CHAPTER 10 - NONGAME WILDLIFE

ARTICLE I - GENERAL PROVISIONS

#1000 - PROTECTED SPECIES

A. Nongame species and subspecies, including threatened or endangered wildlife are protected and their harassment, taking or possession is prohibited except as follows:

1. Under a scientific collecting license.
2. Under a rehabilitation license.
3. Under a license for zoological, educational, propagation or other special purposes.
4. Allowed species of raptors under a falconry license.
5. Bats, mice except Preble's meadow jumping mouse (*Zapus hudsonius preblei*), opossums, voles, rats, and ground squirrels may be captured or killed when creating a nuisance or causing property damage. Gray fox and swift fox may be taken in accordance with 35-40-100.2-115, C.R.S., when causing damage to crops or livestock.
6. Except as provided in #015.A. of these regulations, up to four individuals of each of the following species and/or subspecies of reptiles and amphibians may be taken annually and held in captivity, provided that no more than twelve in the aggregate may be possessed at any time:
   
   Plain's spadefoot *Spea bombifrons*
   
   Woodhouse's toad *Bufo woodhousii*
   
   Western chorus frog *Pseudacris triseriata*
   
   Painted turtle *Chrysemys picta*
   
   Western box turtle *Terrapena ornata*
   
   Sagebrush lizard *Sceloporus undulatus*
   
   Tree lizard *Urosaurus ornatus*
   
   Side-blotched lizard *Uta stansburiana*
   
   Prairie & plateau lizards *Sceloporus undulatus*
   
   Bullsnake *Pituophus catenifer*
   
   Western terrestrial garter snake *Thamnophis elegans*
   
   Plains garter snake *Thamnophis radix*
   
   Lesser earless lizard *Holbrookia maculata*
   
   Western whiptail *Cnemidophorus tigris*
Racer *Coluber constrictor*

Western hognose snake *Heterodon nasicus*

a. Such reptiles and amphibians and their progeny may only be disposed of by gift or as authorized by the Division of Wildlife. Further, such reptiles and amphibians may be released back into the wild provided they have not come into contact with reptiles and amphibians from other geographic areas and they are released as close as possible to, but in no event further than ten miles from, their place of origin.

b. Any other species of native reptiles or amphibians taken from the wild and lawfully possessed prior to July 1, 1998, may continue to be held in captivity provided that written notification of the numbers and species being held is given to the Division prior to July 1, 1998. Such notification shall be sent to the special licensing unit at 6060 Broadway, Denver, CO 80216.

7. Threatened or endangered wildlife may be possessed if legally taken in and transported from another state or country and legally imported into the United States and Colorado.

8. Any peregrine falcon legally held in captivity which is:

   a. Possessed and banded in compliance with the terms of a valid permit issued by the U.S. Fish and Wildlife Service; or

   b. Identified in the earliest applicable annual report required to be filed by a permittee under Title 50, Code of Federal Regulations, as in a permittee's possession on November 10, 1978, or as the progeny of such raptor.

   c. Provided, however, if a peregrine falcon otherwise excepted under this paragraph 8 is intentionally returned to the wild, it shall thereafter be deemed to be wild and subject to protection as a threatened or endangered species, as if it had never been reduced to lawful possession.

9. Greenback cutthroat trout may be taken under catch and release regulations in certain drainages within Rocky Mountain National Park, in the Cache la Poudre drainage, or in accordance with restrictions for individual waters found in #108 A.

**ARTICLE II - ENDANGERED WILDLIFE**

**#1002 - DESIGNATION OF SPECIES**

**A. Endangered Species Designation:** The following wildlife are hereby declared endangered.

1. Appears on Federal List as Endangered.
2. Appears on Federal List as Threatened.

<table>
<thead>
<tr>
<th>Fish</th>
<th>Gila elegans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonytail¹</td>
<td><em>Xyrauchen texanus</em></td>
</tr>
<tr>
<td>Razorback Sucker¹</td>
<td><em>Catostomus plebeius</em></td>
</tr>
<tr>
<td>Rio Grande Sucker</td>
<td><em>Phoxinus eos</em></td>
</tr>
<tr>
<td>Northern Redbelly Dace</td>
<td><em>Phoxinus erythrogaster</em></td>
</tr>
<tr>
<td>Southern Redbelly Dace</td>
<td></td>
</tr>
<tr>
<td>Plains Minnow</td>
<td><em>Hybognathus placitus</em></td>
</tr>
</tbody>
</table>
2. Birds
- Plains Sharp-tailed Grouse
- Whooping Crane
- Least Tern
- Southwestern Willow Flycatcher

3. Mammals
- Kit Fox
- Gray Wolf
- Grizzly Bear
- Black-footed Ferret
- Wolverine
- Lynx

4. Amphibians
- Boreal Toad

B. Accidental Take of Endangered Species

1. All endangered fish taken by any means shall be returned unharmed to the water immediately.

2. While conducting an otherwise lawful activity, including, but not limited to, live trapping or hunting bobcat, taking action pursuant to 33-6-207, C.R.S., to protect livestock, protection of livestock through the use of guard dogs, or taking action pursuant to 33-3-106, C.R.S., to prevent death or injury to human life or livestock, a Canada lynx is:
   a. accidentally captured, but not injured, it shall be released immediately and the capture shall be reported to the Division of Wildlife within 24 hours;
   b. accidentally injured, but not in the possession of the person, the injury shall be reported to the Division of Wildlife within 24 hours;
   c. accidentally injured and in the possession of the person, the Canada lynx shall be immediately delivered to the Division of Wildlife or taken to a licensed veterinarian for appropriate care and reported to the Division of Wildlife within 24 hours;
   d. accidentally killed, then it shall be reported to the Division of Wildlife within 24 hours and the carcass shall be delivered to the Division of Wildlife within 3 (three) days of the report.

Any failure to provide the required notice to the Division of Wildlife or to deliver the injured or dead Canada lynx to the Division of Wildlife within the time periods allowed shall be prima facie evidence of unlawful take and possession of Canada lynx.

Provided further, however, that any person who complies with the notification requirements of this provision, is a registered participant in the Division of Wildlife's Conservation Plan for Canada.
lynx in Colorado and employs the best management practices established as part of that plan to avoid accidental take of Canada lynx shall not be charged with illegal possession or take of wildlife.

For the purposes of this subsection, “accidental” specifically excludes any intentional, knowing or negligent action on behalf of any person or a person's agent or employee.

**ARTICLE III - THREATENED WILDLIFE**

**#1003 - DESIGNATION OF SPECIES**

A. The following wildlife are hereby declared threatened. Any threatened fish taken by any means shall be returned unharmed to the water immediately.

1. Appears on Federal List as Endangered
2. Appears on Federal List as Threatened

<table>
<thead>
<tr>
<th>Fish</th>
<th>Species Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado Squawfish</td>
<td>Ptychocheilus lucius</td>
</tr>
<tr>
<td>Humpback Chub</td>
<td>Gila cypha</td>
</tr>
<tr>
<td>Greenback Cutthroat Trout</td>
<td>Onchorynchus clarki stomias</td>
</tr>
<tr>
<td>Arkansas Darter</td>
<td>Etheostoma cragini</td>
</tr>
</tbody>
</table>

2. Birds

<table>
<thead>
<tr>
<th>Species</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Eagle</td>
<td>Haliaeetus leucocephalus</td>
</tr>
<tr>
<td>Mexican Spotted Owl</td>
<td>Strix occidentalis lucida</td>
</tr>
<tr>
<td>Burrowing Owl</td>
<td>Athene cunicularia</td>
</tr>
<tr>
<td>Lesser Prairie Chicken</td>
<td>Tympanuchus</td>
</tr>
<tr>
<td>Piping Plover</td>
<td>Charadrius melodus</td>
</tr>
</tbody>
</table>

3. Mammals

<table>
<thead>
<tr>
<th>Species</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Otter</td>
<td>Lontra canadensis</td>
</tr>
<tr>
<td>Preble's meadow jumping mouse</td>
<td>Zapus hudsonius preblei</td>
</tr>
</tbody>
</table>

**ARTICLE IV - NONGAME WILDLIFE**

**#1004 - DESIGNATION OF SPECIES**

A. The following wildlife are hereby declared nongame wildlife.

1. **Fish:**
   - Greenback Cutthroat Trout *Onchorynchus clarki stomias*
   - Colorado Squawfish *Ptychocheilus lucius*
   - Humpback Chub *Gila cypha*
Bonytail *Gila elegans*
Roundtail Chub *Gila robusta*
Lake Chub *Cousesius plumbeus*
Flathead Chub *Phatygobio gracilus*
Plains Minnow *Hybognathus placitus*
Brassy Minnow *Hybognathus hankinsoni*
Suckermouth Minnow *Pehnocobius mirabilis*
Common Shiner *Luxilus comutus*
River Shiner *Notropis blennius*
Northern Redbelly Dace *Phoxinus eos*
Southern Redbelly Dace *Phoximus erythrogaster*
Razorback Sucker *Xyrauchen texanus*
Rio Grande Sucker *Catostomus plebeius*
Bluehead Sucker *Catostomus discobolus*
Flannelmouth Sucker *Catostomus latippinis*
Mountain Sucker *Catostomus platyrhynchus*
Arkansas Darter *Etheostoma cragini*
Plains Orangethroat Darter *Etheostoma spectabile*
Iowa Darter *Etheostoma exile*
Stonecat *Notorus flavus*
Plains Topminnow *Fundulus sciadicus*

