

November 30, 2020

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
January 13-14, 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 **January 13-14, 2021**. **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 in-person public comment in Denver, 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 January 13-14, 2021 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:**

December 29, 2020, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **December 30, 2020**.

Comments received by the Division between noon on **December 29, 2020** and noon on **January 8, 2021**, will be provided to the Commission two business days before the meeting. Comments received after noon on **January 8, 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 – January 13-14, 2021, beginning at 8:00 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the January 2021 Parks and Wildlife Commission meeting: March 2, 2021, unless otherwise noted.

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after January 4, 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>.*

PARKS REGULATIONS

Chapter P-8 – “Aquatic Nuisance Species” 2 CCR 405-8

Open for final consideration of regulatory changes based on a Citizen Petition for Rulemaking related to aquatic nuisance species regulations, as follows:

- Broadening the exemptions for specific types of vessels from the aquatic nuisance species inspection requirement.

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 (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:

- Adding additional crustaceans to the list of aquatic wildlife that may be possessed.
- Implementing a ¼-mile hunting closure on public lands around both Guanella Pass and Kenosha Pass.
- Creating the new bighorn sheep GMU S-86.
- Creating a new season type “G” in regulation #001.A.4 for guaranteed licenses.

Chapter W-1- “Fishing” 2 CCR 406-1

Open for final consideration of regulations including, but not limited to, clarifying the fishing closure dates on the Colorado River below Shadow Mountain Reservoir, including Lake Granby and Shadow Mountain Spillway.

These Chapter W-1 - Fishing regulations will become effective April 1, 2021.

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” 2 CCR 406-3) 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).
- Changing the application deadline dates for the Secondary Draw and Fall Turkey Draw (statewide).
- Standardizing mandatory check form regulations across species (statewide).
- Adding “G” hunt codes and their quotas to denote guaranteed licenses corresponding to applicable sheep, goat and moose hunt codes, and adding regulations to indicate that returned guaranteed licenses will be manually reissued to applicants from the previous years’ limited license drawing of the original hunt code (statewide).

Deer

- Changing the season closure date for hunt code DM391P5R to November 30 (NE).
- Creating private land only antlered and antlerless licenses in GMU 102 (NE).
- Creating season choice whitetail-only deer licenses in GMUs 87 and 88 (NE).
- Creating 4th season antlerless deer hunt codes in the northern portion of GMUs 4, 11, and 211 to manage high prevalence of chronic wasting disease (NW).
- Creating private land only either sex deer hunt codes for the 4th rifle season in GMUs 3, 301, 4, 441, 5, 11, 211, 12, 13, 23, and 24 (NW).
- Creating a fourth rifle season antlered deer hunt in GMU 40 (NW).
- Eliminating the late season antlerless hunt code DF211L1R (NW).
- Converting hunt code DF481L1R to DF481P5R (SE).

Elk

- Changing the season dates and license category for hunt code EF009L1R (NE).
- Removing GMUs 105 and 106 from the EF104P5R hunt code (NE).
- Changing the season dates for hunt code EF085L1R (SE).
- Converting either-sex muzzleloader, first season rifle, and fourth season rifle elk licenses in GMU 70 to sex specific licenses (SW).
- Eliminating the hunt code EF074P5R (SW).
- Converting all antlerless elk list B licenses to list A in GMU 521 (SW).

Pronghorn

- Creating late season private land only doe pronghorn hunt codes for GMUs 89 & 95 (NE).
- Changing PH-39 archery licenses from unlimited to limited draw licenses and removing GMU 561 from the list of valid units for the either-sex unlimited pronghorn archery license (SE).
- Adding buck and doe private land only hunt codes for the PH-18 primary rifle season (SE).

Moose

- Allowing antlerless moose hunters to present either the entire head or an incisor during a mandatory inspection (statewide).
- Creating bull and cow moose hunt codes for GMUs 25, 26, and 231 (NW).
- Creating bull and cow moose hunt codes in GMUs 47, 444, and 471 (NW).
- Creating cow moose hunt codes for GMU 43 (NW).
- Creating hunt code MM056O1X for GMUs 56 and 561 (SE).

Bighorn Sheep

- Invalidating the SMS48O1R hunt code in select years to account for the Bighorn Sheep Access Program in GMU S48 (SE).

Mountain Lion

- Annual changes to season dates, harvest limits and manner of take provisions for mountain lion (statewide).
- Implementing the West Slope Mountain Lion Management Plan, including changing harvest limit groups, making electronic calls legal for mountain lion hunting during open seasons only for harvest limit group L-50 and the Glenwood Springs Special Management Area, and creating an April hunting season for the Glenwood Springs Special Management Area (NW and SW).

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

Open for final consideration of regulations including, but not limited to, clarifying the processes applicable to license suspension appeals.

DRAFT REGULATIONS

WILDLIFE REGULATIONS

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

Open for consideration of regulations including, but not limited to, adding a process for a person to petition the Commission to end or modify a current license suspension under certain conditions.

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.

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 **January 4, 2021**.