

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General
ERIC T. MEYER
Chief Operating Officer



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000
Natural Resources and
Environment Section

September 11, 2020

Colorado Secretary of State
Administrative Division
1700 Broadway, Suite 200
Denver, CO 80290

RE: Correction to Regulation 2 CCR 405-7, Chapter P-7 (Passes, Permits and Registrations)
Rule Opinion Correction 2020-00726 (correction to 2020-00532)

Dear Sir or Madam:

On September 2, 2020, the Colorado Parks and Wildlife Commission amended 2 CCR 405-7; Chapter P-7 (Passes, Permits and Registrations). Pursuant to § 24-4-103(11)(d)(II), C.R.S., the amended regulation, together with the Attorney General's opinion, was submitted to the Secretary of State within 20 days of promulgation under tracking number 2020-00532. Typographical errors have since been discovered.

Pursuant to the rulemaking provisions of the Colorado Administrative Procedures Act, typographical and other non-substantive errors may be corrected upon submission of a request by the agency. C.R.S. § 24-4-103(11)(d)(II).

Specifically, the citations to the federal register have been corrected to read: "Annual Update of the HHS Poverty Guidelines, 85 Fed. Reg. 3060-01 (January 17, 2020)."

The corrected pages are attached to this filing. In accordance with C.R.S. § 24-4-103(11)(d)(II), I have reviewed these errors and have determined that they are non-substantive.

PHILIP J. WEISER
Attorney General

/s/ Jake Matter
JAKE MATTER
Senior Assistant Attorney General
Parks Wildlife and Trust Lands Unit
Natural Resources Section

CORRECTED FINAL REGULATIONS - CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS

ARTICLE I - GENERAL PROVISIONS AND FEES RELATING TO PASSES, PERMITS AND REGISTRATIONS

INDIVIDUAL PASSES

701 - INDIVIDUAL PASSES

1. Individuals entering state recreation areas and state parks by means other than a motor vehicle, such as on foot, bicycle, horseback, etc., may enter without purchasing a parks pass, except as otherwise required by these regulations. No individual pass shall be required under the circumstances identified in regulation # 700-2.a. through # 700-2.e. and # 700-2.g. through # 700-2.i.
2. A Columbine, Centennial, Blue Spruce, Independence, Volunteer or Military Pass is issued to an individual person and not a specific vehicle. These shall authorize entrance by motor vehicle, when and where motor vehicle access is permitted, to all state recreation areas and state parks or for other forms of individual access, when in possession of the pass holder. Such authorization shall apply to the holder of the pass and all the passengers in, and the driver of, the motor vehicle carrying the holder of such pass. The pass must be continuously displayed in the manner described on the pass. A Columbine, Centennial, Blue Spruce, Independence, Volunteer or Military Pass is transferable from motor vehicle to motor vehicle as long as the pass holder is present in the vehicle.
3. Any resident of the state who is a first responder with a permanent occupational disability as defined in state statute 33-4-104.5 (2) may obtain, free of charge, a Blue Spruce annual pass, also known as a Columbine annual pass for first responders pursuant to 33-12-103.5 (2.5), C.R.S. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-1-102 (38) (a), C.R.S.
 - a. In order to qualify for a Blue Spruce annual parks pass, a resident must provide the following written proof to the Division:
 - (1) The "Initial Disability Administration Decision" form from the Fire and Police Pension Association that specifies a permanent occupational disability; or
 - (2) For residents that are not members of the Fire and Police Pension Association, a fully completed Division "First Responder Affidavit" signed by the applicant attesting to the fact that their permanent disability or disease was obtained while on active-duty.
4. A disabled resident may obtain an Independence annual parks pass pursuant to 33-12-106 (1) (b), C.R.S. An Independence annual parks pass shall be issued following the Division's receipt of a completed application from a qualified resident of the state. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.
 - a. In order to qualify for an Independence annual parks pass, a resident must provide the following written proof to the Division:
 - (1) DD 214 Form or other documentation indicating the veteran received an Honorable Discharge from a branch of the Armed Services of the United States, **AND**

- (2) A qualification letter, on official stationary/letterhead, from the Veteran's Administration, Department of Veteran's Affairs, or the branch of service from which the veteran is receiving compensation that states one of the following:
 - a. 50% or greater, service-connected permanent disability;
 - b. Loss of use of one or both feet;
 - c. Loss of use of one or both hands; or a
 - d. Loss of vision in both eyes.