2. **Amphibians:**

Plains Spadefoot *Spea bombifrons*
Couch's Spadefoot *Scaphiopus couchii*
Great Basin Spadefoot *Spea intermontana*
New Mexico Spadefoot *Spea multiplicata*
Boreal Toad *Bufo boreas boreas*
Great Plains Toad *Bufo cognatus*
Green Toad *Bufo debilis*
Red-spotted Toad *Bufo punctatus*
Woodhouse's Toad *Bufo woodhousii*
Northern Cricket Frog *Acris crepitans*
Canyon Treefrog *Hyla arenicolor*
Western Chorus Frog *Pseudacris triseriata*
Plains Leopard Frog *Rana blairi*
Northern Leopard Frog *Rana pipiens*
Wood Frog *Rana sylvatica*
Great Plains Narrowmouth Toad *Gastrophryne olivacea*

3. Reptiles:
   Yellow Mud Turtle *Kinosternon flavescens*
   Painted Turtle *Chrysemys picta*
   Ornate Box Turtle *Terrapene ornata*
   Spiny Softshell *Trionix spiniferus*
   Collared Lizard *Crotaphytus collaris*
   Longnose Leopard Lizard *Gambelia wislizenii*
   Lesser Earless Lizard *Holbrookia maculata*
   Texas Horned Lizard *Phrynosoma cornutum*
   Short-horned Lizard *Phrynosoma hernandesi*
   Roundtail horned Lizard *Phrynosoma modestum*
   Sagebrush Lizard *Sceloporus graciosus*
   Desert Spiny Lizard *Sceloporus magister*
   Prairie and Plateau Lizards *Sceloporus undulatus*
   Tree Lizard *Urosaurus ornatus*
   Side-blotched Lizard *Uta stansburiana*
   Many-lined Skink *Eumeces multivirgatus*
   Great Plains Skink *Eumeces obsoletus*
Six-lined Racerunner *Cnemidophorus sexlineatus*
Diploid Colorado Checkered Whiptail *Cnemidophorus tesselatus*
Triploid Colorado Checkered Whiptail *Cnemidophorus neotesselatus*
Western Whiptail *Cnemidophorus tigris*
Plateau Striped Whiptail *Cnemidophorus velox*
Texas Blind Snake *Leptotyphlops dulcis*
Glossy Snake *Arizona elegans*
Racer *Coluber constrictor*
Ringneck Snake *Diadophis punctatus*
Corn Snake *Elaphe guttata*
Western Hognose Snake *Heterodon nasicus*
Night Snake *Hypsiglena torquata*
Common Kingsnake *Lampropeltis getula*
Milk Snake *Lampropeltis triangulum*
Coachwhip *Masticophis flagellum*
Striped Whipsnake *Masticophis taeniatus*
Northern Water Snake *Nerodia sipedon*
Smooth Green Snake *Liochlorophis vernalis*
Bullsnake *Pituophis catenifer*
Longnose Snake *Rhinocheilus lecontei*
Ground Snake *Sonora semiannulata*
Plains Blackhead Snake *Tantilla nigriceps*
Southwestern Blackhead Snake *Tantilla hobartsmithi*
Blackneck Garter Snake *Thamnophis cyrtopsis*
Western Terrestrial Garter Snake *Thamnophis elegans*
Plains Garter Snake *Thamnophis radix*
Common Garter Snake *Thamnophis sirtalis*
Lined Snake *Tropidoclonion lineatum*
Midget Faded Rattlesnake *Crotalus viridis concolor*
Massasauga *Sistrurus catenatus*

4. Mollusks:

- Mossy Valvata *Valvata sincera*
- Quilted Melania *Thira granifera*
- Prairie Fossaria *Lymnaea bulimoides*
- Cockerell Lymnaea *Lymnaea cockerilli*
- Carib Fossaria *Lymnaea cubensis*
- Wrinkled Marshsnail *Lymnaea caperata*
- Marsh Pondsnail *Lymnaea elodes*
- Rock Fossaria *Lymnaea modicella*
- Golden Fossaria *Lymnaea obrussa*
- Pygmy Fossaria *Lymnaea parva*
- Swamp Limnaea *Lymnaea stagnalis*
- Lance Aplexa *Aplexa elongata*
- Duck Physa *Physa anatina*
- Hot Spring Physa *Physa cupreonitens*
- Gould Physa *Physa gouldi*
- Pewter Physa *Physa heterostropha*
- Ashy Physa *Physa integra*
- Glass Physa *Physa skinneri*
- Utah Physa *Physa utahensis*
- Tadpole Physa *Physella gyrina*
- Protean Physa *Physella virgata*
- Mimic Lymnaea *Pseudocuccinea columella*
- Disc Gyro *Gyraulus circumstriatus*
- Ash Gyro *Gyraulus parvus*
- Mesa Rams-horn *Helisoma scalare*
Marsh Rams-horn *Helisoma trivolvis*
Two-ridge Rams-horn *Helisoma aniceps*
Sharp Sprite *Promenetus exacuous*
Umbilicate Sprite *Promenetus umbilicatellus*
Rocky Mountain Capshell *Acroloxus coloradensis*
Fragile Ancylid *Ferrissia fragilis*
Creeping Ancylid *Ferrissia rivularis*
Cloche Ancylid *Ferrissia walkerii*
Giant Floater *Anodonta grandis grandis*
Cylindrical Papershell *Anodontoides ferussacianus*
Pondhorn *Uniomenus tetralasmus*
Lake Fingernailclam *Musculium lacustre*
Long Fingernailclam *Musculium transversum*
Striated Fingernailclam *Sphaerium striatinum*
Ubiquitous Peaclam *Pisidium casertanum*
Ridged-beak Peaclam *Pisidium compressum*
Quadrangular Peaclam *Pisidium milium*
Shiney Peaclam *Pisidium nitidum*
Triangular Peaclam *Pisidium variabile*
Glossy Pillar *Cionella lubrica*
Costate Vallonia *Vallonia costata*
Multirib Vallonia *Vallonia gracilicosta*
Lovely Vallonia *Vallonia pulchella*
Rocky Mountain Column *Pupilla blandi*
Widespread Column *Pupilla muscorum*
White-lip Dagger *Pupoides albilabris*
Rocky Mountain Dagger *Pupoides inornatus*
Armed Snaggletooth *Gastocopta armifera*
Erie Snaggletooth *Gastrocopta carnegiei*

Lambda Snaggletooth *Gastrocopta holzingeri*

(NCN) *Gastrocopta pellucida*

Comb Snaggletooth *Gastrocopta pentodon*

White Snaggletooth *Gastrocopta tappaniana*

Variable Vertigo *Vertigo gouldi*

Cross Vertigo *Vertigo modesta*

Ovate Vertigo *Vertigo ovata*

Five-tooth Vertigo *Vertigo ventricosa*

(NCN) *Columella alticola*

Toothless Column *Columella edentula*

(NCN) *Catinella vermeta*

Niobraro Ambersnail *Oxyloma haydeni*

Blunt Ambersnail *Oxyloma retusa*

Concordia Ambersnail *Succinea concordialis*

(NCN) Ambersnail *Succinea concordialis*

(NCN) Ambersnail *Succinea vaginacontorta*

Forest Disc *Discus cronkhitei*

Compound Coil *Helicodiscus parallelus*

Smooth Coil *Helicodiscus singleyanus*

Meadow Slug *Deroceras laeve*

One-ridge Field Slug *Deroceras monentolophus*

Amber Glass *Retinella electrina*

Wild Hive *Euconulus chersinus*

Brown Hive *Euconulus fulvus*

Quick Gloss *Zonitoides arboreus*

Alaska Glass *Vitrina alaskana*

Spruce Snail *Microphysula ingersolli*
Rocky Mountainsnail *Oreohelix strigosa*
Lyrate Mountainsnail *Oreohelix haydeni*

