discretion of the Chair, especially for elected officials. Speakers may not relinquish nor assign any portion of their allotted time to another speaker. ~~Commissioners may, in their discretion and as facilitated by the Chair, ask follow-up questions of speakers. Such questioning does not count towards a speaker's allotted time.~~

Individuals wishing to provide oral public comment at Commission meetings must ~~pre-~~register. If commenting in person, individuals must register at the registration table at the meeting venue. If commenting virtually, individuals must pre-register as provided on CPW's website~~website~~ (<https://cpw.state.co.us/committees/colorado-parks-and-wildlife-commission>).

CPW will not facilitate the use of charts or demonstrative aides during agenda-item-specific comments or general comments, but such materials may be provided~~mailed~~ to the Commission via the Commission's Engage webpage dnr-cpwcommission@state.co.us. The deadline to provide supporting materials relating to public comments (except for Public Presentations ~~p~~Pursuant to CPW Rule W-16; 1601.A.1, discussed below) is the same deadline applicable to providing written public comments in advance of Commission meetings. The public comment deadlines

associated with specific Commission meetings are available on the Commission's webpage here (<https://cpw.state.co.us/committees/colorado-parks-and-wildlife-commission>). Division staff support public comment by registering speakers, compiling written comments, managing comment queues, timing speakers, and other related tasks.

Members of the public who want to provide written materials to the Commission at a public meeting may give them to the Division staff person facilitating the public comment. Such materials will be scanned and electronically sent to the Commission prior to the Commission's next meeting.

C. Public Presentations Pursuant to CPW Rule W-16; 1601.A.1.

Persons or groups ~~Members of the public~~ who wish to speak about a topic for longer than two or three minutes can request to make a public presentation pursuant to CPW Rule W-16; 1601.A.1. Speaker(s) wishing to present must make the request directly. Requests cannot be made on behalf of another speaker. Rule W-16; 1601.A.1, which provides:

“Public Presentation - In addition to normally scheduled opportunities to testify on matters before the Commission, persons or groups wishing to participate in a regular Commission meeting may request to be placed on the agenda by submitting a written request to the Chair through the Commission inbox (dnr_cpwcommission@state.co.us) at least 30 days before the meeting. The public may participate during the meeting at the discretion of the Chair or presiding officer.”

The Chair may grant or deny a request for public presentation at-in their discretion. In making this determination, the Chair may take into account the time available for the subject meeting and the need to address other matters within that time, the nature of the proposed topic in relation to the Commission's regulatory calendar and pending agenda, whether the proposed topic is reasonably related to the Commission's statutory authority or mission, whether the presentation is likely to be beneficial to the Commission, whether the presentation is cumulative of other information already available to the Commission, or any other factor relevant to the decision of whether or not to allow the presentation. Requests may be deferred until subsequent meetings. In the event a request is granted, the Chair will consult with the Director on the duration and scheduling of any public presentation. The content of public presentations is subject to the requirements specified in Section V of this policy.

CPW will facilitate the use of charts and demonstrative aides during public presentations pursuant to CPW Rule W-16; 1601.A.1, such as PowerPoint presentations containing facts, figures, words, and numbers. Videos and large detail photos, meaning photos that are greater than 10% of a PowerPoint slide, will not be publicly played or displayed. Videos and photos, and any other supporting materials, may be provided by the person making the public presentation to the Division and the Division will provide the same to the Commissioners in advance of the public presentation. Any such materials must be provided to the Division at least 10 calendar days in advance of the meeting.

V. PUBLIC COMMENT RULES

The Commission Chair is responsible for ensuring the orderly conduct of Commission meetings and for ensuring compliance with this policy, including the rules set forth below. The Commission recognizes the First Amendment rights of all speakers. No speaker will be cut off unless they violate the rules set forth below. The Commission Chair will stop any public comment that is contrary to these rules.

Individuals who disrupt a Commission meeting may be asked to leave in order to allow the Commission to conduct its business in an orderly manner. The Commission Chair may request the assistance of law enforcement if necessary to address disruptions or safety concerns. Attempting to influence policy through threatening behavior and disrupting lawful assemblies are crimes (§ 18-8-306, C.R.S. and § 18-9-108, C.R.S.). Public comments that are unfairly critical of CPW staff are disfavored. Grievances about specific staff members should be submitted in writing ~~to the Chair or Director or~~ pursuant to CPW's Notice of Nondiscrimination and Grievance Procedure, which is available on the CPW website here (<https://cpw.state.co.us/nondiscrimination>). If you have questions or concerns about this policy, please call (303) 297-1192 and ask for the Parks and Wildlife Commission Coordinator.

- A. All public comments must be reasonably related to CPW's mission.
- B. Speakers will be recognized by the Commission Chair and comments should be addressed to the Commission Chair. Requests for information or concerns that require further research may, by a majority of the Commission, be referred to the Division for further action or investigation. Public comment is an opportunity for the Commission to listen, not be called on to answer questions or debate speakers.
- C. Speakers are expected to follow rules of common etiquette and decorum, including refraining from using fighting words, vulgar and/or obscene language, yelling, threatening others using words or by other actions, making defamatory comments, or otherwise engaging in any activity that disrupts orderly meeting progress. Examples of disruptive conduct include, but are not limited to, exceeding the allotted time limits, talking over or interrupting others, clapping, yelling and cheering, and offering comment on matters unrelated to the Commission's programs, mission, or authority. If speakers do not follow the rules set forth in this policy, the Chair may admonish those in attendance who are disrupting the meeting, take a recess or series of recesses, terminate public comment, and take other appropriate action, including consulting with law enforcement.