



# COLORADO

## Parks and Wildlife

Department of Natural Resources

1313 Sherman, Room 111  
Denver, CO 80203  
P 303.866.3203

**TO:** Members of the Colorado Parks and Wildlife Commission  
**FROM:** Danielle Isenhart, Regulations Manager  
**RE:** November 2018 Parks and Wildlife Commission Meeting, Regulatory Items  
**DATE:** November 2, 2018

The regulatory items detailed below are scheduled to be addressed at the Colorado Parks and Wildlife Commission's November 15-16, 2018 meeting in Burlington.

If there are questions about any of the agenda items below, or if additional information is needed, please feel free to contact me at 303-866-3203 ext. 4625.

### CITIZEN PETITIONS (WILDLIFE):

#### Agenda Item 9 - Chapter W-17 - "Damage Caused by Wildlife" 2 CCR 406-17

This mailing includes a Citizen Petition for Rulemaking requesting the Commission consider allowing dogs to haze geese year-round on private property in order to prevent or alleviate damage.

The Commission may accept all or a portion of this petition for final action, further consideration or otherwise reject the petition at the November Commission meeting. A copy of any petition may be obtained by contacting Danielle Isenhart (303) 866-3203 ext. 4625, Regulations Manager, Colorado Parks and Wildlife.

### FINAL REGULATIONS (PARKS and WILDLIFE):

Agenda Item 10 - 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-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 consideration of final regulations related to license fees adjustments based on implementation of the Hunting, Fishing, and Parks for Future Generations Act (Senate Bill 18-143) including, but not limited to, the following:

- Adjusting wildlife license fees based on prices provided in statute.
- Increasing the Wildlife Council surcharge from .75 cents to \$1.50.
- Considering wildlife license combinations, as well as adjustments to application and preference point fees.
- Adjusting commission rates applicable to the sale of licenses by license agents.



#### **Agenda Item 11 - Chapter W-1- “Fishing” 2 CCR 406-1**

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

- Extension of special fishing regulations on the upper Rio Grande River from Masonic Park to the Highway 149 bridge.
- Decreasing the bag and possession limit at Upper Seepage Lake in Mineral County, and limiting fishing to artificial flies and lures only.
- Implementing catch and release regulations at Dry Gulch in Clear Creek County.
- Adjusting the start date of the spring walleye spawning fishing closure on the dams at Chatfield, Cherry Creek, and Pueblo Reservoirs to March 1st. Also removing the time of day stipulations for the Pueblo Reservoir walleye spawning closure.
- Adjusting the bag and possession limit, and implementing a minimum size requirement for crappie at Pueblo Reservoir.
- Adjusting the bag and possession limit for wiper at Pueblo Reservoir, including allowing no more than one wiper greater than 21 inches to be taken per day.
- Implementing restrictive harvest regulations for newly opened Valco Pond #7.

#### **Agenda Item 12 - Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3, 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-3**

Open for final consideration of annual changes to regulations regarding turkey hunting, including but not limited to, license areas and license numbers, season dates, manner of take provisions, and adopting new preference point application hunt codes for the fall and spring turkey seasons.

#### **Agenda Item 13 - Chapter P-1 - “Parks and Outdoor Recreation Lands” 2 CCR 405-1 and those related provisions of Chapter W-9 (“Wildlife Properties” 2 CCR 406-9) and Chapter W-16 (“Parks and Wildlife Procedural Rules” 2 CCR 406-16) necessary to accommodate changes to, or ensure consistency with, Chapter P-1**

Open for consideration of final regulations regarding the consumption, sale, and dispensing of alcohol in state parks, state wildlife areas, and on Division-leased state trust lands based on implementation of Senate Bill 18-243.

#### **Agenda Item 14 - Chapter P-7 - “Passes, Permit, and Registrations” 2 CCR 405-7**

Open for consideration of final regulations on parks fee increases related to the implementation of the Future Generations Act (senate Bill 18-143) including, but not limited to the following:

- Addition of a transferable hang tag annual pass pilot program that is not permanently affixed to a vehicle.
- Increasing fees for annual and daily passes in accordance with the Future Generations Act.
- Increasing camping, yurts, cabins and group picnic area fees.
- Expanding the individual daily pass program to fifteen additional state parks.
- Examining camping reservation fees, special activity fees, and replacement pass costs.

## ISSUE IDENTIFICATION (WILDLIFE):

### Agenda Item 15 - Chapter W-0 - "General Provisions" 2 CCR 406-0

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

- Adjusting the boundaries of GMUs 56, 57, 58, 581, 69, 691, and 86 to focus on the Arkansas River as a boundary rather than U.S. Hwy 50.
- Adjusting the boundaries of Units 3 and 301 by removing Moffat County Road 158 as part of the unit boundary.
- Adjusting the boundaries of GMU RBS-05 in accordance with the Herd Management Plan.