5. **Birds:**

- Red-throated Loon *Gavia stellata*
- Pacific Loon *Gavia pacifica*
- Common Loon *Gavia immer*
- Yellow-billed Loon *Gavia adamsii*
- Pied-billed Grebe *Podilymbus podiceps*
- Horned Grebe *Podiceps auritus*
- Red-necked Grebe *Podiceps grisegena*
- Eared Grebe *Podiceps nigricollis*
- Western Grebe *Aechmophorus occidentalis*
- Clark's Grebe *Aechmophorus clarkii*
- American White Pelican *Pelicanus erythrorhynchos*
- Brown Pelican *Pelicanus occidentalis*
- Double-crested Cormorant *Phalacrocorax auritus*
- Neotropic Cormorant *Phalacrocorax brasilianus*
- American Bittern *Botaurus lentiginosus*
- Least Bittern *Ixobrychus exilis*
- White Ibis *Eudocimus albus*
- Glossy Ibis *Plegadis falcinellus*
- Great Blue Heron *Ardea herodias*
- Great Egret *Ardea albus*
- Snowy Egret *Egretta thula*
- Little Blue Heron *Egretta caerulea*
- Tricolored Heron *Egretta tricolor*
- Cattle Egret *Bubulcus ibis*
- Green Heron *Butorides striatus*
Black-crowned Night-Heron *Nycticorax nycticorax*
Yellow-crowned Night-Heron *Nyctanassa violacea*
White-faced Ibis *Plegadis chihi*
Tundra Swan *Cygnus columbianus*
Trumpeter Swan *Cygnus buccinator*
Turkey Vulture *Cathartes aura*
Osprey *Pandion haliaetus*
Mississippi Kite *Ictinia mississippiensis*
Bald Eagle *Haliaeetus leucocephalus*
Northern Harrier *Circus cyaneus*
Sharp-shinned Hawk *Accipiter striatus*
Cooper's Hawk *Accipiter cooperii*
Northern Goshawk *Accipiter gentilis*
Red-shouldered Hawk *Buteo lineatus*
Broad-winged Hawk *Buteo platypterus*
Swainson's Hawk *Buteo swainsoni*
Red-tailed Hawk *Buteo jamaicensis*
Ferruginous Hawk *Buteo regalis*
Rough-legged Hawk *Buteo lagopus*
Golden Eagle *Aquila chrysaetos*
American Kestrel *Falco sparverius*
Merlin *Falco columbarius*
American Peregrine Falcon *Falco peregrinus anatum*
Gyrfalcon *Falco rusticolus*
Prairie Falcon *Falco mexicanus*
Arctic Peregrine Falcon *Falco peregrinus tundrius*
Lesser Prairie-Chicken *Tympanuchus pallidicinctus*
Plains Sharp-tailed Grouse *Tympanuchus phasianellus jamesi*
Greater Sandhill Crane *Grus canadensis tabida*
Whooping Crane *Grus americana*
Black-bellied Plover *Pluvialis squatarola*
American Golden-Plover *Pluvialis dominica*
Snowy Plover *Charadrius alexandrinus*
Semipalmated Plover *Charadrius semipalmatus*
Piping Plover *Charadrius melodus*
Killdeer *Charadrius vociferus*
Mountain Plover *Charadrius montanus*
Black-necked Stilt *Himantopus mexicanus*
American Avocet *Recurvirostra americana*
Greater Yellowlegs *Tringa melanoleuca*
Lesser Yellowlegs *Tringa flavipes*
Solitary Sandpiper *Tringa solitaria*
Willet *Catoptrophorus semipalmatus*
Spotted Sandpiper *Actitis macularia*
Upland Sandpiper *Bartramia longicauda*
Whimbrel *Numenius phaeopus*
Long-billed Curlew *Numenius americanus*
Hudsonian Godwit *Limosa haemastica*
Marbled Godwit *Limosa fedoa*
Ruddy Turnstone *Arenaria interpres*
Red Knot *Calidris canutus*
Sanderling *Calidris alba*
Semipalmated Sandpiper *Calidris pusilla*
Western Sandpiper *Calidris mauri*
Least Sandpiper *Calidris minutilla*
White-rumped Sandpiper *Calidris fuscicollis*
Baird's Sandpiper *Calidris bairdii*

