



COLORADO

Parks and Wildlife

Department of Natural Resources

6060 Broadway
Denver, CO 80216
P 303-866-3203

TO: Members of the Colorado Parks and Wildlife Commission
FROM: Krista Heiner, Regulations Manager
RE: Section #1001, Chapter W-0 Final Regulations for the January 2022 Parks and Wildlife Commission Meeting
DATE: December 30, 2021

Final regulatory changes for Section #1001 of Chapter W-10 are summarized below. If there are questions about the agenda item below, or if additional information is needed, please feel free to contact me at krista.heiner@state.co.us.

Agenda Item 15: Section #1001, Chapter W-10 - “Nongame Wildlife” 2 CCR 406-10 (Step 2 of 2)

Adding regulations making it unlawful for any person to place an olfactory attractant with the intent to lure gray wolves.

Prior to this rulemaking, CPW prohibited the baiting and luring of wildlife in certain contexts. See, e.g., W-0, #004.A (regulating baits and other aids in taking big game, small game, and furbearers); #021.A (regulating the luring or attracting of big game).

New rule W-10 #1001 prohibits similar conduct with respect to gray wolves (*Canis lupus*). Specifically, it prohibits placing “any olfactory attractant with the intent to lure gray wolves” unless permitted by CPW. For example, the placement of urine or other odorants with the intent to lure gray wolves is prohibited under the new rule.

The new rule applies regardless of whether the individual who placed the olfactory attractant, or any third party, is attempting to hunt gray wolves (which is itself currently unlawful under W-10 #1000). For example, luring gray wolves is prohibited under the new rule even if an individual only intends to take photos of such wildlife.

By using the phrase “with the intent to lure gray wolves” in the new rule, the Commission created a specific intent offense. “A person acts ‘intentionally’ or ‘with intent’ when his conscious objective is to cause the specific result proscribed by the statute [or regulation] defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.” § 18-1-501(5), CRS. This means the new rule does not prohibit common agricultural practices like raising, harvesting, stockpiling, or storing animals, crops, or food.



FINAL REGULATIONS - CHAPTER 10 - NONGAME WILDLIFE

ARTICLE I - GENERAL PROVISIONS

#1001 - ~~Vacant.~~ INTENTIONALLY LURING GRAY WOLVES

Unless permitted by the division, it is unlawful for any person to place any olfactory attractant with the intent to lure gray wolves (*Canis lupus*).

Basis and Purpose:

Adding regulations making it unlawful for any person to place an olfactory attractant with the intent to lure gray wolves.

Prior to this rulemaking, Colorado Parks and Wildlife prohibited the baiting and luring of wildlife in certain contexts. See, e.g., W-0, #004.A (regulating baits and other aids in taking big game, small game, and furbearers); #021.A (regulating the luring or attracting of big game).

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The new rule applies regardless of whether the individual who placed the olfactory attractant, or any third party, is attempting to hunt gray wolves (which is itself currently unlawful under W-10 #1000). For example, luring gray wolves is prohibited under the new rule even if an individual only intends to take photos of such wildlife.

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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 – THE REGULATIONS HEREIN SHALL BECOME EFFECTIVE MARCH 2, 2022 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 12TH DAY OF JANUARY, 2022.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Luke B. Schafer
Secretary