

Please Note the Updated Location. Revised From the Version Dated September 30, 2021 published in the Colorado Register, 44 CR 19 available at <https://www.sos.state.co.us/CCR/RegisterHome.do>

October 20, 2021

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
November 18-19, 2021**

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 **November 18-19, 2021. The Parks and Wildlife Commission meeting will be held at Colorado Parks and Wildlife Lamar Office, 2500 S. Main Street, Lamar, CO 81052. 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 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:**

November 4, 2021, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 5, 2021**.

Comments received by the Division between noon on **November 4, 2021** and noon on **November 12, 2021**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 12, 2021** 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 – **November 18-19, 2021**, beginning at **8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the November 2021 Parks and Wildlife Commission meeting: January 1, 2022, unless otherwise noted.

FINAL REGULATIONS

PARK REGULATIONS

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

**Please reference the Commission agenda, to be posted on or after November 8, 2021, 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>.*

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

- Changing the replacement fee for an additional Aspen Leaf annual vehicle pass to half the cost of the original pass, if proof of eligible replacement need is not provided.

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0, and those related provisions of Chapter W-2 ("Big Game" 2 CCR 406-2), Chapter W-3 ("Furbearers and Small Game, Except Migratory Birds" 2 CCR 406-3), Chapter W-11 ("Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11), Chapter W-15 ("Division Agents" 2 CCR 406-15), and Chapter P-7 ("Passes, Permits and Registrations" – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0

Open for consideration of regulations including, but not limited to, adjusting license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.

Chapter W-1- "Fishing" 2 CCR 406-1

Open for annual review of the entire chapter including, but not limited to, consideration of regulations regarding season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state. Specific considerations include, but are not limited to, the following:

- Removing the prohibition on fishing on the South Prong of Hayden Creek.
- Removing the Wakara Lease property from regulations pertaining to the White River in Rio Blanco County.

These Chapter W-1 - Fishing regulations will become effective April 1, 2022.

Chapter W-3 - "Furbearers and Small Game, except Migratory Birds" 2 CCR 406-3

Open for annual review and final consideration of regulations regarding turkey hunting, including but not limited to, license areas, season dates, and manner of take provisions for the 2022 turkey hunting seasons. Specific considerations include, but are not limited to, the following:

- Creating Novice Adult Outreach Hunting Licenses for turkey.
- Creating an over-the-counter fall turkey season in Game Management Unit 23.

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

Open for consideration of regulations including, but not limited to, modifying general refund procedures, the restoration of preference points, and the Director's disaster relief authority.

These Chapter W-16 - Park and Wildlife Procedural Rules regulations will become effective February 1, 2022.

DRAFT REGULATIONS

WILDLIFE REGULATIONS

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

Open for consideration of regulations 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.

ISSUES IDENTIFICATION

PARK REGULATIONS

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

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

- Requiring reservations for big game and small game hunting in the Jefferson County portion of Golden Gate Canyon State Park where hunting is permitted.
- Permitting kiteboarding at Navajo State Park.

WILDLIFE REGULATIONS

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

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

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

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.
- Annual changes to limited license application and drawing processes.

Section #1000.A of Chapter W-10 - "Nongame Wildlife" 2 CCR 406-10 and those related provisions of Chapter W-10 ("Nongame Wildlife" 2 CCR 406-10) necessary to accommodate changes to or ensure consistency with Section #1000.A

Open for consideration of new and amended regulations authorizing livestock owners and their agents to haze gray wolves to prevent or reduce injury to livestock.

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 Jonathan Boydston at jonathan.boydston@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 **November 8, 2021**.