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.**

This notice supplements the Commission's notice of rulemaking dated September 30, 2021 published in the Colorado Register, 44 CR 19 available at https://www.sos.state.co.us/CCR/RegisterHome.do. This notice also amends the notice dated September 30, 2021 by relocating the meeting to CPW's Lamar Office, 2500 S. Main Street, from the Lamar Community College.

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.**
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> 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.

**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.*

FINAL 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. Specific considerations include, but are not limited to, the following:

- Exempting the following properties or portions of the property from public access license requirements:
    - Bayfield Lion's Club Range
    - Bellaire Lake State Wildlife Area
    - Buena Vista State Wildlife Area
    - Chesmore State Wildlife Area
    - Cottonwood Creek State Wildlife Area
    - Dowdy Lake State Wildlife Area
    - Forks State Wildlife Area
    - Granby Ranch Conservation Easement
    - Grand Junction West Lake State Wildlife Area
    - Groundhog Reservoir State Wildlife Area
    - Home Lake State Wildlife Area
    - Horsethief Canyon State Wildlife Area
    - Lake Beckwith State Wildlife Area
    - Love Meadow Watchable Wildlife Area
    - Mesa Reservoir State Wildlife Area
    - Narraguinnep Reservoir State Wildlife Area
    - Narrows State Wildlife Area
    - North Fork State Wildlife Area
    - Poudre River State Wildlife Area
    - Russell Lakes State Wildlife Area
    - Sawhill State Wildlife Area
    - Sharptail Ridge State Wildlife Area
    - Shriver and Wright State Wildlife Area
    - Storm Mountain Access Road
    - Totten Reservoir State Wildlife Area
    - West Lake State Wildlife Area
    - Windy Gap Watchable Wildlife Area
- Adding the following properties to Chapter W-9:
    - Bill Patterson State Wildlife Area
    - Blanca Wetlands State Wildlife Area
    - Cross Canyon State Wildlife Area
    - Eagle Rock State Wildlife Area
    - Frying Pan State Wildlife Area
    - Hereford Haven Ranch State Wildlife Area
    - Jackson State Wildlife Area
    - Masonic Park Fishing Easement
    - Orient Mine State Wildlife Area
    - Rajadero Canyon State Wildlife Area
    - Saguache Park State Wildlife Area

- Willow Creek Reservoir State Wildlife Area
- Authorizing the Division of Parks and Wildlife to issue permits to commercial users of properties controlled by the Division.

ISSUES IDENTIFICATION

Section #1001 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 #1001.

Open for consideration of new and amended regulations making it unlawful for any person to place any olfactory attractant with the intent to lure any threatened or endangered species unless permitted by the division.

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**.