

September 29, 2023

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
November 16-17, 2023**

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 16-17, 2023 with a virtual participation option. The Parks and Wildlife Commission meeting will be held at the Burlington Community Center at 340 S. 14th St, Burlington, 80807. 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:**

November 02, 2023, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 3, 2023**.

Comments received by the Division between noon on **November 02, 2023** and noon on **November 09, 2023**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 09, 2023**, 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 16-17, 2023, beginning at 8:00 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the November 2023 Parks and Wildlife Commission meeting: January 1, 2024, unless otherwise noted.

FINAL REGULATIONS

PARK REGULATIONS

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

**Please reference the Commission agenda, to be posted on or after November 6, 2023, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

Open for final consideration of a cleanup to a county name that is misspelled in regulation.

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 final 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. Modifying regulations to allow for importation, transportation and possession of red swamp crayfish. Correcting a reference for the disability accommodation procedures.

Chapter W-1 - "Fishing" 2 CCR 406-1

Open for final consideration 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. Specific considerations include, but are not limited to, the following:

- Removing two special fishing restrictions on the Upper Arkansas River.
- Adopting special condition regulations for artificial flies and regulations for trout fishing on the Upper Square Top Lake, Lower Square Top Lake, Duck Creek to Duck Lake, West Fork Clear Creek, and Williams Gulch.
- Modifying regulations on the Blue River, Tenmile Creek and Dillon Reservoir in response to a decline in brown trout.
- Adopting regulations prohibiting fishing around Hermosa Creek Confluence Fish Barrier.
- Cleanup of the chapter correcting a misspelling of walleye and removing the privately owned Wacker Ponds as there is no longer public access to the ponds.

These Chapter W-1 - Fishing regulations will become effective April 1, 2024.

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

Open for final consideration of a cleanup to remove regulations that are covered in Chapter W-9 and are no longer needed in W-2 related to James John State Wildlife Area.

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

Open for final consideration of regulations regarding turkey hunting, including but not limited to, license areas, season dates, and manner of take provisions for the 2024 turkey hunting seasons. In addition, a cleanup to the access permitting process for Higel and Rio Grande State Wildlife Areas.

Chapter W-15 - "Procedural Rules" 2 CCR 406-15

Open for final consideration of a cleanup to realign regulations with operating procedures.

ISSUES IDENTIFICATION

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 boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

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

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

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.
- Annual changes to limited license application and drawing processes.

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.

For Viewing of Proposed Rules or Questions: 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 **dnr_cpw_planning@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. Questions may be sent to the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing **dnr_cpw_planning@state.co.us** as well.

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 <https://cpw.state.co.us>, on or after **November 6, 2023**.