

March 31, 2020

**RULE-MAKING NOTICE
PARKS AND WILDLIFE COMMISSION MEETING
May 6-7, 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 **May 6-7, 2020. The Parks and Wildlife Commission meeting will be held at Courtyard by Marriott, 765 Horizon Drive, Grand Junction, CO 81506 and 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 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 May 6-7, 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. The deadline for written public comments is noon on May 1, 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 - May 6-7, 2020, beginning at 8:30 a.m.*

EFFECTIVE DATE OF REGULATIONS approved during the May 2020 Parks and Wildlife Commission meeting: July 1, 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-2 - "Big Game" - 2 CCR 406-2

At its May meeting, the Parks and Wildlife Commission will consider a Citizen Petition for Rulemaking related to big game hunting, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission allow crossbows as a method of take during archery big game seasons.

**Please reference the Commission agenda, to be posted on or after April 29, 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>.*

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

At its May meeting, the Parks and Wildlife Commission will consider Citizen Petitions for Rulemaking related to small game and furbearers, as follows:

- A Citizen Petition for Rulemaking requesting that the Commission prohibit all wildlife-killing contests.
- A Citizen Petition for Rulemaking requesting that the Commission prohibit the use of non-lethal cage and box traps for recreational and commercial purposes.

EMERGENCY REGULATIONS

WILDLIFE REGULATIONS

Chapter P-1 - “Parks and Outdoor Recreation Lands” – 2 CCR 405-1

Open for consideration of emergency regulations needed to open the Fishers Peak Property.

FINAL REGULATIONS

WILDLIFE REGULATIONS

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 regulations, including but not limited to, the following:

- Adoption of all limited license numbers for black bear, deer, elk, pronghorn and moose for all Game Management Units in the state that have limited licenses for these species for the 2020 big game seasons.

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-9 - “Wildlife Properties” – 2 CCR 406-9

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

- Adding properties to the Public Access Program.
- Requiring a valid hunting or fishing license to access all State Wildlife Areas and State Trust Lands leased by CPW.

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

PARKS AND WILDLIFE REGULATIONS

Chapter P-3 – “River Outfitters” – 2 CCR 405-3

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

- Increasing the fee for river outfitter licenses.

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

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

- Creating a permit to harvest furbearers.

Chapter W-9 - “Wildlife Properties” – 2 CCR 406-9

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

- Creating property-specific regulations for Public Access Program additions.

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**.

Comments received by the Division between noon on **April 27, 2020** and noon **May 1, 2020** will be provided to the Commission during a second mailing. Comments received after noon on **May 1, 2020** will be held and shared with the Commission as part of the subsequent meeting mailing.

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 29, 2020**.