Pectoral Sandpiper *Calidris melanotos*

Sharp-tailed Sandpiper *Calidris acuminata*

Dunlin *Calidris alpina*

Stilt Sandpiper *Calidris himantopus*

Buff-breasted Sandpiper *Tryngites subruficollis*

Ruff *Philomachus pugnax*

Short-billed Dowitcher *Limnodromus griseus*

Long-billed Dowitcher *Limnodromus scolopaceus*

Wilson's Phalarope *Phalaropus tricolor*

Red-necked Phalarope *Phalaropus lobatus*

Red Phalarope *Phalaropus fulicaria*

Pomarine Jaeger *Stercorarius pomarinus*

Parasitic Jaeger *Stercorarius parasiticus*

Long-tailed Jaeger *Stercorarius longicaudus*

Laughing Gull *Larus atricilla*

Franklin's Gull *Larus pipixcan*

Little Gull *Larus minutus*

Bonaparte's Gull *Larus philadelphia*

Mew Gull *Larus canus*

Ring-billed Gull *Larus delawarensis*

California Gull *Larus californicus*

Herring Gull *Larus argentatus*

Thayer's Gull *Larus thayeri*

Lesser Black-backed Gull *Larus fuscus*

Glaucous-winged Gull *Larus glaucescens*

Glaucous Gull *Larus hyperboreus*

Great Black-backed Gull *Larus marinus*
Black-legged kittiwake *Rissa tridactyla*
Sabine's gull *Xema sabini*
Caspian tern *Sterna caspia*
Common tern *Sterna hirundo*
Arctic tern *Sterna parasitaea*
Forster's tern *Sterna forsteri*
Least tern *Sterna antillarum*
Black tern *Chlidonias niger*
Marbled murrelet *Brachyramphus marmoratus*
Ancient murrelet *Synthliboramphus antiquus*
Black-billed cuckoo *Coccyzus erythropthalmus*
Yellow-billed cuckoo *Coccyzus americanus*
Greater roadrunner *Geococcyx californianus*
Groove-billed ani *Crotophaga sulcirostris*
Barn owl *Tyto alba*
Flammulated owl *Otus flammeolus*
Eastern screech-owl *Otus asio*
Western screech-owl *Otus kenneicottii*
Great horned owl *Bubo virginianus*
Snowy owl *Nyctea scandiaca*
Northern pygmy-owl *Glaucidium gnoma*
Burrowing owl *Athene cunicularia*
Mexican spotted owl *Strix occidentalis lucida*
Long-eared owl *Asio otus*
Short-eared owl *Asio flammeus*
Boreal owl *Aegolius funereus*
Northern saw-whet owl *Aegolius acadicus*
Lesser nighthawk *Chordeiles acutipennis*
Common Nighthawk *Chordeiles minor*
Common Poorwill *Phalaenoptilus nuttallii*
Whip-poor-will *Caprimulgus vociferus*
Black Swift *Cypseloides niger*
Chimney Swift *Chaetura pelagica*
White-throated Swift *Aeronautes saxatalis*
Blue-throated Hummingbird *Lampornis clemenciae*
Magnificent Hummingbird *Eugeries fulgens*
Black-chinned Hummingbird *Archilochus alexandri*
Anna's Hummingbird *Calypte anna*
Calliope Hummingbird *Stellula calliope*
Broad-tailed Hummingbird *Selasphorus platycerus*
Rufous Hummingbird *Selasphorus rufus*
Belted Kingfisher *Ceryle alcyon*
Lewis' Woodpecker *Melanerpes lewis*
Red-headed Woodpecker *Melanerpes erythrocephalus*
Red-bellied Woodpecker *Melanerpes carolinus*
Red-naped Sapsucker *Sphyrapicus nuchalis*
Yellow-bellied Sapsucker *Sphyrapicus varius*
Williamson's Sapsucker *Sphyrapicus thyroideus*
Ladder-backed Woodpecker *Picoides scalaris*
Downy Woodpecker *Picoides pubescens*
Hairy Woodpecker *Picoides villosus*
Three-toed Woodpecker *Picoides tridactylus*
Northern Flicker *Colaptes auratus*
Olive-sided Flycatcher *Contopus cooperi*
Western Wood-Pewee *Contopus sordidulus*
Eastern Wood-Pewee *Contopus virens*
Alder Flycatcher *Empidonax alnorum*
Willow Flycatcher *Empidonax traillii*
Least Flycatcher *Empidonax minimus*
Hammond's Flycatcher *Empidonax hammondii*
Dusky Flycatcher *Empidonax oberholseri*
Gray Flycatcher *Empidonax wrightii*
Cordilleran Flycatcher *Empidonax occidentalis*
Black Phoebe *Sayornis nigricans*
Eastern Phoebe *Sayornis phoebe*
Say's Phoebe *Sayornis saya*
Vermilion Flycatcher *Pyrocephalus rubinus*
Ash-throated Flycatcher *Myiarchus cinerascens*
Great Crested Flycatcher *Myiarchus crinitus*
Cassin's Kingbird *Tyrannus vociferans*
Western Kingbird *Tyrannus verticalis*
Eastern Kingbird *Tyrannus tyrannus*
Scissor-tailed Flycatcher *Tyrannus forficatus*
Horned Lark *Eremophila alpestris*
Purple Martin *Progne subis*
Tree Swallow *Tachycineta bicolor*
Violet-green Swallow *Tachycineta thalassina*
Northern Rough-winged Swallow *Stelgidopteryx serripennis*
Bank Swallow *Riparia riparia*
Cliff Swallow *Petrochelidon pyrrhonota*
Barn Swallow *Hirundo rustica*
Gray Jay *Perisoreus canadensis*
Steller's Jay *Cyanocitta stelleri*
Blue Jay *Cyanocitta cristata*
Western Scrub Jay *Aphelocoma coerulescens*
Pinyon Jay *Gymnorhinus cyanocephalus*
Clark's Nutcracker *Nucifraga columbiana*
Chihuahuan Raven *Corvus cryptoleucus*
Common Raven *Corvus corax*
Black-capped Chickadee *Poecile atricapillus*
Mountain Chickadee *Parus gambeli*
Juniper Titmouse *Baeolophus ridgwayi*
Bushtit *Psaltriparus minimus*
Red-breasted Nuthatch *Sitta canadensis*
White-breasted Nuthatch *Sitta carolinensis*
Pygmy Nuthatch *Sitta pygmaea*
Brown Creeper *Certhia americana*
Rock Wren *Salpinctes obsoletus*
Canyon Wren *Catherpes mexicanus*
Carolina Wren *Thryothorus ludovicianus*
Bewick's Wren *Thryomanes bewickii*
House Wren *Troglodytes aedon*
Winter Wren *Troglodytes troglodytes*
Sedge Wren *Cistothorus platensis*
Marsh Wren *Cistothorus palustris*
American Dipper *Cinclus mexicanus*
Golden-crowned Kinglet *Regulus satrapa*
Ruby-crowned Kinglet *Regulus calendula*
Blue-gray Gnatcatcher *Polioptila caerulea*
Eastern Bluebird *Sialia sialis*
Western Bluebird *Sialia mexicana*
Mountain Bluebird *Sialia currucoides*
Townsend's Solitaire *Myadestes townsendi*
Veery *Catharus fuscascens*
Gray-cheeked Thrush *Catharus minimus*
Swainson's Thrush *Catharus ustulatus*
Hermit Thrush *Catharus guttatus*
Wood Thrush *Hylocichla mustelina*
American Robin *Turdus migratorius*
Varied Thrush *Ixoreus naevius*
Gray Catbird *Dumetella carolinensis*
Northern Mockingbird *Mimus polyglottos*
Sage Thrasher *Oreoscoptes montanus*
Brown Thrasher *Toxostoma rufum*
Bendire's Thrasher *Toxostoma bendirei*
Curve-billed Thrasher *Toxostoma curvirostre*
American Pipit *Anthus rubescens*
Sprague's Pipit *Anthus spragueii*
Bohemian Waxwing *Bombycilla garrulus*
Cedar Waxwing *Bombycilla cedrorum*
Phainopepla *Phainopepla nitens*
Northern Shrike *Lanius excubitor*
Loggerhead Shrike *Lanius ludovicianus*
White-eyed Vireo *Vireo griseus*
Bell's Vireo *Vireo bellii*
Gray Vireo *Vireo vicinior*
Plumbeous Vireo *Vireo plumbeus*
Yellow-throated Vireo *Vireo flavifrons*
Warbling Vireo *Vireo gilvus*
Philadelphia Vireo *Vireo philadelphicus*
Red-eyed Vireo *Vireo olivaceus*
Blue-winged Warbler *Vermivora pinus*
Golden-winged Warbler *Vermivora chrysoptera*
Tennessee Warbler *Vermivora peregrina*
Orange-crowned Warbler *Vermivora celata*
Nashville Warbler *Vermivora ruficapilla*
Virginia's Warbler *Vermivora virginiae*
Lucy's Warbler *Vermivora luciae*
Northern Parula *Parula americana*
Yellow Warbler *Dendroica petechia*
Chestnut-sided Warbler *Dendroica pensylvanica*
Magnolia Warbler *Dendroica magnolia*
Cape May Warbler *Dendroica tigrina*
Black-throated Blue Warbler *Dendroica caerulescens*
Yellow-rumped Warbler *Dendroica coronata*
Black-throated Gray Warbler *Dendroica nigrescens*
Townsend's Warbler *Dendroica townsendi*
Hermit Warbler *Dendroica occidentalis*
Black-throated Green Warbler *Dendroica virens*
Blackburnian Warbler *Dendroica fusca*
Yellow-throated Warbler *Dendroica dominica*
Grace's Warbler *Dendroica gracilis*
Pine Warbler *Dendroica pinus*
Prairie Warbler *Dendroica discolor*
Palm Warbler *Dendroica palmarum*
Bay-breasted Warbler *Dendroica castanea*
Blackpoll Warbler *Dendroica striata*
Black-and-white Warbler *Mniotilta varia*
American Redstart *Setophaga ruticilla*
Prothonotary Warbler *Protonotaria citrea*
Worm-eating Warbler *Helmitheros vermivorus*
Swainson's Warbler *Limnothlypis swainsonii*
Ovenbird *Seiurus aurocapillus*
Northern Waterthrush *Seiurus noveboracensis*
Louisiana Waterthrush *Seiurus motacilla*
Kentucky Warbler *Oporornis formosus*
Connecticut Warbler *Oporornis agilis*
Mourning Warbler *Oporornis philadelphia*
MacGillivray's Warbler *Oporornis tolmiei*
Common Yellowthroat *Geothlypis trichas*
Hooded Warbler *Wilsonia citrina*
Wilson's Warbler *Wilsonia pusilla*
Canada Warbler *Wilsonia canadensis*
Painted Redstart *Myioborus pictus*
Yellow-breasted Chat *Icteria virens*
Hepatic Tanager *Piranga flava*
Summer Tanager *Piranga rubra*
Scarlet Tanager *Piranga olivacea*
Western Tanager *Piranga ludovicia*
Northern Cardinal *Cardinalis cardinalis*
Rose-breasted Grosbeak *Pheucticus ludovicianus*
Black-headed Grosbeak *Pheucticus melanocephalus*
Blue Grosbeak *Guiraca caerulea*
Lazuli Bunting *Passerina amoena*
Indigo Bunting *Passerina cyanea*
Painted Bunting *Passerina ciris*
Dickcissel *Spiza americana*
Green-tailed Towhee *Pipilo chlorurus*
Eastern Towhee *Pipilo erythrophthalmus*
Spotted Towhee *Pipilo maculatus*
Canyon Towhee *Pipilo fuscus*
Cassin's Sparrow *Aimophila cassinii*
Rufous-crowned Sparrow *Aimophila ruficeps*
American Tree Sparrow *Spizella arborea*
Chipping Sparrow *Spizella passerina*
Clay-colored Sparrow *Spizella pallida*
Brewer's Sparrow *Spizella breweri*
Field Sparrow *Spizella pusilla*
Vesper Sparrow *Pooecetes gramineus*
Lark Sparrow *Chondestes grammacus*
Black-throated Sparrow *Amphispiza bilineata*
Sage Sparrow *Amphispiza belli*
Lark Bunting *Calamospiza melanocorys*
Savannah Sparrow *Passerculus sandwichensis*
Baird's Sparrow *Ammodramus bairdii*
Grasshopper Sparrow *Ammodramus savannarum*
Henslow's Sparrow *Ammodramus henslowii*
Le Conte's Sparrow *Ammodramus leconteii*
Nelson's Sharp-tailed Sparrow *Ammodramus nelsoni*
Fox Sparrow *Passerella iliaca*
Song Sparrow *Melospiza melodia*
Lincoln's Sparrow *Melospiza lincolni*
Swamp Sparrow *Melospiza georgiana*
White-throated Sparrow *Zonotrichia albicollis*
Golden-crowned Sparrow *Zonotrichia atricapilla*
White-crowned Sparrow *Zonotrichia leucophrys*
Harris’ Sparrow *Zonotrichia querula*
Dark-eyed Junco *Junco hyemalis*
McCown’s Longspur *Calcarius mccownii*
Lapland Longspur *Calcarius lapponicus*
Chestnut-collared Longspur *Calcarius ornatus*
Snow Bunting *Plectrophenax nivalis*
Bobolink *Dolichonyx oryzivorus*
Red-winged Blackbird *Agelaius phoeniceus*
Eastern Meadowlark *Sturnella magna*
Western Meadowlark *Sturnella neglecta*
Yellow-headed Blackbird *Xanthocephalus xanthocephalus*
Rusty Blackbird *Euphagus carolinus*
Brewer’s Blackbird *Euphagus cyanocephalus*
Great-tailed Grackle *Quiscalus mexicanus*
Common Grackle *Quiscalus quiscula*
Brown-headed Cowbird *Molothrus ater*
Orchard Oriole *Icterus spurius*
Baltimore Oriole *Icterus galbula*
Bullock’s Oriole *Icterus bullocki*
Scott’s Oriole *Icterus parisorum*
Gray-crowned Rosy-Finch *Leucosticte tephrocotis*
Black Rosy-Finch *Leucosticte atrata*
Brown-capped Rosy-Finch *Leucosticte australis*
Brambling *Fringilla montifringilla*
Pine Grosbeak *Pinicola enucleator*
Purple Finch *Carpodacus purpureus*
Cassin’s Finch *Carpodacus cassinii*
House Finch *Carpodacus mexicanus*
Red Crossbill *Loxia curvirostra*
White-winged Crossbill *Loxia leucoptera*
Common Redpoll *Carduelis flammea*
Pine Siskin *Carduelis pinus*
Lesser Goldfinch *Carduelis psaltria*
American Goldfinch *Carduelis tristis*
Evening Grosbeak *Coccothraustes vespertinus*

