

EMERGENCY REGULATIONS - CHAPTER 10 - NONGAME WILDLIFE

ARTICLE V

#1005 - EMERGENCY REGULATIONS

1. Livestock owners and their agents are authorized to use hazing techniques when necessary to prevent or reduce injury or damages to livestock and guard animals caused by gray wolves (*Canis lupus*).
 - a. “Hazing techniques” means the use of:
 - (i) Livestock guard animals,
 - (ii) Fladry or electrified fladry,
 - (iii) Cracker shells, rubber buckshot, rubber slugs, and bean bag rounds,
 - (iv) Scare devices or tactics including propane cannons, vehicles, ATVs, range riders, noisemakers, fox lights and motion- and radio-activated guard devices.
 - b. Hazing that results in the injury or death of a wolf is not permitted. Any person who injures or kills a wolf must report the same to the Division within 48 hours.
 - c. Hazing must be consistent with federal law. If gray wolves are on the list of federally endangered or threatened species, hazing is prohibited unless authorized by the United States Fish and Wildlife Service.
 - d. For purposes of this rule, “livestock” is defined in § 35-1-102(6), CRS.

AS APPROVED - 01/12/2022
Basis and Purpose
Chapter 10 - Nongame Wildlife

Basis and Purpose:

Adding emergency regulations authorizing livestock owners and their agents to haze gray wolves to prevent or reduce injury to livestock.

The permanent hazing regulation the Commission considered in January will not go into effect until March 2022. Given the North Park [incident](#), the Commission took emergency action to enable the rule to go into effect immediately upon adoption. State law enables the Commission to pass emergency rules with no notice or public comment if the Commission “finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare...” § 24-4-103(6)(a), CRS. The Commission found these standards to be satisfied here. The Commission adopted an emergency rule because “[r]estoration of the gray wolf to the state must be designed to resolve conflicts with persons engaged in ranching and farming in this state.” § 33-2-105.8(1)(d), CRS. The specific statutory authority for this emergency rule includes § 33-6-128(1), CRS (it is unlawful to harass wildlife unless permitted by CPW) and § 33-2-105.8(1)(d), CRS (gray wolf restoration must be designed to resolve conflicts with farmers and ranchers).

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 12TH DAY OF JANUARY, 2022.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Luke B. Schafer
Secretary

Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Eric R. Olson
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Tracking Number: **2022-00027**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (406 Series, Wildlife)
ON 01/12/2022**

**2 CCR 406-10
CHAPTER W-10 - NONGAME WILDLIFE**

The above-referenced rules were submitted to this office on 01/19/2022 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 28, 2022 16:54:35 MST

A handwritten signature in blue ink, appearing to read "P. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General