




COLORADO

Parks and Wildlife

Department of Natural Resources

Office of the Director
6060 Broadway
Denver, CO 80216

To: Colorado Parks and Wildlife
From: Jeff Davis, Director 
Date: July 9, 2023
RE: The Division of Parks and Wildlife recommends denying the citizen petition seeking to allow the launching and landing of paragliders within the Radium State Wildlife Area (SWA)

Background

Paragliders are a type of “aircraft” as defined in CPW regulations: “‘Aircraft’ means any machine or device capable of atmospheric flight, including, but not limited to, airplanes, helicopters, gliders, dirigibles, balloons, rockets, hang gliders and parachutes, and any models thereof.” #900.A.1.

CPW regulation #900.C.21 prohibits the launching or landing of aircraft on any State Wildlife Area and the property specific regulations for Radium SWA do not specifically authorize any sort of aircraft on the property, including paragliders. #900.B.194 (Radium SWA).

CPW’s regulation concerning citizen petitions is regulation #1606, which states “Any person may petition the Commission to initiate rulemaking pursuant to 24-4-103(7), C.R.S. All petitions for rulemaking must contain the following information: (1) The name, address, and telephone number of the person requesting the rulemaking; and (2) A copy of the rule proposed in the petition, preferably in redline format, and a general statement of the reasons for the requested rule or revision.”

The CPW Commission’s policy implementing this regulation is available [here](#) and states that “If the Division opposes the petition, Division staff will recommend placing the petition on the consent agenda for denial with a memo from the Director or Division personnel explaining such opposition.” *Id.*, ¶ IV(B). Denial of a petition constitutes final action by the Commission. *Id.*, p. 3.

The Division recommends the CPW Commission deny the Petition via the consent agenda for the reasons stated below. If adopted, this recommendation will become the order of the CPW Commission denying the Petition and will be effective upon mailing.

Discussion and Bases for Denial



First, opening Radium SWA for use by paragliders is inconsistent with the wildlife values of the property. State Wildlife Areas, as defined by statute, exist “for the benefit of wildlife populations or for wildlife-related recreation.” § 33-1-102(42), CRS.

CPW regards Radium SWA as having some of the most significant wildlife values in the state. CPW has mapped the Radium SWA as having abundant wildlife resources. The section of land shown in the Petition (section 11 on Exhibit 1) is identified as a bighorn sheep summer and winter range, deer and elk severe winter range, a deer and elk winter concentration area, is a mule deer migration corridor, and is adjacent to active eagle nest sites along the Colorado River corridor. Such values are intended “to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors.” § 33-1-101(1), CRS. Authorizing paragliding would unnecessarily undermine Radium SWA’s wildlife values by authorizing another impact to the property.

The Petitioner makes no argument that paragliding has any nexus to wildlife related recreation, such as observing wildlife from afar. Instead, Petitioner’s only motivation to use the SWA is that it is a desirable public place to do so, stating “The gentle, unforested, east facing slopes make this area an ideal morning and midday paragliding site.” Petition, p. 2.

Second, the Petition is poorly developed because it doesn’t contain a redline as encouraged by CPW regulation #1606, *supra*. Instead, the Petition begins by stating “I am seeking an area specific exception to the broad prohibition on the launching and landing of aircraft to restore historical use by paragliders to the Radium State Wildlife Area.” Petition, p. 1.

The scope of Petitioner’s desired exception is unclear because the Petition does not contain a redline, does not contain a definition for paraglider, states “Radium SWA has been frequented by paraglider, hang glider, and remote-control aircraft pilots since the early 1990’s” and refers to “the guidelines and regulations of the United States Hang Gliding and Paragliding Association.” (emphasis added). The Petition shows the importance of a definition of paraglider but doesn’t provide one. Further, the Radium SWA is approximately 11,000 acres spanning numerous parcels. The Petition could be construed as seeking a blanket exemption for the property.

CPW is also concerned that authorizing paragliders to use Radium SWA could lead to public confusion and enforcement challenges regarding the scope of an exemption, not only as to type of aircraft allowed, but the physical location of authorized launch and landing sites across the 11,000-acre property. If granted, a paraglider exemption could be misconstrued or lead to abuse.