6. **Mammals:**

Virginia Opossum *Didelphis virginiana*
Masked Shrew *Sorex cinereus*
Montane Shrew *Sorex monticolus*
Dwarf Shrew *Sorex nanus*
Water Shrew *Sorex palustris*
Merriam's Shrew *Sorex merriami*
Pygmy Shrew *Sorex hoyi*
Elliot's Short-tailed Shrew *Blarina hylophaga*
Least Shrew *Cryptotis parva*
Desert Shrew *Notiosorex crawfordi*
Eastern Mole *Scalopus aquaticus*
California Myotis *Myotis californicus*
Western small-footed Myotis *Myotis ciliolabrum*
Long-eared Myotis *Myotis evotis*
Little Brown Myotis *Myotis lucifugus*
Fringed Myotis *Myotis thysanodes*
Long-legged Myotis *Myotis volans*
Yuma Myotis *Myotis yumanensis*
Eastern Red Bat *Lasiurus borealis*
Hoary Bat *Lasiurus cinereus*
Silver-haired Bat *Lasionycteris noctivagans*
Western Pipistrelle *Pipistrellus hesperus*
Big Brown Bat *Eptesicus fuscus*
Spotted Bat *Euderma maculatum*
Townsend's Big-eared Bat *Plecotus townsendii*
Eastern Pipistrelle *Pipistrellus subflavus*
Pallid Bat *Antrozous pallidus*
Brazilian Free-tailed Bat *Tadarida brasiliensis*
Big Free-tailed Bat *Nyctinomops macrotis*
Nine-Banded Armadillo *Dasypus novemcinctus*
American Pika *Ochotona princeps*
Least Chipmunk *Tamias minimus*
Cliff Chipmunk *Tamias dorsalis*
Colorado Chipmunk *Tamias quadrivittatus*
Uinta Chipmunk *Tamias umbrinus*
White-tailed Antelope Squirrel *Ammospermophilus leucurus*
Spotted Ground Squirrel *Spermophilus spilosoma*
Golden-mantled Ground Squirrel *Spermophilus lateralis*
Olive-backed Pocket Mouse *Perognathus fasciatus*
Plains Pocket Mouse *Perognathus flavescens*
Silky Pocket Mouse *Perognathus flavus*
Great Basin Pocket Mouse *Perognathus parvus*
Hispid Pocket Mouse *Chaetopidus hispidus*
Ord's Kangaroo Rat *Dipodomys ordii*
Plains Harvest Mouse *Reithrodontomys montanus*
Western Harvest Mouse *Reithrodontomys megalotis*
Deer Mouse *Peromyscus maniculatus*
White-footed Mouse *Peromyscus leucopus*
Canyon Mouse *Peromyscus crinitus*
Brush Mouse *Peromyscus boylii*
Pinyon Mouse *Peromyscus truei*
Northern Rock Mouse *Peromyscus natusus*
Northern Grasshopper Mouse *Onychomys leucogaster*
Hispid Cotton Rat *Sigmodon hispidus*
Eastern Woodrat *Neotoma floridana*
Southern Plains Woodrat *Neotoma micropus*
White-throated Woodrat *Neotoma albigula*
Desert Woodrat *Neotoma lepida*
Mexican Woodrat *Neotoma mexicana*
Bushy-tailed Woodrat *Neotoma cinerea*
Southern Red-backed Vole *Clethrionomys gapperi*
Western Heather Vole *Phenacomys intermedius*
Meadow Vole *Microtus pennsylvanicus*
Montane Vole *Microtus montanus*
Long-tailed Vole *Microtus longicaudus*
Mexican Vole *Microtus mexicanus*
Prairie Vole *Microtus ochrogaster*
Sagebrush Vole *Lemmiscus curtatus*
Preble’s Meadow Jumping Mouse *Zapus hudsonius preblei*
Meadow Jumping Mouse *Zapus hudsonius*
Western Jumping Mouse *Zapus princeps*
Gray Wolf *Canis lupus*
Kit Fox *Vulpes macrotis*
Swift Fox *Vulpes velox*
Gray Fox *Urocyon cinereoargenteus*

Grizzly Bear *Ursus arctos*

Ringtail *Bassariscus astutus*

American Marten *Martes americana*

Ermine (Short-tailed weasel) *Mustela erminea*

Long-tailed weasel *Mustela frenata*

Black-footed Ferret *Mustela nigripes*

American Mink *Mustela vison*

Wolverine *Gulo gulo*

Western Spotted Skunk *Spilogale gracilis*

Eastern Spotted Skunk *Spilogale putorius*

Common Hog-nosed Skunk *Conepatus mesoleucus*

River Otter *Lutra canadensis*

Lynx *Lynx canadensis*

**CHAPTER 11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE**

**Introduction to Chapter 11**

In this introduction to chapter 11 we outline possession requirements for live wildlife as found in Colorado wildlife law. There is growing interest in the private possession of live wildlife. At the same time there is considerable confusion over the laws regarding such private possession. Colorado wildlife law generally prohibits the importation, live possession, sale, barter, trade, or purchase of any species of wildlife native to Colorado (33-6-113(1), C.R.S.). In addition, these same laws restrict or prohibit the importation and possession of exotic (non-native) wildlife (33-6-109(4), C.R.S.); and noncommercial (pet) possession of regulated mammals has been prohibited by these regulations since 1983.

Live possession of Wildlife is permitted only under the exceptions noted below and as further detailed in Wildlife Commission regulations and Colorado statutes, See C.R.S. 33-1-106, 33-6-109, 33-6-113, 33-6-114, 18-9-202. The Wildlife Commission also maintains a “prohibited species” list in Chapter 0. The possession of these species is severely restricted.

The Wildlife Commission establishes these regulations in an effort to balance its mandate to protect native species of wildlife in Colorado from the impacts which could be caused by the introduction of exotic (non-native) species with the public interest and demand for the private possession of live wildlife.

**Reptiles and Amphiblans** - Chapter 10 of Wildlife Commission regulations provide that any person can possess up to four total from a list of sixteen common native herptile species for personal use. These animals may not be sold, traded, or bartered and there are restrictions on release back into the wild.

**Scientific Collection permit** - Chapter 13 allows for the lawful possession of live wildlife under the authority of a scientific collection permit. Specific permit conditions and restrictions apply and may vary
from permit to permit based on the needs of the permittee as well as appropriate protection of wildlife resources.

**Wildlife Rehabilitation** - Chapter 14 allows for the lawful possession of live wildlife by licensed rehabilitators as a means to care for sick, injured or orphaned wildlife. With few exceptions, possession is allowed only long enough for the animal to recover or mature.

**Falconry and Hawking** - Chapter 6 allows for the possession of falcons, hawks, and eagles for falconry purposes. Persons possessing these birds must be properly licensed by both the U.S. Fish and Wildlife Service and the Division of Wildlife. Possession limits and other restrictions apply.

**Aquaculture** - Colorado statutory law recognizes that fish may be held and propagated under the authority of an aquaculture permit issued by the Department of Agriculture. In addition, chapter 12 authorizes the possession of fish for use in aquaria with some restrictions.

**Bait dealers** - Chapter 1, fishing, authorizes bait dealers and individuals to possess certain live fish as bait. Specific restrictions apply.

**Snapping turtles** - Chapter 0, General Provisions, authorizes the live possession of snapping turtles by any person.

**Wildlife Park Licenses** - Chapter 11 provides for lawful possession, propagation and sale of native and exotic wildlife via a mandatory licensing process. This includes possession of any live wildlife, other than those discussed above or listed as “unregulated” wildlife. Examples include: Any live mammals (including furbearers), game birds, or other terrestrial wildlife not specifically listed on the unregulated wildlife list. Persons possessing live wildlife under a Commercial Wildlife Parks License are required to maintain their commercial status.

**Unregulated Wildlife** - No license is required for the private possession or purchase of animals, which are included on the unregulated wildlife list or the domestic animal list. These animals may be sold, bartered, traded, exchanged, propagated or purchased by any person provided that importation requirements of the Department of Agriculture, health certifications, or any other federal, state or local requirement are met. There are no possession limits. These chapter 11 regulations clarify that it is unlawful to intentionally release any wildlife declared to be unregulated. The wildlife on these lists are typically sold, purchased, possessed and propagated as pets, maintained by hobbyists, or raised for food and fiber within Colorado's alternative livestock industry. If an animal is not listed on either the unregulated wildlife or the domestic animal list it cannot be lawfully sold to an unlicensed person unless specifically authorized by Commission regulation.

**ARTICLE I - GENERAL PROVISIONS**

#1100 - DEFINITIONS

A. “**Commercial use**” for the purpose of this chapter means using captive wildlife in sale, trade, barter, brokerage or other commerce with the motive to generate profit from such use. Notwithstanding this definition, facilities licensed by the Division as a commercial wildlife park prior to January 1, 2001 and incorporated as a 501(c)(3) non-profit corporation will be considered to be in compliance with the “commercial use” requirement in these regulations.

B. “**Domestic animal**” means those animals which through long association with humans have been bred to a degree which has resulted in genetic changes affecting the color, temperament and conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species.
C. "Prohibited Species" - Means those species that the Wildlife Commission has determined would be detrimental to Colorado's native wildlife. See Wildlife Commission Regulations, General Provisions, Article VIII, sections #008(A) and #008(B).

