

CITIZEN PETITION FORM

Date: 01/01/2024

Issue: Reinstatement of pre-2009 verbiage in CPW Regulation pertaining to seaplanes.

Which rule are you seeking to create or revise? Please include a copy of the rule you are proposing to create or change, preferably with the change made in redline format.

CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS
ARTICLE I - GENERAL PROVISIONS APPLICABLE TO ALL PARKS AND OUTDOOR RECREATION LANDS AND WATERS
100 – PARKS AND OUTDOOR RECREATION LANDS
C. It shall be prohibited:

AIRCRAFT

15. 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 on designated take-off or landing sites** or in case of emergency. "Aircraft" means a devise that is used or intended to be used for manned flight in the air, including powerless flight.

Why are you seeking to create or revise this rule? Please include a general statement of the reasons for the requested rule or revision and any relevant information related to the request.

When the original addition of aircraft to the subject regulation was proposed in 1983, it was to provide park operations with a management tool. The wording in the 1983 public notice did not include any reference to the rule becoming a prohibition. Therefore, the regulation was never intended to be a total prohibition.

In 2009, according to CPW and Colorado Secretary of State (SoS) records, a review was conducted which resulted in an administrative change which transformed the regulation from a management tool to an outright prohibition. The significance of this change demanded public notification and comment. No evidence has been presented that this process was followed. Through repeated CORA requests and multiple email exchanges with CPW personnel, it has been clearly shown that no documentary evidence exists that the appropriate rulemaking process was executed relating to this specific change to the regulation.

The requested change will not affect current park operations since there are no "designated areas" for seaplanes defined. However, the effect of this change reverses the error committed in 2009.

Changing a regulation that denies a citizen's right to enjoy a public facility must undergo due process. I request that the wording be reinstated allowing access for seaplanes in "designated areas" as written in the pre-2009 CPW regulations.

Petitioner's name:

Raymond Hawkins