

March 31, 2020

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
April 30, 2020**

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 **April 30, 2020**. **The Parks and Wildlife Commission meeting will be held virtually, in accordance with guidance from the Colorado Department of Public Health and Environment (CDPHE) and the Centers for Disease Control and Prevention, related to the COVID-19 pandemic. For more information on the virtual meeting, please refer to the Parks and Wildlife Commission website:**

<https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>. While the Parks and Wildlife Commission will make every attempt to conduct the April 30, 2020 meeting on Zoom or a similar platform in order to allow public comment, 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. The deadline for written public comments is noon on April 27, 2020.

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, 33-1-106, 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 - April 30, 2020, beginning at 1:00 p.m.*

EFFECTIVE DATE OF REGULATIONS approved during the April 30, 2020 Parks and Wildlife Commission meeting: June 30, 2020, unless otherwise noted.

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.

WILDLIFE REGULATIONS

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

At its April meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to contests involving small game and furbearers, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission prohibit all wildlife-killing contests.

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after April 13, 2020, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <http://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

PARKS AND WILDLIFE REGULATIONS

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

Open for final review of regulations including, but not limited to:

- Expanding the Division’s ability to issue Special Activity Permits to commercial users.

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)

Open for final consideration of regulations including, but not limited to:

- Creating a new product that allows resident senior lifetime fishing customers the opportunity to upgrade to an annual combination fishing and small game hunting license at a discounted rate.
- Issuing an apprentice hunter education certificate twice.

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 final consideration of any necessary corrections or administrative clean-ups to regulations previously adopted by the Parks and Wildlife Commission for the 2020 big game seasons, including, but not limited to, game management unit boundaries, season dates, limited license areas and manner of take provisions for bighorn sheep, mountain goat, deer, elk, pronghorn, moose, bear and mountain lion, and regulations otherwise necessary for implementation of the 2020 big game seasons. Specific considerations include, but are not limited to, the following:

- Adding the resident senior combination small game hunting and fishing license to the list of qualifying licenses for the big game limited license drawing.
- Changing the rifle resident bighorn sheep quota in S-9 [Sangre de Cristo, SMS09O1R] from 10 to 8 and the nonresident quota from 0 to 2.

Chapter W-3 – “Furbearers and Small Game, except Migratory Birds” – 2 CCR 406-3

Open for annual review and final consideration of the entire chapter, including but are not limited to the following:

- Prohibiting contests for black-tailed, white-tailed and Gunnison’s prairie dogs, Wyoming (Richardson’s) ground squirrels, and all furbearer species.

Chapter W-5 - “Small Game - Migratory Game Birds” - 2 CCR 406-5 and those related provisions of Chapter P-1 (“Parks and Outdoor Recreation Lands” 2 CCR 405-1) and Chapter W-9 (“Wildlife Properties” 2 CCR 406-9) necessary to accommodate changes to or ensure consistency with Chapter W-5

Open for annual review and final consideration of regulations related to waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions. Specific considerations include, but are not limited to, the following:

- Expanding current youth waterfowl days to permit waterfowl hunting by veterans and active military members.
- Updating the current description of the San Luis Valley goose zone to include portions of Archuleta and San Juan counties east of the Continental Divide.
- Necessary corrections or administrative clean-ups to regulations related to waterfowl hunting in the Grand Valley.

Chapter W-9 - "Wildlife Properties" 2 CCR 406-9 and those related provisions of 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 and final consideration of regulations related 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. Specific considerations include, but are not limited to, the following:

- Requiring a valid hunting or fishing license to access all State Wildlife Areas and State Trust Lands leased by the Division.
- Authorizing the Division Director to execute short-term housing leases.
- Adjusting regulations related to the fishing closure at Banner Lakes State Wildlife Area (SWA) during waterfowl hunting seasons.
- Changing the hours of operation for the Basalt SWA public shooting range.
- Allowing public use of the Uncompahgre River corridor of Billy Creek SWA for hunting, fishing and trapping recreation only during the current seasonal closure period of January 1 through April 30 annually.
- Managing limited hunting access at Collins Mountain Ranch SWA through the Hunter Reservation System (HRS) and adopting property-specific regulations.
- Managing limited hunting access at Crooked Wash Ranch through the HRS and adopting property-specific regulations.
- Managing limited hunting access at Flanders Ranch SWA through the HRS and adopting property-specific regulations.
- Requiring non-exempt boats to launch from the CPW boat ramp at Groundhog Reservoir SWA.
- Allowing night fishing during certain times of the year at Jackson Lake SWA.
- Requiring hunting reservations for weekends and holidays during the teal season and the first split of the regular duck season at Jackson Lake SWA.
- Managing limited hunting access at Louisiana Purchase Ranch through the HRS and adopting property-specific regulations as required.
- Prohibiting the discharge of firearms at Mount Shavano SWA from the upper end of the Mount Shavano SFU downstream to the Colo. Hwy 291 Bridge crossing.
- Managing limited hunting access for the Grand Valley Wildlife Area Special Archery Hunts through the HRS and adopting property-specific regulations as required.
- Managing limited hunting access at Pot Creek SWA through the HRS and adopting property-specific regulations as required in the access easement.
- Adding property-specific regulations for Pothook Ranch SWA fishing easement.
- Removing Urad Lake SWA and Valmont Reservoir Administrative Area from regulations.

- Shortening the Gunnison sage grouse viewing season at Waunita Watchable Wildlife Area.
- Adopting property-specific regulations on Yarmony Ranch SWA as required.
- Prohibiting camping on State Trust Land (STL) properties for more than 14 consecutive days in a 45-day period or leaving a camp unattended for more than 48 hours.
- Permitting hunting from August 15 until the end of February at Box Creek STL.
- Merging Nee Noshe STL and Neesopah STL with Queens STL and removing property-specific regulations for Nee Noshe and Neesopah STLs.
- Establishing visitor management regulations at Turkey Track Ranch STL.
- Adding Twenty Mile Pond SWA Fishing Easement to Appendix B.1.

Chapter W-16 – “Parks and Wildlife Procedural Rules” 2 CCR 406-16

Open for final consideration of regulations including, but not limited to:

- Revising the process by which the Division and the Commission respond to citizen petitions for rulemaking.

ISSUES IDENTIFICATION

No issues have been identified for consideration as of the date of notice filing.

Except for the days 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 Krista Heiner at krista.heiner@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.

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:**

April 27, 2020, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **April 28, 2020**.

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 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 may be viewed on the Division of Parks and Wildlife's internet home page at <http://cpw.state.co.us>, on or after **April 13, 2020**.