D. "Tropical" - Means those regions lying between The Tropic of Cancer at 23.5 degrees north latitude and the Tropic of Capricorn at 23.5 degrees south latitude. In this chapter this reference is for those species of wildlife that are resident breeders of this region.

E. "Subtropical" - Means those regions adjacent to the tropics, within the zone from 23.5 degrees north latitude to 26.0 degrees north latitude and from 23.5 degrees south latitude to 26.0 degrees south latitude. This definition applies to those regions that lay near the tropical zone and contain wildlife that are resident breeders of this region.

F. "Unregulated" wildlife means wildlife listed in section #1103 of these regulations which may be possessed without a license as authorized by the Wildlife Commission. See also regulation #1114.

G. "Zoological Park" means a facility which is accredited by the American Zoo and Aquarium Association (AZA) and/or licensed as a zoological park pursuant to 33-4-102(13), C.R.S. as amended.

#1101 - Vacant

ARTICLE II - LICENSE REQUIREMENTS, LICENSE EXEMPTIONS, LICENSE TYPES, APPLICATION AND RECORD REQUIREMENTS, AND LICENSE RENEWAL.

#1102 - LICENSE REQUIREMENTS.

A. Except as authorized by Wildlife Commission regulation:

1. No person shall possess, sell, propagate, acquire, purchase, broker, transport, trade, barter or attempt to sell, propagate, acquire, purchase, broker, trade or barter live wildlife unless such person first obtains a proper license.

2. No person shall possess, buy, sell or attempt to buy or sell live wildlife or barter, trade or broker live wildlife except to or from persons properly licensed to purchase, sell, barter, trade, broker or possess such wildlife. Any person may buy or sell captive wildlife that is in the total custodial care of another licensed individual; however, ownership of said wildlife shall be indicated on the licensee's annual report.

3. All live wildlife possessed under the authority of these regulations must be approved by the Division and listed by species on the license. Live wildlife held under the authority of a commercial parks license issued pursuant this chapter may be possessed only for the stated commercial use. Wildlife held under the authority of this license must be held in a licensed facility unless it is being transported due to sale or purchase, for veterinary care, or to and from an exhibition approved by these regulations.

4. Approval of a license application shall not be granted if the proposed wildlife is deemed to be detrimental to native wildlife. Such approvals shall limit the species to be possessed and shall specify fencing configuration requirements necessary to protect Colorado's wildlife resources from significant negative impacts. Such approvals, denials, and any conditions imposed on such license shall be based on consideration of:

   a. Potential habitat competition, damage or destruction.
b. Disruption of migration, breeding, or rearing and survival of young.

c. Predation.

d. Disease.

Additionally, these restrictions may include those necessary to minimize the danger to humans, domestic livestock or property.

5. New applications for Commercial Wildlife Parks Licenses or new satellite facilities for species in the family Cervidae will not be approved anywhere in the state. Licenses issued prior to September 13, 2001 are eligible for renewal for 2002, except that licenses for mule deer are only eligible for renewal if the deer were in possession when the renewal application was received by the Division.

6. All big game animals owned by the State shall be removed from the confines of the proposed commercial area at the applicant's expense before the application for a license is approved. The applicant shall provide to the Division of Wildlife a plan or plans for removal. The Division shall supervise all removal operations. Where complete removal is not possible or management on site is deemed appropriate by the Division, the State must be fully compensated pursuant to written agreement for the animals and/or provide sufficient free public hunting to remove the animals.

7. Licenses shall be issued only for facilities which are owned, managed and/or leased by a single individual, partnership, limited liability company, cooperative, or corporation.

8. Licensees shall notify the Division when substantive changes to their commercial parks facility, such as fence length, fence configuration or acreage enclosed, the addition of non-contiguous parcels of land (satellite facilities), or species to be possessed are planned. Satellite facilities must comply with all licensing criteria and other applicable regulations. Such changes must be approved by the Division prior to construction or acquisition to include necessary license amendments.

   a. To add additional families of wildlife to an existing license, the licensee must fill out a new license application listing the desired families. The amended license must be approved prior to the licensee acquiring and possessing any species within a previously unapproved family. In addition, the licensee must inform the Division in writing within 15 days following the acquisition of any new species under a previously approved family.

#1103 - EXEMPTIONS FROM LICENSE REQUIREMENTS:

A. Domestic animals - The following animals are considered domestic and are exempted from the requirements of Wildlife Commission regulations:

   Domestic dog (Canis familiaris) including hybrids with wild canids

   Domestic cat (Felis catus) including hybrids with wild felines

   Domestic horse (Equus caballus) including hybrids with Equus asinus

   Domestic ass, burro, and donkey (Equus asinus)

   Domestic cattle (Bos taurus and Bos indicus)
Domestic sheep (*Ovis aries*)

Domestic goat (*Capra hircus*)

Domestic swine (*Sus scrofa domestica*)

Domesticated races of hamsters (*Mesocricetus spp.*)

Domesticated races of mink (*Mustela vison*)

Domesticated races of guinea plgs (*Cavia porcellus*)

Domesticated races of gerbils (*Meriones unquiculatus*)

Domesticated races of chinchillas (*Chinchilla laniger*)

Domesticated races of rats (*Rattus norvegicus* and *Rattus*)

Domesticated races of mice (*Mus musculus*)

Domesticated races of European rabbit (*Oryctolagus cuniculus*)

Domesticated races of chickens (*Gallus*)

Domesticated races of turkey (*Meleagria gallopavo*) distinguished morphologically from wild birds

Domesticated races of ducks and geese (*Anatidae*) distinguishable morphologically from wild birds

Domesticated races of European ferret (*Mustela putorius*)

Domesticated races of pigeons (*Columba domestica* and *Columba livia*) and feral pigeons

Domesticated races of guinea fowl (*Numida meleagridis*)

Domesticated races of peafowl (*Pavo cristatus*)

Bison (*Bison*) including hybrids with domestic cattle

Ostrich (*Struthio spp.*)

Llama (*Lama glama*)

Rhea (*Rhea spp.*)

Emu (*Dromiceius spp.*)

Alpaca (*Lama pacos*)

Reindeer (*Rangifer tarandus*)

Yak (*Bos grunniens*)

Camels (*Camelus bactrianus* and *Camelus dromedarius*)
B. Unregulated Wildlife - Prior to adoption of this regulation (#1103(B)), possession of the listed species was expressly prohibited by Section 33-6-109(4), C.R.S. The decision of the Wildlife Commission to authorize this possession as herein provided is based on the scientific evidence available to it at the time of adoption of the regulation. The Wildlife Commission retains the statutory authority and duty to amend these regulations and to impose requirements, restrictions, and/or prohibition on possession of any of the listed species if and when further evidence comes to the Wildlife Commission’s attention which makes such amendments appropriate.

Except for the provisions of section #007 regarding importation, #008 regarding the prohibited species list, #009 regarding release of live wildlife, and section #1114 regarding the addition of species to the unregulated wildlife list, the wildlife enumerated in this list are otherwise exempted from the requirements of Wildlife Commission regulations.

Unregulated wildlife may be imported, sold, bartered, traded, transferred, possessed, propagated and transported in Colorado provided that all importation, disease requirements and any other state, local or federal requirements are met. Statutory restrictions still apply.

All marine animals (vertebrates and invertebrates) except for anadromous and catadromous species.

Mammals:

African pygmy hedgehog (Atelerix albiventris, Erinaceus albiventris)
Sugar Gliders (Petaurus breviceps)
Short-tailed Possum (Monodelphis domestica)
Dama Wallaby (Tammar Wallaby) Macropus eugenii
Swamp Wallaby Wallabia bicolor
Bennet Wallaby (Red-necked Wallaby) Macropus rufogriseus
Red Kangaroo Macropus rufus
Wallaroo Macropus robustus
Zebras and Zebra hybrids

Fishes:

All tropical and subtropical fishes
Common goldfish (Carassius auratus)
Koi

Birds:

All tropical and subtropical birds in the Order Passeriformes: including but not limited to birds in the families:

Sturnidae (Mynahs)
Ramphastidae (Toucans, Toucanettes)
Fringillidae (Siskins)
Estrildidae (Finches)
Emberizidae (Cardinals)
Ploceidae (Weavers)
Timaliidae (Mesías)
Viduinae (Wydahs)
Thraupidae (Tanagers)
Zosteropidae (Zosterops).

