

July 31, 2013

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
September 12, 2013**

In conformance with the State Administrative Procedures Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice herewith that regulations will be considered for adoption at their next meeting on **September 12, 2013. The Parks and Wildlife Commission meeting will be held at Montrose County Fairgrounds and Event Center, Friendship Hall, 1001 N. 2nd Street, Montrose, CO 81401. The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act), and especially sections 33-1-104, 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 – September 12, 2013 beginning at 8:30 a.m.

EFFECTIVE DATE OF REGULATIONS approved during the September 2013 Parks and Wildlife Commission meeting: November 1, 2013, unless otherwise noted.

PARKS REGULATIONS

FINAL REGULATIONS

Chapter P-1 - "Parks and Outdoor Recreation Lands" 2 CCR 405-1 and those related provisions of Chapter P-7 ("Passes, Permits and Registrations" 2 CCR 405-7 necessary to accommodate changes to or ensure consistency with Chapter P-1

Open for consideration of regulations associated with the opening of the Cheyenne Mountain Park archery range, including, but not limited to, use restrictions, hours of operation, and the adoption of a separate user fee for the range.

NOTE: The Parks and Wildlife Division has also proposed that the Parks and Wildlife Commission adopt an emergency regulation at the same time allowing for the immediate opening of the range to public use.

WILDLIFE REGULATIONS

FINAL REGULATIONS:

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

Open for consideration of annual changes to provisions regarding mountain lion season dates, licensing requirements, manner of take provisions, harvest limit quotas (statewide and by game management unit or combination of units) and adoption of harvest limit quotas for the 2013-2014 hunting season.

Chapter W-5 - "Small Game - Migratory Birds" 2 CCR 406-5

Open for consideration of annual changes to 2013-2014 waterfowl and migratory bird hunting seasons for the Pacific and Central Flyway portions of Colorado and related provisions including, but not limited to, season dates, hunting zones, bag and possession limits and manner of take provisions, and other regulatory changes otherwise necessary to comply with federal requirements imposed by, or to take advantage of opportunity afforded by, the U.S. Fish and Wildlife Service pursuant to the Migratory Bird Treaty Act and other controlling federal laws, including, but not limited to the following:

- Decrease the daily bag limit and season dates for scaup statewide in order to comply with federal regulations.
- Increase the daily bag limit for canvasback (from 1 to 2) statewide in order to provide the full opportunity allowed to Colorado hunters under federal regulations.
- Increase the possession limit for Sora and Virginia rail statewide from 2X the daily bag limit to 3X the daily bag limit in order to provide the full opportunity allowed to Colorado hunters under federal regulations.
- Increase the possession limit for migratory birds taken by falconry (from 6 to 9) in order to provide the full opportunity allowed to Colorado falconers under federal regulations.
- Increase Central Flyway daily bag limit.

CITIZEN PETITIONS:

Final action may be taken on rule-making petitions at any step of the Commission's generally applicable two-step rule-making process.

Chapter W-13 - "Possession of Wildlife, Scientific Collecting, and Special Licenses" 2 CCR 406-13 and those related provisions of Chapter W-6 ("Falconry" 2 CCR 406-6) necessary to accommodate changes to or ensure consistency with Chapter 6

At its September meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to exportation of raptors and other birds, as follows:

- *A Citizen Petition for rulemaking* requesting the Commission allow exportation of birds that did not originate from the wild within Colorado that are held in private possession under an educational permit or falconry license.

The Commission has considered the petition at one previous meeting. The Commission may accept all or a portion of the petition for final action, further consideration or otherwise reject the petition at the September Commission meeting. A copy of the petition may be obtained by contacting Brett Ackerman (303) 291-7278, Regulations Manager, Colorado Parks and Wildlife.

Chapter W-14 - "Wildlife Rehabilitation" 2 CCR 406-14

At its September meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to Wildlife Rehabilitation, as follows:

- *A Citizen Petition for rulemaking* requesting the Commission remove the requirement that a provisional rehabilitator's sponsor be present at facility inspections.

The Commission may accept all or a portion of the petition for final action, further consideration or otherwise reject the petition at the September Commission meeting. A copy of the petition may be obtained by contacting Brett Ackerman (303) 291-7278, Regulations Manager, Colorado Parks and Wildlife.

ISSUES IDENTIFICATION:

Chapter W-1 - "Fishing" 2 CCR 406-1, and those related provisions of Chapter W-0 - ("General Provisions" 2 CCR 406-0) and Chapter W-9 - ("Division Properties" 2 CCR 406-9) necessary to accommodate changes to or ensure consistency with Chapter W-1

Open for annual review of the entire chapter including, but not limited to, consideration of regulations regarding seasons and season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state.

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

Open for consideration of regulations adjusting non-resident big game license fees according to the Consumer Price Index, and adjusting non-resident big game license fees within statutory limitations pursuant to 33-4-102 (1.6)(IV)(b) C.R.S.

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

Open for annual review of regulations regarding turkey hunting, including but not limited to, license areas and license numbers, season dates, and manner of take provisions for 2014 turkey hunting seasons.

Chapter W-15 - "License Agents" 2 CCR 406-15

Open for consideration of regulations regarding license agents, including but not limited to, adjusting commission rates applicable to the sale of licenses by license agents according to the Consumer Price Index.

Except for the 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 and distribution at the Office of the Regulations Manager, Division of Parks and Wildlife, 6060 North Broadway Denver, Colorado, 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.

Comment deadlines: Comments will be accepted at any time prior to, or as part of the meeting. 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:

August 29, 2013, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **August 30, 2013**.

Comments received by the Division after noon on **August 29, 2013**, will be provided to the Commission on the day of the meeting.

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 at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be submitted to the Division of Parks and Wildlife at 6060 Broadway, Denver, CO 80216; e-mailed to **CPWCommission@state.co.us**, or faxed to the Division of Parks and Wildlife at 303-291-7110.

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. Staff will provide written memos to the Parks and Wildlife Commission members explaining the matters on the Consent Agenda. Copies of the memos will be available to the public.

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 may be viewed on the Division of Parks and Wildlife's internet home page at **www.wildlife.state.co.us**, on or after **September 3, 2013**.