

September 30, 2020

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
November 19-20, 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 **November 19-20, 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. If circumstances change, there may also be an in-person meeting in Yuma, CO. 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 Parks and Wildlife Commission will make every attempt to conduct the November 19-20, 2020 meeting on Zoom or a similar platform in order to allow public comment. However, 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:**

November 5, 2020, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 6, 2020**.

Comments received by the Division between noon on **November 5, 2020** and noon on **November 16, 2020**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 16, 2020** 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, 33-1-106, 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 – **November 19-20, 2020**, beginning at **8:00 a.m.***

EFFECTIVE DATE OF REGULATIONS approved during the November 2020 Parks and Wildlife Commission meeting: January 1, 2021, unless otherwise noted.

FINAL REGULATIONS

**Please reference the Commission agenda, to be posted on or after November 9, 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 REGULATIONS

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

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

- Increasing daily vehicle pass fees by \$1 at several high-use parks, including Castlewood Canyon, Golden Gate Canyon, Highline Lake, Lake Pueblo, Roxborough and Staunton State Parks.
- Removing the time restrictions for a Regional Manager to reduce the fees for the use of campsites, cabins, yurts and event facilities by up to 50% when determined necessary to encourage occupancy and otherwise increase use.

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)

Open for final consideration of regulations for Fishers Peak State Park necessary to ensure public safety, to protect natural and cultural resources, and for CPW and its partners to continue collecting further cultural and biological data while allowing for some limited trail and public hunter access during the master planning process. This includes regulations requiring a \$4 daily pass per person for all visitors sixteen years of age or older entering Fishers Peak State Park, except those entering the park in a motor vehicle with a valid and applicable parks pass or those entering the park with a valid and applicable annual parks pass receipt.

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0, and those related provisions of Chapter W-2 ("Big Game" 2 CCR 406-2), Chapter W-3 ("Furbearers and Small Game, Except Migratory Birds" 2 CCR 406-3), Chapter W-11 ("Wildlife Parks and Unregulated Wildlife" 2 CCR 406-11), Chapter W-15 ("License Agents" 2 CCR 406-15), and Chapter P-7 ("Passes, Permits and Registrations" – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0

Open for final consideration of regulations including, but not limited to, adjusting license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.

Chapter W-1- "Fishing" 2 CCR 406-1

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

- Clarifying the criteria for establishing an emergency closure of fishing waters.
- Establishing a limited harvest of mountain whitefish statewide.
- Revising the bag and possession limit and minimum size regulation for tiger trout at Meadow Creek Reservoir (Grand County) to one fish greater than 18 inches in length.
- Reducing bag and possession limits for trout at Meadow Creek Reservoir (Jackson County).
- Shortening the fishing closure dates on the Colorado River below Shadow Mountain Reservoir.

- Restricting bass fishing, and revising bag and possession limits and minimum size restrictions for crappie and redear sunfish at Berthoud Reservoir.
- Implementing a 10" minimum size limit for black and white crappie at Boedecker Reservoir.
- Adding East Fork Roaring Creek to the current Roaring Creek regulations limiting fishing to artificial fly and lure only, and requiring that cutthroat trout be returned to the water immediately.
- Eliminating the special regulation for largemouth and smallmouth bass at Lagerman Reservoir.
- Prohibiting fishing at Webster Pond in Boulder County.
- Changing fishing regulations for selected streams in the Southwest region to protect Colorado River cutthroat trout and Rio Grande cutthroat trout conservation populations.
- Implementing minimum size and bag limit regulations for walleye at Horseshoe Reservoir.
- Implementing minimum size and bag limit regulations for walleye at Lake Loveland.

These Chapter W-1 - Fishing regulations will become effective April 1, 2021.

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

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

- Reconsidering the method used to determine the resident/nonresident allocation of licenses in the regular limited license draw and/or hybrid draw, including but not limited to, the following options:
 - Updating the allocation percentage for certain Game Management Units and/or hunt codes based on relevant criteria; or
 - Updating the threshold for the number of preference points required to determine the resident/nonresident allocation of licenses; and/or
 - Updating the years used to calculate the three-year average for hunt codes requiring six or more preference points.

These Chapter W-2 – Big Game regulations will become effective March 1, 2021.

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

Open for annual review and final consideration of regulations regarding turkey hunting, including but not limited to, license areas, season dates, and manner of take provisions for the 2021 turkey hunting seasons. Specific considerations include, but are not limited to, the following:

- Splitting the regular turkey season on the Beaver Creek State Wildlife Area and Table Mountain State Trust Land into two seasons to reduce hunter crowding and creating a youth-only turkey license for this area.

DRAFT REGULATIONS

WILDLIFE REGULATIONS

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

Open for consideration of regulations including, but not limited to, adding a process for a person to petition the commission to end or modify a current license suspension under certain conditions.

ISSUES IDENTIFICATION

WILDLIFE REGULATIONS

Chapter W-0 - "General Provisions" 2 CCR 406-0

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

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

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.
- Annual changes to limited license application and drawing processes.

Chapter W-9 — "Wildlife Properties" 2 CCR 406-9 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-9

Open for consideration of regulations related to the license requirements to access State Wildlife Areas and State Trust Lands leased by the Division.

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 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.

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 <http://cpw.state.co.us>, on or after **November 9, 2020**.