European Goldfinch (*Carduelis carduelis*)

All Psitticine birds

**Reptiles and Amphibians:**

All non-native tropical and sub-tropical species of snakes in the families:

- Boidae (giant snakes)
- Colubridae (modern snakes), except venomous species
- Acrochordidae (file and elephant trunk snakes)
- Xenopeltidae (sunbeam snakes)
- Aniliidae (pipe snakes)
- Uropeltidae (shield-tailed snakes)

**All non-native tropical and subtropical species of lizards in the Suborder Sauria, including but not limited to the following families or subfamilies:**

- Agamidae (chisel-teeth lizards)
- Anelytropsidae (snake lizards)
- Anguidae (glass and alligator lizards)
- Chamaeleonidae (chameleons)
- Cordylidae (girdle-tailed lizards)
- Corytophanidae (casquehead lizards)
- Crotaphytidae (collared and leopard lizards)
Dibamidae (blind lizards)
Feyliniidae (African snake skinks)
Gekkonidae (geckos)
Pygopodidae (snake lizards)
Scincidae (skinks)
Eublepharidae (Eyelid geckos)
Helodermatidae (beaded lizards, gila monsters)
Iguanidae (iguanas)
Lacertidae (wall lizards)
Lanthanotidae (earless monitor)
Phrynosomatidae (earless, spiny, and horned lizards)
Polychridae (anoles)
Teiidae (whiptail)
Tropiduridae (neotropical ground lizards)
Varanidae (monitor lizard)
Xantusiidae (night lizard)
Xenosauridae (knob-scaled lizards).

**All non-native tropical and subtropical species of turtles in the families:**

Carettochelyidae (New Guinea softshell turtles)
Dermatemydidae (Central American river turtles)
Kinosternidae (mud and musk turtles)
Testudinidae (tortoises)
Trionychidae (soft-shelled turtles)
Red-eared slider (*Trachemys scripta*).

**All non-native tropical and subtropical species of frogs and toads in the families:**

Atelopodidae (stub-footed toads)
Bufonidae (true toads)
Centrnlidae (glass frogs)
Dendrobatidae (poison dart frogs)
Hylidae (tree frogs)
Leptodactylidae (tropical frogs)
Microhylidae (narrow-mouthed toads)
Pelobatidae (spadefoot toads)
Pelodytidae (spadefoot toads)
Phrynomeridae (snake-necked frogs)
Pipidae (clawed frogs, Surinam toads)
Pseudidae (Harlequin frogs)
Ranidae (true frogs)
Rhacophoridae (flying frogs)
Rhinophrynidae (cone-nosed toads)

*Rana pipsines* (Leopard frog) acquired from lawful out-of-state source or instate commercial producer.

*Ambystoma tigrinum* (Tiger salamander) acquired from lawful out-of-state source or instate commercial producer.

Oriental fire-bellied toad (*Bombina orientalis*).

Order Gymnophiona - Caecilians, tropical amphibians

Order Urodela - Salamanders and newts

Suborder Amphisbaenia - Worm lizards

Caimens

Members of the subfamily Phaisianae not native to North America except chukar partridge, grey partridge, red-legged partridge and ring-necked pheasant.

Those species of ducks, geese and swans not listed in the regulations of the U.S. Fish & Wildlife Service in the Code of Federal Regulation 50 CFR. 10.13 (October 1, 1994). This rule does not incorporate amendments to said U.S. Fish and Wildlife Service regulations. Information regarding this rule or copies may be obtained from the Terrestrial Wildlife Section, 6060 Broadway, Denver, CO 80216.

C. Federal, state or county agencies or any person with a valid scientific collecting permit conducting research; zoos accredited by AZA, and individual animals used in carnival and animal acts which are licensed by the U.S. Department of Agriculture.
D. No license is required for wildlife taken in accordance with commission regulation #1000(A)(6).

E. Up to 25 live ring-necked pheasants, Gambel's quail, scaled quail, bobwhite quail, chukar, grey partridge or mallard ducks may be possessed and subsequently released for up to sixty (60) days without a wildlife park license. Such wildlife shall be accompanied by a receipt showing that the wildlife have been lawfully acquired, to include the source and the purchase or acquisition date. These birds may only be hunted on the day of release, and there is no hunting license required. The number of birds taken cannot exceed the number of birds released. All released birds not taken by hunting on the day of release shall become property of the state. All hunting must occur on private property. No birds held under the authority of this section may be released and hunted during any season established for that species.

#1104 - LICENSE TYPES

A. Commercial Wildlife Park Licenses

Commercial Wildlife Park Licenses are issued to a person or persons for the operation of privately owned wildlife parks and for the related commercial use of such wildlife including: buying, selling, propagating, brokering or trading of lawfully acquired captive wildlife; charging customers to hunt on such a park; or, exhibiting wildlife for educational or promotional purposes. There are five subcategories of commercial wildlife park licenses:

1. Big Game Hunting Park - issued for hunting privately owned big game animals on private property. No new big game hunting park licenses shall be issued after July 1, 1996, except when a change of ownership occurs on an existing Big Game Hunting Park. The new applicant(s) must comply with all regulations in place at the time of the change of ownership when applying for the new license. Big Game Hunting Park licenses are renewable annually, expire on December 31 of each year and cost $100 as provided for in 33-4-102 C.R.S.

   a. A Big Game Hunting Park Carcass tag will be provided by the Division at no cost. No hunting license is required for hunting captive wildlife within the park. Hunting can occur year-round. All wildlife removed from the park must be accompanied by a carcass tag, properly attached, showing number, sex, age, species, date taken, park number, hunters name and address and eartag and or tattoo number of each animal taken, if available.

   b. All wildlife released into the park must be marked with USDA official metal eartags and/or eartags provided or approved by the Division of Wildlife. All alternative livestock (fallow deer and elk) released into the park must be tattooed as provided by State Board of Livestock Inspection Commission regulations.

   c. No live wildlife may be removed from the park.

   d. All big game killed on Big Game Hunting Parks will be subject to the “Slaughter Surveillance Program” for bovine tuberculosis testing as provided for in regulation #008G, and to CWD testing requirements in #1109.

2. Wildlife Exhibitors Park - Issued for the exhibition of live wildlife (except birds) for educational or promotional activities. Wildlife Exhibitors Park licenses are renewable annually, expire on December 31 of each year and cost $100 as provided for in 33-4-102 C.R.S.

   a. Exhibition of animals in the families Felidae, Ursidae or Canidae outside the licensed Wildlife Exhibitors Park premises is prohibited except under the following
conditions:

1. Animals must be caged at all times, except as provided in 1104(A)(2)(a). Cages must be made from a minimum of 9 gauge wire, completely enclosed, including a top and a bottom; and shall be large enough to allow the animal being caged to stand up and turn around.

2. Animals may be exhibited out of cage only when the exhibitor is covered by a current and in-force insurance policy in the face amount of no less than $500,000 coverage for general liability. Copies of the liability insurance policy shall be forwarded to the Special License Unit of the Division prior to the scheduled event.

3. Animals must remain caged during any exhibition in any educational institution.

4. All incidents involving exhibited wildlife where injury to wildlife or people occurs must be reported to the Special Licensing Unit within 24 hours.

b. Exhibition of any wildlife for educational purposes is permitted under the following conditions:

1. A copy of the authorization from the educational institution, if exhibited at an educational institution, must be submitted to the Special Licensing Unit prior to presentation.

2. A copy of the lesson plan must be submitted on an annual basis to the Division of Wildlife Education Unit.

3. **Wildlife Producers Park** - Issued for trading, selling, propagating, bartering, shooting, brokering, and transporting, live wildlife (except birds) and wildlife parts. Wildlife Producers Park licenses are renewable annually, expire on December 31 of each year and costs $100 as provided for in 33-4-102 C.R.S.

4. **Upland Bird and Waterfowl Hunting and Producers Park** - Issued for the propagation and release of commercially raised upland game birds and waterfowl for preserve shooting. Upland Bird and Waterfowl Hunting and Producers Park licenses are renewable annually, expire on December 31 of each year and costs $100 as provided for in 33-4-102 C.R.S.

   a. Boundaries of licensed areas shall be clearly identified with fencing or other distinguishing features and shall be signed at intervals of not more than 400 yards. All hunting shall be limited to the area identified on the license.

   b. Total harvest of any bird species released on a commercial wildlife park shall be limited to no more than the number of flight capable birds released in a calendar year.

   c. Only the following wildlife species may be released and hunted under the authority of this license: Ring-necked pheasant, Gambel's, scaled, and bobwhite quail, chukar, gray partridge, and mallard ducks. Exceptions to this list may occur with the approval of the Director of the Division of Wildlife or designee.

   d. Wildlife taken under a Upland and Waterfowl Hunting and Producers Park may be taken within the licensed park without a hunting license, unless otherwise restricted by Federal law and may be taken from January 1 through December 31. A receipt must be issued to any hunter leaving the park with wildlife stating
numbers of wildlife taken, sex, species, park number and date.

5. **Zoological Park License** - Issued for the operation of facilities, other than AZA accredited zoos, open to the public for wildlife exhibition. Zoological Park licenses are renewable annually, expire on December 31 of each year and cost $100 as provided for in 33-4-102 C.R.S.

   a. Zoological Parks must meet all criteria of 33-4-102(13)(a) C.R.S. as amended.

B. **Non-commercial Wildlife Park License**

   Non-commercial Wildlife Park Licenses are issued to a person or persons for the purpose of keeping birds other than raptors, or for species acquired in accordance with section 2 below.

   1. A licensee may only buy, propagate, give, trade, exchange, release, import or export any lawfully acquired birds or eggs in accordance with Wildlife Commission regulations. Such license activity may not be engaged in for the purpose of generating a profit.