### Agenda Item 17 - Chapter W-2 - "Big Game" 2 CCR 406-2

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

- Changing the big game leftover draw to a big game secondary draw for the 2020 season by removing application restrictions and including bear and pronghorn to the existing species list.
- Modifying big game application deadlines.
- Reclassifying Youth Outreach Hunting Licenses as Outreach Licenses with certain licenses available to novice hunters in addition to youth hunters.
- Accommodating adult hunting programs through the Ranching for Wildlife program, in addition to youth hunting programs.
- Adding a second Rocky Mountain bighorn sheep hunting season to S42 (Waterton Canyon Herd).
- Making all bear licenses in DAUs B2, B5, B10, B14, B15, B18 and B19 List B in 2019, and all PLO bear licenses in B1, B2, B4, B5, B10, B11, B14, B17, B18 and B19 List C.
- Separating GMU 9 antlered rifle deer hunts from GMUs 19 and 191.
- Eliminating late antlerless elk seasons in GMUs 68, 681, 79, 80, and 81.
- Including a portion of GMU 79 in the San Luis Valley damage elk hunt season.
- Including private lands in GMU 82 in the San Luis Valley damage elk hunt season, including an early bull season and an extended bull and cow season.
- Removing private land only designations from limited elk licenses in GMU 83.
- Changing first season (excluding private land only) and fourth season either sex elk licenses in DAU E-16 to antlered and antlerless limited licenses, and limiting over-the-counter archery in DAU E-12 to antlered only.
- Reopening pronghorn hunting in GMU 10.

## CONSENT AGENDA (WILDLIFE):

### Agenda Item 34 - Chapter W-2 ("Big Game" 2 CCR 406-2)

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

- Expanding the GMU 551 pronghorn archery hunt code to include GMU 55.
- Designating new hunt codes for GMU 142 and removing the GMU from hunt codes AM12801M and AF12801M.
- Adding GMU 12 to hunt codes AM023P5R and AF023P5R.
- Adding late season private land only hunt codes to portions of DAU PH13.
- Designating late season antlerless elk licenses, and all general rifle antlerless elk licenses in GMU 38 as list B.
- Modifying the lion harvest limit accounting by applying a single annual harvest limit to units open during April, thereby removing harvested lions from the accounting

throughout the season in April and resuming harvest limit accounting with remaining balances in all open units in the November-March season.

- Creating a special GMU 581 and GMU 69 antlerless deer hunt code around the city of Canon City to alleviate urban deer issues.
- Creating a late antlerless rifle deer season in DAU D-4 (GMUs 7, 8, 9, 19, 191).
- Deleting the late season public land antlerless hunt code in GMU 61 (EF061L1R) and the late season private land hunt code in GMU 62 (EF062P5R).
- Splitting GMU 53 and GMU 63 combined first season hunt codes (EF053O1R & EM053O1R) into hunt codes applicable to the two GMUs.
- Eliminating either-sex private land only elk tags in GMU 54 (EE054P1R & EE054P4R).
- Converting GMU 55 & 551 fourth season either-sex rifle elk license hunt codes (EE055O4R and EE551O4R) to antlered only hunt codes in GMUs 55 and 551.
- Deleting the late season public land antlerless hunt code in GMU 70 (EF070L1R).
- Removing GMU 13-specific antlerless elk hunt codes in the second, third and fourth seasons and adding GMU 13 to hunt codes EF012O2R, EF012O3R and EF011O4R.
- Closing the early antlerless season in GMU 45.
- Creating a separate hunt code, EF025O1R, for GMUs 25, 26 and 34 for the first rifle antlerless season.
- Expanding the private land only elk harvest opportunity in DAU E-8 and E-13 to include E-7 for the September 1- January 31 private land only season.
- Changing all antlerless licenses (except private-land only licenses) in elk DAUs E-12 and E-16 to List A licenses.

## CITIZEN-PROPOSED ISSUE PAPER

Date: 9/4/2018

<b>ISSUE:</b>	<b>Removal of date restrictions in Colorado Wildlife Commission Regulation #17131</b> ARTICLE XIII - DAMAGE CAUSED BY MIGRATORY BIRDS #17131 - RESTRICTIONS A. Landowners or their designee may use dogs to haze geese off of their property in order to prevent or alleviate damage, except from March 1 through July 31, provided that the dog is controlled such that no geese are injured or killed.
---------------	--

### **DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):**

March, April and May are the three most important months for Golf Courses, Apartment Complexes, HOA's, Business Parks, Schools and landowners to be able to use properly trained dogs, or to hire a professional service, to haze geese and keep them from nesting on their properties. Colorado seems to be the only state with a regulation prohibiting hazing with dogs during any fixed period of time. I believe this regulation was put into play in or near the year 2000 when Colorado did not have the goose infestation that we have now. The resident Canada Goose population is getting out of control, doubling each 5 years, and communities are wanting to take their properties back. We are not looking to control the goose population but rather create goose free pockets within the metro area through the judicious use of Trained Border Collies, which is in no way conflicting to U.S. Code > Title 16 > Chapter 7 > Subchapter II > § 703 of the Migratory Bird treaty. This section of the treaty is explaining you can not take, capture, kill, possess... etc any migratory bird. Here is a link to the full Subchapter <https://www.law.cornell.edu/uscode/text/16/703>

I propose:

