

July 30, 2021

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
September 1-2, 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 **September 1-2, 2021**. **The Parks and Wildlife Commission meeting will be held at Fairfield Center, 200 Main Street, Meeker, CO 81641. 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:**

August 19, 2021, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **August 20, 2021**.

Comments received by the Division between noon on **August 19, 2021** and noon on **August 27, 2021**, will be provided to the Commission two business days before the meeting. Comments received after noon on **August 27, 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 – September 1-2, 2021, beginning at 8:00 a.m.*

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

FINAL REGULATIONS

PARK REGULATIONS

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

**Please reference the Commission agenda, to be posted on or after August 23, 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 annual review of the entire chapter including, but not limited to, the following:

- Updating swimming regulations to allow swimming in state park-managed areas with some exceptions and changing the age restrictions for swimming unaccompanied by an adult from 12 to 13 years old.
- Creating a wakeless day (Wednesday) for boaters at Highline Lake State Park.
- Modifying seasonal restrictions for peregrine falcons at Fishers Peak State Park to correspond with Colorado Parks and Wildlife's Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors.

Chapter P-7 - "Passes, Permits and Registrations" - 2 CCR 405-7 and those related provisions of Chapter P-1 ("Parks and Outdoor Recreation Lands" 2 CCR 405-1)

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

- Changing the replacement fee for an annual affixed parks pass and Aspen Leaf annual pass to half the cost of the original pass, if proof of eligible replacement need is not provided.
- Eliminating the replacement fee for the Columbine, Centennial, Blue Spruce and Independence parks passes.
- Updating the camping and day-use reservation cancellation and change regulations.
- Providing Purple Heart recipients free access to state parks and state recreation areas with a Purple Heart license plate or Independence parks pass to implement House Bill 21-1116.

Chapter P-8 - "Aquatic Nuisance Species" 2 CCR 405-8

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

- Adding regulations to clarify that defacing or tampering with a watercraft inspection and decontamination seal or seal receipt is unlawful.

WILDLIFE REGULATIONS

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

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

- Raising the fee for the Federal Duck Stamp to include administrative costs and adding the fee for the Federal Duck Stamp to Appendix F of Chapter W-0.

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

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

- Closing the 2021 hunting season for greater sage-grouse in Game Management Unit 10 pursuant to thresholds set forth in the Northwest Colorado Greater Sage-grouse Conservation Plan.

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

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

- Clarifying review via the consent agenda for license suspension appeals and game damage claim appeals.

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-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.

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.

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-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 2022 turkey hunting seasons.

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 **August 23, 2021**.