   2. Persons in possession of a private non-commercial wildlife park license or in lawful noncommercial possession of exotic mammals prior to January 1, 1983 may continue to possess only those individual mammals and their progeny born after January 1, 1982, under a noncommercial wildlife park license.

   3. Non-commercial Wildlife Park licenses are nontransferable and shall be valid for the life of the licensee. Any change in the location of the facilities for a noncommercial park must be approved as a license amendment, in advance, by the Division. Non-commercial Wildlife Park licenses cost $20.00 as provided for in 33-4-102 C.R.S.

#1105 - **APPLICATION REQUIREMENTS**

   A. Prior to the issuance of any license, the Division shall determine that the applicant has met the following requirements:

   1. Demonstrates it is a “commercial” operation by documenting it has a profit motive as determined pursuant to the following criteria. An applicant does not have to meet all of the listed criteria.

      These criteria include:

      a. Hiring of trained employees

      b. Maintenance of detailed business records

      c. Generation of profits

      d. Abandoning the activity when profits cannot be achieved

      e. Advertising

      f. Experiencing annual increases in net income from the activity

      g. Devoting significant amount of time to the activity

      h. Devoting significant amount of money to the activity
i. Development of a written business plan
j. Operating the activity in a business like manner
k. Evidence of previous profitability in a similar activity
l. Consistent efforts to market products and/or services
m. Exercising care in carrying on the activity
n. Expectation of large profits if successful
o. Having or developing expertise with respect to the activity
p. Investigating the profit potential of the activity
q. Filing state and federal income tax returns on the activity
r. In-service training for existing employees

2. Submission of a completed application form provided by the Division.

3. Submission of a plan of the proposed park showing areas to be fenced, topography, type of fence and isolation facilities.

4. Submission of a list of all facilities to be covered by the license, including the address/location.

5. Certification by the applicant that the proposed possession of wildlife is not in violation of any city or county ordinance and submission of any required local permits.

6. Certification by the applicant that he/she has been provided with information by the Division of Wildlife about Chronic Wasting Disease (CWD).

7. Submission of proof of licensing by the USDA, or a letter from the USDA stating that a USDA license is not required for the type of activity proposed.

B. Within 30 days of the receipt of an application and facility plan, the Division will review the application and either

1. Notify the applicant in writing that the facility plan is acceptable and to proceed with facilities construction, or

2. Notify the applicant of the Division’s concerns regarding the proposed facility in writing. The Division will meet with the applicant to discuss the concerns and any modifications or corrections needed to comply with applicable laws and regulations. If the applicant and the Division reach agreement on the needed facility modifications, the Division will notify the applicant in writing to proceed with facility construction.

3. If such agreement cannot be reached, the Division will deny the application as submitted.

Once facilities construction is completed, the Division will inspect the facilities, and if all facilities requirements and other applicable laws and regulations requirements have been met, the license will be approved. Denial will be based on failure to comply with all applicable requirements. Written notification of the approval and issuance of the license or denial including reasons for the denial will be provided.
C. Review of a denial of a Commercial Parks License shall be in accordance with Section 24-4-104 C.R.S.

#1106 RECORD REQUIREMENTS

A. A person licensed under this chapter shall maintain records on forms or ledgers provided by the Division or on forms which are mutually acceptable to the Division and the licensee. Such forms or ledgers shall be filled out completely and accurately. The forms or ledgers will include dates of purchase, birth, barter, trade or other form of acquisition; date of sale, death or other form of disposition of each animal. Each animal, except fish, non-migratory birds, amphibians and reptiles, must be marked with “official eartags”/tags; and where required, tattooed. No unmarked animals, except fish, non-migratory birds, amphibians, and reptiles may be sold or otherwise transferred from the facility. Individual USDA tag/tag, tattoo numbers will be recorded with the sex and age of each animal in the ledger. Dates and types of disease testing and vaccination will be recorded in the ledger. All records will be retained for the period of ownership of the animal and for three (3) years after disposition.

1. Except as otherwise provided in these regulations, all commercial park licensees shall notify the Division of Wildlife in writing within ten (10) days of all transfers, trades, sales, purchases, and deaths of any wildlife (except birds and fish) licensed under this chapter on forms provided by the Division. All ungulates will be reported by eartag and tattoo numbers.

2. All original records must be kept at the same location where the animals are kept or at the instate home of record.

3. All cervids, except those held in big game hunting parks, must be inspected for inventory purposes within 90 days before the renewal of any license, or when change of ownership occurs. A facilities license can be extended for 30 days if necessary to ensure that animals can be inspected.

4. Any cervid imported into the state must be inspected upon arrival at the facility.

5. Any movement of cervids outside of the perimeter fence requires inspection.

B. When captive wildlife or eggs are sold, traded, taken, or otherwise disposed of from a commercial or non-commercial wildlife park, the licensee, or operator, shall, at the time of transfer of possession, give an invoice provided by the Division of Wildlife to the person receiving such wildlife or eggs. Such invoice shall be signed by the licensee, or operator, and such invoice shall show the name and address of the recipient, the number or designation of the lake or park license of the buyer and seller, date of delivery, kind, number, sex, age or weight, and condition of the wildlife or eggs. All available tags and tattoos will be recorded.

#1107 - EXPIRATION AND RENEWAL OF LICENSES

A. Commercial Wildlife Park licenses are nontransferable and shall expire December thirty-first (31) of each year. Licenses may be renewed upon written request and payment of the required fee without submitting a new application. All record keeping and reporting requirements must be met prior to license renewal. If the license is not renewed by December thirty-first (31), the licensee may not buy, purchase, sell, trade, broker, barter, transport or participate in any activity authorized by the license until it is renewed. Wildlife held pursuant to the license must be lawfully disposed of within 60 days of expiration if the license is not renewed.

B. All commercial park licensees must submit an annual report prior to license renewal that identifies all animals by species on the facility by species, number, and sex; and any required USDA or DOW
tag number or tattoo.

C. All commercial park licensees must certify that they maintain their commercial status based on the criteria listed in section #1105.

D. Non-compliance with the provisions of applicable statutes and these regulations is subject to revocation of the license in accordance with provisions of 24-4-104 C.R.S. and 33-6-106 C.R.S. If the license is revoked, the owner or his agent shall lawfully dispose of all wildlife held pursuant to the license within 60 days of license revocation. If a licensee is convicted of 18-9-202 C.R.S., cruelty to/ neglect of animals, the license shall be revoked.

E. Renewal of a license is contingent upon the licensee's compliance with relevant state statutes, Department of Agriculture regulations, and the provisions of these regulations.

ARTICLE III - FACILITY REQUIREMENTS, FACILITY/RECORD INSPECTIONS, TAGGING

#1108 - FACILITY REQUIREMENTS

A. All parks shall have isolation facilities designed to prevent intermixing of captive wildlife with other captive wildlife and free-ranging wildlife during periods of isolation.

B. All parks licensed for captive ungulates except Big Game Hunting Parks shall have the capability to handle and mark ungulates without relying solely on the use of drugs.

C. All facilities licensed for the holding of captive ungulates shall have perimeter fences designed and maintained to meet the following minimum requirements:

1. Fences shall extend a minimum of eight (8) feet above ground level with at least six (6) feet of mesh (maximum mesh size shall be 12-1/2' X 7'). The remaining two (2) feet may be smooth, barbed or woven wire with strands spaced not more than ten (10) inches apart. Construction shall begin no more than 2 inches above the ground, with the mesh portion of the fence beginning no more than 4 inches above the ground.

2. A second such fence (double fencing) is required for all members of the family Cervidae in any existing facility in which CWD, in either a wild or captive cervid, has been detected, where there is reason to suspect CWD, or if the Division and the Dept of Agriculture determine that there is a substantial risk of CWD, to prevent the ingress of native big game and the egress of privately held cervids and shall be installed at the owner's expense no later than September 2003. Second fences required after September 2003 shall be installed in a timeframe set by the Division and the Dept of Agriculture. The two fences shall be of adequate separation to provide for ease of maintenance of the space between them. In addition, vegetation should be controlled by whatever means is practicable so that it does not serve as an attraction to wild or captive cervids. A second barrier, in lieu of a second fence, may be used if the Department of Agriculture and the Division of Wildlife agree that the second barrier is as effective as a second fence in preventing ingress and egress. If the Division and the Dept of Agriculture agree that substantial risk of CWD exists and the facility does not have a double fence, then movement of cervids from the facility requires the approval of the Division and the Dept of Agriculture.

3. All fences shall be maintained at all times such that their ability to prevent ingress/egress is not impaired. Any failure to do so is grounds for and shall result in the revocation of the park's license unless the Division and the Dept of Agriculture agree otherwise. Ingress of native big game or egress of private held cervids shall be considered presumptive evidence of a failure to adequately construct and maintain the fence.
4. Minimum wire gauges - 12-1/2 gauge - conventional fence, 14-1/2 gauge - woven hi-tensile.

5. All gates entering animal holding facilities which are holding animals shall be locked, or consecutive (double), or self-closing gates.

6. Posts - four (4) inch minimum diameter wooden or equivalent. Spaced no more than 50 feet apart (60 foot spacing is allowed if there are at least two (2) steel posts between the wood posts). There shall be a post or stay (wood or steel) every 20 feet. