

EMERGENCY REGULATIONS - CHAPTER W-3 - FURBEARERS and SMALL GAME, EXCEPT MIGRATORY BIRDS

ARTICLE II - SMALL GAME SEASON DATES, UNITS (AS DESCRIBED IN CHAPTER 0 OF THESE REGULATIONS), BAG AND POSSESSION LIMITS, LIMITED LICENSES AND PERMITS

#315 - Greater Sage-grouse

A. Season Dates, Units and Limits, Except North Park

- 1. Units 2, 3, 11, 13, 18 except that portion of unit 18 east of Colo 125 in Grand County, 27, 28 except that portion of GMU 28 north and east of Grand Co Rd 50 (Church Park Rd) and US 40, 37, 181, 201, 211, 301 and 441.
 - a. September 11 - September 17, 2021.
 - b. Extended Falconry Season: September 1 - January 31 annually.
- ~~1. Units 2, 3, 10, 11, 13, 18 except that portion of unit 18 east of Colo 125 in Grand County, 27, 28 except that portion of GMU 28 north and east of Grand Co Rd 50 (Church Park Rd) and US 40, 37, 181, 201, 211, 301 and 441.~~
 - ~~a. September 11 - September 17, 2021.~~
 - ~~b. Extended Falconry Season: September 1 - January 31 annually.~~
- 2. Daily Bag and Possession Limits
 - a. Daily Bag Limit - Two (2) birds.
 - b. Possession Limit - Four (4) birds.

B. Season Dates, Units and Limits, North Park

- 1. Units 6, 16, 17, 161, and 171.
 - a. September 11 - September 12, 2021.
 - b. Extended Falconry Season: September 1 - January 31 annually.
- 2. Daily Bag and Possession Limits
 - a. Daily Bag Limit - Two (2) birds.
 - b. Possession Limit - Two (2) birds.

AS APPROVED - 09/01/2021
Basis and Purpose
Chapter W-3 - Small Game - Furbearers

Basis and Purpose:

At its September 1-2, 2021 meeting, the Colorado Parks and Wildlife Commission adopted emergency rules affecting Chapter W-3 (Furbearers and Small Game, Except Migratory Birds, 2 CCR 406-3). The emergency rules temporarily allow for the closure of Game Management Unit (GMU) 10 to greater sage-grouse hunting to assure maintenance of adequate populations of wildlife and to protect public welfare.

The Commission adopted the foregoing rules on an emergency basis as authorized by the Colorado Administrative Procedures Act (APA), CRS § 24-4-103(6)(a). This section authorizes emergency rules where “the agency finds that immediate adoption of the rule is imperatively necessary ... for the preservation of public health, safety, or welfare” where the APA’s standard rulemaking requirements “would be contrary to the public interest.” The Commission finds such standards are satisfied here.

“The commission is responsible for all wildlife management, for licensing requirements, and for the promulgation of rules, regulations, and orders concerning wildlife programs” (CRS, § 33-1-104(1)). Furthermore, “...to provide an adequate, flexible, and coordinated statewide system of wildlife management and to maintain adequate and proper populations of wildlife species, the commission shall have authority in this state, by appropriate rules and regulations, to: (a) Determine under what circumstances, when, in which localities, by what means, what sex of, and in what amounts and numbers the wildlife of this state may be taken and, further, to shorten, extend, or close seasons on any species of wildlife in any specific locality or the entire state when it finds after investigation that such action is necessary to assure maintenance of adequate populations of wildlife or to preserve the proper ecological balance of the environment.” (CRS, § 33-1-106 (1)).

The Northwest Colorado Greater Sage-grouse Conservation Plan (NWCO GRSG Conservation Plan) recommends a 100-male minimum threshold based on a 3-year running average of the number of male grouse counted on leks for the management of sage-grouse hunting. The 3-year running average of male sage-grouse counted at leks in Northwest Colorado Management Zone 6 is 79 males, below the threshold of 100. In addition, this year’s count of 95 males in this management zone represents a decline by 87% over the past five years. Game Management Unit 10 aligns with Management Zone 6 in the NWCO GRSG Conservation Plan. As a result, regulation #315.A.1 was modified to remove GMU 10 from the 2021 hunting season for greater sage-grouse. GMU 10 will remain temporarily closed until lek counts result in a 3-year average of male lek attendance that exceeds 100.

Absent these emergency rules, the Division would be unable to close GMU 10 to sage-grouse hunting prior to the start of the 2021 hunting season. Accordingly, the emergency rules are necessary to maintain adequate and proper populations of greater sage grouse.

Notice of the proposed emergency rule-making was posted on the CPW website, and at Regional Service Centers, and Area Service Centers (area offices) where possible, indicating the Commission would consider the emergency regulations at its meeting on September 1-2, 2021 and written comments would be accepted prior to that date.

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 or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE EMERGENCY REGULATIONS SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION AND SHALL REMAIN IN EFFECT FOR NO MORE THAN 120 DAYS OR UNTIL PERMANENT REGULATIONS TAKE EFFECT, WHICHEVER OCCURS FIRST, OR THE EMERGENCY REGULATIONS ARE OTHERWISE REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 1ST DAY OF SEPTEMBER, 2021.

**APPROVED:
Carrie Besnette Hauser
Chair**

**ATTEST:
Luke B. Schafer
Secretary**