



COLORADO

Parks and Wildlife

Department of Natural Resources

Policy and Planning
6060 Broadway
Denver, CO 80216

To: Mr. Raymond Hawkins
RE: Division recommendation to deny citizen petition to allow aircraft on state parks
DATE: 03/01/2024

Dear Mr. Hawkins:

Colorado Parks and Wildlife (CPW) is in receipt of your third citizen petition for rulemaking relating to the use of aircraft on state parks. CPW denies the petition for the reasons stated in this letter.

Overview of the Current Petition and Background

Your current petition seeks to repeal existing regulation P-1 #100.C.15, which prohibits aircraft on state parks and makes it unlawful:

“To land or take off with any type of aircraft on any Parks and Outdoor Recreation lands and waters, except as specifically authorized by these regulations or in case of emergency. “Aircraft” means any device or equipment that is used or intended to be used for manned flight or to otherwise hold humans aloft for any period of time, including powerless flight, and specifically includes, but is not limited to, airplanes, helicopters, gliders, hot air balloons, hang gliders, parachutes, parasails, kite boards, kite tubes, zip lines and other similar devices or equipment.”¹

Your petition seeks to replace existing regulation P-1 #100.C.15 with the version of the rule that was in place in 2009, which allowed aircraft on state parks in designated areas and made it unlawful:

“To land or take off with any type of aircraft on any lands and waters under the control of the Division of Parks and Wildlife, except in designated take-off or landing sites or in case of emergency. “Aircraft” means a device that is used or intended to be used for manned flight in the air, including powerless flight.”

¹ The petition characterizes CPW’s current rule as an “outright prohibition” on the use of aircraft at state parks, but that isn’t accurate. See, e.g., Regulation P-1, #100.D.6.h (“A valid permit is required to launch or land any hot-air balloon [at Chatfield State Park].”).



On March 14, 2022, CPW's then Acting Director, Heather Disney Dugan, and staff from the Executive Director's Office of the Department of Natural Resources accepted your request to meet and discuss your interest in seaplanes on state parks. These representatives expressed CPW's concerns about seaplanes landing on state parks, including resource limitations, safety and capacity conflicts between seaplanes and other recreational uses, and the spread of aquatic nuisance species.

On March 14, 2022, immediately after the meeting, you submitted your first petition for rulemaking, requesting a "temporary waiver of CPW regulation 100.C.15" at Jackson Lake State Park so that a seaplane could land on the reservoir. CPW did not consider your first petition because you did not provide a copy of the proposed rule change as required by CPW regulation #1606.

On June 8, 2022, you submitted your second petition for rulemaking, requesting CPW allow the use of seaplanes on Jackson Lake State Park reservoir. CPW [denied](#) that petition because "allowing seaplanes on the lake could create conflicts with and safety hazards to boaters, water skiers, swimmers, anglers, and other users." CPW also denied that petition because CPW's lessor, the Jackson Lake Irrigation and Reservoir Company, submitted a comment letter to CPW voicing its objection, stating that "landing seaplanes for recreational purposes in the lake will introduce invasive species . . . or other nuisances which could damage vital reservoir infrastructure...." Your current petition is broader than the prior two, which only related to seaplanes. Your current petition refers to aircraft generally and doesn't define that term. CPW interprets the term *aircraft* broadly, as applying to all forms of flight, including seaplanes, traditional planes, helicopters, gliders, hot air balloons, hang gliders, parachutes, parasails, kite boards, kite tubes, zip lines and other similar devices or equipment. See illustrative list of "aircraft" in current regulation P-1 #100.C.15.

Discussion

CPW denies your petition because operating aircraft on state parks is incompatible with other recreational uses, poses an undesirable risk of resource damage, and would add unreasonable burdens on CPW staff.

The unavoidable impacts associated with allowing aircraft on state parks - and planes in particular - are disproportionate to other uses. Safely landing an airplane within any state park, whether on land or on water, necessarily involves displacing every other user from the landing strip and a larger safety zone. Allowing aircraft on state parks is not an equitable or efficient way to maximize CPW's limited natural resources.

The potential impacts associated with allowing aircraft on state parks are also significant, including accidents, fires, natural resource damages, injuries, and first

responder calls. Authorizing another motorized use on state parks would also diminish their value for wildlife viewing and would add administrative and law enforcement burdens on CPW staff. For a discussion of the challenges facing state parks, please see CPW's Law Enforcement and Annual Violation Report, pp. 16-18, 37-47 & 64, available [here](#).

CPW believes that its current prohibition on the use of aircraft at state parks strikes the appropriate balance between many competing policy objectives and helps the agency fulfill its mission to "provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources." § 33-9-101(12)(b), CRS.

As you know from the letter denying your second rulemaking petition, CPW leases some of its state parks from third parties. CPW has not audited its leases to determine whether aircraft use is allowed under such leases, doesn't believe that doing so is necessary to consider your petition, and is currently focusing on other priorities, including the implementation of SB 23-059 (State Parks Local Access Funding).

Lastly, the petition claims CPW's current rule was made in "error" because the agency was unable to locate old documents relating to the 2009 rulemaking (where the current rule was adopted) in response to your records requests. CPW's current rule was not adopted in error and CPW routinely purges old records as authorized by section 24-4-103(8.1)(a), CRS.

For more information on citizen petition process, please refer to W-16, #1606 and the Policy on Citizen Petitions to Initiate Rulemaking, available on CPW's website. As discussed in the policy, the Division has recommended placing your petition on the consent agenda for denial. If the Commission adopts the Division's recommendation, this letter will become the order of the Commission and be effective upon mailing. Thank you for your interest in CPW and your interest in this topic.

Very truly yours,



Jeff Davis
Director
Colorado Division of Parks and Wildlife