

November 30, 2022

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
January 17-18, 2023**

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 **January 17-18, 2023. The Parks and Wildlife Commission meeting will be held at Cheyenne Mountain Resort at 3225 Broadmoor Valley Rd, Colorado Springs, CO 80906, with a virtual viewing option. 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 public is encouraged to comment on rulemakings before the meeting by submitting written comments to the Commission's email address at: dnr_cpwcommission@state.co.us. On January 17-18, the public will have the opportunity for virtual and in person participation.

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:**

January 5, 2023, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **January 6, 2023.**

Comments received by the Division between noon on **January 5, 2023,** and noon on **January 12, 2023,** will be provided to the Commission two business days before the meeting. Comments received after noon on **January 12, 2023,** 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 – January 17-18, 2023, beginning **at 8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the January 2023 Parks and Wildlife Commission meeting: March 2, 2023, unless otherwise noted.

**Please reference the Commission agenda, to be posted on or after January 9, 2023 to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

FINAL REGULATIONS

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0 and those related provisions of Chapter W-16 ("Parks and Wildlife Procedural Rules") necessary to accommodate changes to or ensure consistency with Chapter W-0

Open for annual review of the entire chapter, including but not limited to, Game Management Unit (GMU) boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes. Specific considerations include, but are not limited to, the following:

- Rescinding current CPW regulation 2 CCR 406-0:0005, Chapter W-0:0005 (Reasonable Accommodations) and recodifying amended disability accommodation regulations in 2 CCR 406-16, Chapter W-16 (Parks and Wildlife Procedural Rules) to make it clear that such regulations apply to both wildlife programs and parks programs, and to align CPW's regulations with the federal Americans with Disabilities Amendments Act.
- Modifying the Game Management Unit boundaries for 123, 124, 125, 128, 129, and 135.
- Modifying the Game Management Unit boundaries for 008 and 191.
- Modifying the hunting closure on Mount Evans.

Chapter W-2 - "Big Game" 2 CCR 406-2 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter W-3 ("Furbearers and small Game, Except Migratory Birds") necessary to accommodate changes to or ensure consistency with Chapter W-2

Open for annual review of the entire chapter, including, but not limited to:

Multiple Species

- Annual changes to season dates, limited license areas, quotas and manner of take provisions for bighorn sheep and mountain goat (statewide).
- Annual changes to season dates, limited license areas, and manner of take provisions for deer, elk, pronghorn antelope, moose and bear (statewide).
- Annual changes to season dates, and harvest limits for mountain lion (statewide).
- Amending the definition of an adult novice hunter and revising the license list classification for the adult novice hunting license and adult novice ranching for wildlife license.

Deer

- Creating a new 4th rifle antlered deer hunting season in Game Management Units 31 and 32.
- Creating a new 4th rifle antlered deer hunting season in Game Management Unit 30.
- Creating a list B, private land only, antlerless whitetail season in Game Management Units 6, 16, 17, 161, and 171 from December 1 through December 31.
- Adding early season doe hunt codes in Game Management Units 54, 55, and 551.
- Expanding D-E-411-P6-R to include portions of Game Management Units 52 and 521 and changing the hunt code to D-E-052-P6-R.
- Modifying the hunt code DM951P7R to be a general private land only antlered license.

- Removing the private land only designation from all mule deer and pronghorn licenses in Game Management Unit 83.
- Adding hunt codes for either-sex deer, doe, and cow elk valid only on Centennial Cone Open Space in Game Management Unit 38.

Elk

- Splitting Data Analysis Unit E-10 cow elk hunt codes in Game Management Units 21, 22, 30, 31, and 32.
- Restoring Game Management Unit-specific cow rifle licenses for 2nd, 3rd, and 4th seasons in Data Analysis Unit E-16 and the extended private land only cow season in Game Management Unit 444.
- Limiting archery elk licenses in Data Analysis Unit E-14 and/or Game Management Unit 521.

Pronghorn

- Creating private land only hunt codes in Data Analysis Unit PH-5.

Moose

- Adding bull and cow moose hunting codes in Game Management Units 33 and 34.
- Adding cow moose hunt codes in Game Management Units 44 and 45.
- Replacing the hunt codes for cow (MF04701X) and bull (MM04701X) moose in Game Management Unit 47 to create four separate hunt codes in Game Management Units 47, 444, and 471.

Bighorn Sheep

- Adding a bighorn sheep ewe hunt code to Data Analysis Unit S-36.
- Revising the Bighorn Sheep Access Program Option C.

Mountain Goat

- Re-opening either-sex mountain goat hunt code GEG1801R in Game Management Unit G18.

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

Open for final consideration of the following:

- Modifying the public access dates for Oak Ridge State Wildlife Area to allow turkey hunting in May and youth outreach turkey hunting in April.

Chapter W-16 – "Parks and Wildlife Procedural Rules" 2 CCR 406-16

Open for final consideration of the following:

- Recodifying CPW's amended reasonable accommodation regulations, previously codified in 2 CCR 406-2:0005, Chapter W-0:0005 (Reasonable Accommodations) and recodifying amended disability accommodation regulations in 2 CCR 406-16, Chapter W-16 (Parks and Wildlife Procedural Rules) to make it clear that such regulations apply to both wildlife programs and parks programs, and to align CPW's regulations with the federal Americans with Disabilities Amendments Act.

ISSUES IDENTIFICATION

PARKS AND WILDLIFE REGULATIONS

Chapter P-4 - "Snowmobile Regulations" 2 CCR 405-4

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to registration and required safety equipment of snowmobiles.

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 and those related provisions of Chapter W-9 ("Wildlife Properties" 2 CCR 406-9) and Chapter P-1 ("Parks and Outdoor Recreation Lands" 2 CCR 405-1) necessary to accommodate changes to or ensure consistency with Chapter W-5

Open for consideration of annual changes to waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.

Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter P-1 ("Parks and Outdoor Recreation Lands" 2 CCR 405-1) necessary to accommodate changes to or ensure consistency with Chapter W-9

Open for annual review of the entire chapter including, but not limited 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. This includes regulations related to the requirements to access State Wildlife Areas and State Trust Lands leased by the Division.

Chapter W-11 - "Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife parks, sanctuaries and unregulated wildlife.

Chapter W-13 - "Wildlife Possession, Scientific Collecting and Special Licenses" 2 CCR 406-13 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-13

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife possession, scientific collecting and special licenses.

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 Hilary Hernandez at hilary.hernandez@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 <https://cpw.state.co.us>, on or after **January 9, 2023**.