

CITIZEN PETITION FORM

Date: ~~June 7, 2021~~

Amended petition received by CPW on
10/8/2021

Issue:	Revisions to provisions related to capture of peregrine falcons by falconers
Which rule are you seeking to create or revise? Please include a copy of the rule you are proposing to create or change, preferably with the change made in redline format.	
Authority to make the changes requested here is found in section 33-1-106 of the Colorado Revised Statutes. Change is requested to 2 CCR § 406-6 #607.O as follows: O. Capture of Peregrine Falcons: Peregrine falcons may be captured and removed from the wild only in accordance with the following provisions: 1. Capture Quotas a. Up to four Peregrine falcon capture permits may be issued annually to licensed Colorado master or general falconers pursuant to a random drawing process. 1. Applications for Peregrine falcon capture permits will be accepted only on application forms provided by the Division. 2. Only complete and correct applications forms will be accepted, and no person may submit more than one application per license year. 3. Each application form, along with the required payment in the form of a check or money order, must be mailed or delivered to the Division, 6060 Broadway, Denver CO 80216, and received no later April 1, or the first business day in April if April 1 is on a weekend. 4. Any person who takes a Peregrine falcon shall be ineligible to apply for or participate in a Peregrine falcon license drawing for five years <u>or to purchase a leftover capture permit for the same five-year period.</u> <u>5. Leftover capture permits may be purchased on a first come, first served, basis with priority determined by the order in which complete written applications are received by the Special Wildlife License Administrator (SWLA) in either printed or email form so long as such application is followed by delivery of payment to the SWLA within five business days of application receipt.</u> 2. Provisions of Take [no change requested]	

Why are you seeking to create or revise this rule? Please include a general statement of the reasons for the requested rule or revision and any relevant information related to the request.

The peregrine falcon was removed from the Federal List of Endangered and Threatened Wildlife in 1999 following a recovery effort in which falconers played a key role. *See* 64 Fed. Reg. 46542. After being downlisted from endangered to threatened on Colorado's list of threatened and endangered species in 1993, the falcon was finally removed as a threatened species in 1998. Craig and Enderson, "Peregrine Falcon Biology and Management in Colorado," 1973-2001, App. 3. The species has continued to increase in population and today state populations are thriving. Capture of peregrines has been allowed in Colorado for many years since regulations allowing capture were first approved in 2003.

Colorado Parks and Wildlife currently limits falconers statewide to four peregrine falcon capture permits per year. (This has previously been determined to be an acceptable level of removal from the wild making additional scientific data unnecessary.) Based on conversations with numerous falconers in Colorado who were involved with obtaining legalization of peregrine capture in Colorado, it is strongly believed that no birds were taken during the first three years after capture was first permitted. With respect to recent years, information obtained from CPW shows a total of seven applicants have taken only five birds in the last four seasons meaning eleven of sixteen allowed permits went unused:

Peregrine Falcon Capture Permits		
Year	Applied	Birds Captured
2014	3	Data n/a
2015	3	Data n/a
2016	3	Data n/a
2017	4	3
2018	2	2
2019	1	0
2020	0	0

The process of obtaining a wild "eyas"—a young falcon not capable of flight—or of capturing a recently fledged bird is difficult and time consuming. The falconer must locate an "eyrie," or falcon nest. This often takes weeks or even months of time observing suspected sites. Given breeding seasons as well as Colorado's diverse weather, it may be late April or early May before a nest is even located, much less confirmed active. In the case of recently fledged birds, they may not even be visible to an observer before late June. And active nest locations vary from year to year.

Under current rules, a falconer must apply for a permit and incur the associated cost before April 1. After that date, no applications are accepted under any circumstances. The purpose of the present petition is to establish means by which the allowed take could be better utilized by allowing capture permits not won by raffle to be sold on a first come, first served, basis through the end of the legal capture season. This would simply follow the pattern set by big game regulations and would allow falconers whose plans or circumstances change after the drawing to at least potentially be eligible for a permit.

Signing petitioners are longstanding master Colorado falconers who have both served as president of the Colorado Hawking Club. The board of directors of the Colorado Hawking Club approved this petition.

Petitioner's name:

Matthew T. Gould
Roger Tucker