1. The removal of the words ", except from March 1 - July 31" in the regulation so it would read as follows:

*A. Landowners or their designee may use dogs to haze geese off of their property in order to prevent or alleviate damage, provided that the dog is controlled such that no geese are injured or killed*

Again, Colorado seems to be the only state with a regulation prohibiting dogs from hazing geese for any specific time of year. It is effective to use the dogs during June and July when goslings are born at one site but are walked over to our site. Herding the geese back to their nesting site with trained dogs is much more effective and much less stressful on the geese

then the alternatives are. Also, not all geese molt and nest. Many times 2 or 3 dozen geese daily will come visit a family of geese on a site, the 6 goslings with Mom and Dad are not a big problem but the 2 or 3 dozen are. Being able to get them to leave and not visit so often is very much needed. Our dogs are trained to never come in contact with a goose and I would be willing to certify any of my dogs.

If option 1 is unacceptable, I then propose:

2. The removal of the words "March, April and May" in the regulation so it would read as follows:

*A. Landowners or their designee may use dogs to haze geese off of their property in order to prevent or alleviate damage, except from June 1 - July 31, provided that the dog is controlled such that no geese are injured or killed*

These months are imperative to keep the geese from nesting on our sites. If we keep them from nesting then we generally have goose free sites all summer and most of the fall. With no geese nesting we eliminate attacks on humans and pets and we eliminate the damage and clean up costs. No one should be forced to live with nesting geese and their aggression.

From what I have observed over the last decade, the geese in Colorado typically start their mating games and testing the nesting grounds for safety in March. April is when they settle in and mate. Late April and May is the month the female lays her eggs and incubates them while the male protects a large surrounding area around the nest. There is about a 28 day incubation period. Late May and Early June is when most of the goslings are born. June and July is usually when the parent's wings molt and they can not fly very well for about 6 weeks. which is about when the gosling are learning to fly. By August 1, most of the geese can fly, they don't always know it yet but they can fly.

**WHO MIGHT BE INTERESTED IN THIS ISSUE? HAVE YOU COMMUNICATED WITH ANY OTHER INTERESTED PARTIES? WHAT INPUT HAVE YOU RECEIVED?**

Every Golf Course, Apartment Complex, HOA, Park, or any place that has water and geese has shown great interested in this issue. All of my apartments and hoa's are extremely tired of their residence's and owner's getting attacked each spring and are willing to write letters of recommendations. When the geese attack, they do not give up and cause

injuries as little as scratches and bruises to the 75 year old resident who was trying to clean her driveway of goose droppings before her friends arrive, who slipped on the droppings, and fell, breaking her arm and dislocating her shoulder. They have the right to have a life free of these birds.

On Golf Courses it can cost them upwards of \$5000.00 for clean up and repair for the 5 months they are nesting and bringing up their young, as well as their customers getting attacked.

Everyone I have spoken with are willing to back a change however they can. The places I have spoke with includes, Foothills Parks and Recreation (Both of their Golf Courses and Clement Park), City of Aurora (Golf Courses), Denver Botanic Gardens, City of Broomfield (Parks Department), a dozen Golf Courses, over a dozen Apartment Complexes and HOA's, Private Schools, several Gated Communities, several Business Parks and several private properties.

Many cities in Colorado are adjusting their leash laws to allow hazing of geese with dogs. The city of Greenwood Village Parks department proposed to change it's leash law as well as to change it's no hazing of wildlife at all, to allowing hazing of geese. The City of Broomfield has changed their leash laws and have purchased dogs to haze the geese. They are recognizing the need to deal with the growing goose population.

**ALTERNATIVES: PLEASE INDICATE THE PROBABLE OUTCOME IF THIS PETITION IS ACCEPTED, AS WELL AS THE IMPACT OF ALTERNATIVES TO THIS PETITION:**

The outcome of acceptance of this petition would allow property owners and managers the judicious use of trained Border Collies, which have been found to be the safest, the most effective and least costly tool—found to date—to induce the Canada geese to feed and defecate off their property.

Alternatives include the continuation of traditional methods listed by wildlife websites. However, the use of brooms, mylar, effigies, rocky shorelines and flashing lights no longer intimidate these city bred geese. Such methods are totally ineffective for protecting turf, walkways, playgrounds or bodies of water.

Also, the main alternative to using dogs is a remote controlled device such as the Goosinator. This method causes much more stress on the geese during this time of year, to the point that it is borderline animal cruelty, not to mention the stress it causes on the operator and anyone watching this type of harassment. They are much more reluctant to leave with just this method and they get harassed much longer. What takes 30 - 40 minutes to accomplish

with the remote device can be accomplished in 5 minutes or less with the dogs. The dogs give a lasting affect and they are much less likely to return, thus causing the geese much less stress.

There should be zero negative impact by removing this regulation. No person is allowed to haze geese with dogs any time of year, unless hazing nuisance geese on private property with the owners permission.

<b>PETITION PROPOSED BY:</b>	Tim Eubank
<b>PETITION WRITTEN BY:</b>	Tim Eubank
<b>DATE SENT TO THE COMMISSION:</b>	9/4/18