

July 31, 2020

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
September 2-3, 2020**

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 **September 2-3, 2020**. **The Parks and Wildlife Commission meeting will be held virtually in accordance with guidance from the Colorado Department of Public Health and Environment (CDPHE) and the Centers for Disease Control and Prevention, related to the COVID-19 pandemic. If circumstances change, there may also be an in-person meeting in Meeker, 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 September 2-3, 2020 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:**

August 20, 2020, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **August 21, 2020**.

Comments received by the Division between noon on **August 20, 2020** and noon on **August 28, 2020**, will be provided to the Commission two business days before the meeting. Comments received after noon on **August 28, 2020** 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, 33-1-106, 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 – **September 2-3, 2020**, beginning at **8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the September 2020 Parks and Wildlife Commission meeting: November 1, 2020, unless otherwise noted.

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after August 24, 2020, 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>.*

PARK REGULATIONS

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter W-5 ("Small Game – Migratory Birds" 2 CCR 406-5) necessary to accommodate changes to or ensure consistency with Chapter P-1

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

- Managing limited waterfowl hunting opportunities at Sweitzer Lake State Park through the Hunting Reservation System.
- Clarifying Trinidad Lake State Park regulations.
- Modifying regulations related to living aboard vessels to ensure consistency with other camping regulations.

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

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

- Requiring a \$4 daily pass per person for all visitors sixteen years of age or older entering Castlewood, Eleven Mile, Golden Gate Canyon, Jackson Lake, John Martin Reservoir, Lathrop, Mancos, Mueller, Navajo, North Sterling, Ridgway, Roxborough, Paonia, Spinney Mountain, Staunton, and St. Vrain State Parks, except those entering the park in a motor vehicle with a valid and applicable parks pass or those entering the park with a valid and applicable annual parks pass receipt.
- Adding additional camping types to update and clarify fees.
- Clarifying the income requirements for the Centennial annual parks pass.

WILDLIFE REGULATIONS

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

Open for consideration of regulations related to the following:

- Authorizing the use of a Temporary Authorization Number (TAN) as proof of privilege for most division products for up to 45 days.
- Authorizing the Director to grant temporary exemptions that allow hunter education to be delivered online to ensure compliance with applicable public health directives or where otherwise necessary for the protection of public health, safety and welfare.

Chapter W-2 – "Big Game" - 2 CCR 406-2:

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

- Modifying restrictions on the cutoff of license sales to allow the sale of all big game licenses after the start of the respective seasons at CPW locations, sales agents, online, and by phone.

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

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

- Revising refund and reissue regulations to provide more consistency and customer service opportunities.

DRAFT REGULATIONS

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-15 ("License 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.

ISSUES IDENTIFICATION

PARK REGULATIONS

Chapter P-3 – "River Outfitters" – 2 CCR 405-3

Open for annual review of the entire chapter including, but not limited to, consideration of regulations regarding river outfitter requirements.

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

Open for consideration of regulations including, but not limited to, increasing daily vehicle pass fees by \$1 at select parks.

WILDLIFE REGULATIONS

Chapter W-1- "Fishing" 2 CCR 406-1 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0) and Chapter W-9 ("Wildlife Properties" 2 CCR 406-9) necessary to accommodate changes to or ensure consistency with Chapter W-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.

Chapter W-2 - "Big Game" 2 CCR 406-2 and those related provisions of Chapter W-0 - "General Provisions" 2 CCR 406-0

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

- Implementing the West Slope Mountain Lion Management Plan
- Reconsidering the method used to determine which hunt codes fall above or below the current six-preference point threshold that is used to determine the resident/nonresident allocation of licenses in the regular limited license draw.

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

Open for annual review of regulations regarding turkey hunting, including but not limited to, license areas, season dates, and manner of take provisions for the 2021 turkey hunting seasons.

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 consideration of regulations related to the license requirements to access State Wildlife Areas and State Trust Lands leased 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 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 **August 24, 2020**.