5. A disabled resident may obtain a Columbine annual pass pursuant to 33-12-103.5, C.R.S. A resident who qualifies for a Centennial annual pass may obtain such pass as provided for in this regulation. A Columbine or a Centennial annual parks pass shall be issued following the Division's receipt of a completed application from a qualified resident of the state and the payment of the necessary fee. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.

a. In order to qualify for a Columbine annual parks pass, a resident must provide the following written proof to the Division:

- (1) A "Final Admission of Liability" form from the Division of Workers Compensation that indicates a total and permanent disability; or
- (2) A fully completed Division "Physician's Affidavit" signed by a licensed physician attesting that the resident meets the definition of a total and permanent disability. A **"total and permanent disability"** shall mean any physical or mental impairment which prevents substantial gainful employment, but only if it is reasonably certain that such a disability will continue throughout the lifetime of the disabled person.

b. In order to qualify for a Centennial annual parks pass, a resident must show a photo identification card and provide written proof, in the form of a federal income tax return from the immediately preceding calendar year, that the federal total annual income of such individual is at or below the threshold amount, based on the number of dependents, for a state parks Centennial annual pass. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.

The federal total annual income amounts, based on the number of dependents, cannot be greater than those listed in the poverty guidelines set forth in the Federal Register, **Annual Update of the HHS Poverty Guidelines, 85 Fed. Reg. 3060-01** (January 17, 2020) issued by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, Room 422F.5, Humphrey Building, Department of Health and Human Services, Washington, DC 20201 under the authority of 42 U.S.C. 9902(2). This federal guideline, but not later amendments to or editions thereof, has been incorporated by reference. Information regarding how and where the incorporated materials may be examined, or copies obtained, is available from:

Regulations Manager
Policy and Planning Unit
Colorado Division of Parks and Wildlife
1313 Sherman Street, Room 111
Denver, Colorado 80203

If the individual's income is at a level where he or she was not required to file a federal income tax return for the immediately preceding calendar year, such individual shall sign a statement under penalty of perjury in the second degree to such effect. No such affidavit shall be required to be notarized.

Basis and Purpose:

Updating the income requirements for the Centennial annual parks pass

The income requirements for the Centennial annual parks pass have been updated to incorporate the most recent version of the poverty guidelines set forth in the Federal Register, Annual Update of the HHS Poverty Guidelines, 85 FR 3060-01 (January 17, 2020) issued by the U.S. Department of Health and Human Services.

Requiring a \$4 daily pass per person for all visitors sixteen years of age or older entering Castlewood, Eleven Mile, Golden Gate Canyon, Jackson Lake, John Martin Reservoir, Lathrop, Mancos, Mueller, Navajo, North Sterling, Ridgway, Roxborough, Paonia, Spinney Mountain, Staunton, and St. Vrain State Parks, 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

In November 2019, the Parks and Wildlife Commission added 16 parks to the \$4 individual daily pass requirement (Barr Lake, Crawford, Elkhead Reservoir, Harvey Gap, Highline Lake, James M. Robb – Colorado River, Pearl Lake, Rifle Gap, Rifle Falls, Stagecoach, Steamboat Lake, Sweitzer Lake, Sylvan Lake, Trinidad Lake, Vega, Yampa River State Parks). This change adds 16 additional parks to that requirement, making the requirements more consistent throughout the regions of the state. This is a requirement of the Hunting, Fishing, and Parks for Future Generations Act (SB 18-143).

Adding additional camping types to update and clarify fees

Previously, there were four camping site types and ten cabin/yurt site types specified in regulations. This change splits out “Tent-Only Campgrounds” and “Tipi” as separate site types to better reflect the reality of park facilities. This will allow for better representation of the sites in the reservation system and additional clarity for customers and staff. The maximum fee of \$36.00/night for “Tent-Only Campgrounds” aligns with the fee for “Electrical Campgrounds,” and is based on some tent-only sites having electrical hookups. The maximum fee of \$50.00 for “Tipi” is based on tipis being smaller than yurts or cabins and with fewer amenities.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us. The statements of basis and purpose are not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106 and 33-10-107, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE NOVEMBER 1, 2020 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 2ND DAY OF SEPTEMBER, 2020.

**APPROVED:
Marvin McDaniel**

Chair

**ATTEST:
Marie Haskett
Secretary**