

November 30, 2023

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
January 10-11, 2024**

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 10-11, 2024**. **The Parks and Wildlife Commission meeting will be held at the Colorado Parks and Wildlife Hunter Education Training Facility at 6060 Broadway, Denver, 80216 with a virtual participation option. 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:**

December 28, 2023, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **December 29, 2023**.

Comments received by the Division between noon on **December 28, 2023** and noon on **January 5, 2024**, will be provided to the Commission two business days before the meeting. Comments received after noon on **January 5, 2024** 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 10-11, 2024**, beginning at **8:00 a.m.***

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

FINAL REGULATIONS

PARKS AND WILDLIFE REGULATIONS

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

**Please reference the Commission agenda, to be posted on or after January 2, 2024, 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 realign division agent regulations in Chapter P-7 with regulations in Chapter W-15.

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

- Modifying the Game Management Unit (GMU) 43 and creating GMU 431.
- Modifying the Game Management Unit boundaries for 79 and 791.

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).
- Annual changes to season dates, harvest limits and manner of take provisions for mountain lion (statewide).
- Creating a Disabled Veterans Outreach License.

Deer

- Creating a new 4th rifle antlered mule deer hunting season in data analysis Unit D-12.
- Creating a new 4th rifle antlered deer hunting season in Game Management Units 85, 140 and 851.
- Creating limited antlerless deer hunt codes in data analysis unit D-35.
- Modifying boundary language for the early season, high country rifle antlered deer hunt in GMU 74.

Elk

- Replacing either-sex hunt codes in data analysis unit E-2 with antlered hunt codes.
- Remove hunt code EF003E1R.
- Modifying antler point restrictions on Ranching For Wildlife properties located in the Bear's Ears (E-2) and White River (E-6).
- Modifying unlimited bull licenses in data analysis unit E-2 and GMUs 11, 12, 13, 23, 24, 131, 211, and 231 from data analysis unit E-6.
- Modifying the private land only antlerless elk licenses in GMU 104 to be list C.
- Remove hunt codes EF851O1M and EF851O3R.

Pronghorn

- Closing pronghorn doe hunting in data analysis unit PH-9 for all methods of take.
- Creating private land only rifle pronghorn licenses in data analysis unit PH-20.

- Replacing hunt code AF110L1R with two hunt codes in data analysis unit PH-8.
- Replacing hunt code AF128P5R with two hunt codes in data analysis unit PH-7.
- Creating a late pronghorn season in data analysis unit PH-20.

Moose

- Adding a wilderness only hunt code to data analysis unit M-8.

Bear

- Limiting hunt codes for private land only in data analysis unit B-7.
- Modifying game management unit 61 archery, muzzleloader, and early October rifle bear hunt codes to be add-on over-the-counter licenses.

Bighorn sheep

- Opening game management unit S-79 to hunting.

Mountain Lion

- Removing electronic calls as a legal method of take for mountain lions statewide.

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 and those related provisions of Chapter W-0 ("General Provisions" 2 CCR 406-0), Chapter W-2 - "Big Game" 2 CCR 406-2, Chapter W-10 ("Nongame Wildlife" 2 CCR 406-10), Chapter W-17 ("Damage Caused by Wildlife" 2 CCR 406-17) necessary to accommodate changes to or ensure consistency with Chapter W-11

Open for annual review of the entire chapter including, but not limited to, regulations pertaining to wildlife parks, sanctuaries, unregulated wildlife, and creating a dual classification system for bison distinguishing between wild, free roaming bison and domestic, privately owned bison.

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 Hilary Hernandez at hilary.hernandez@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 <https://cpw.state.co.us>, on or after **January 2, 2024**.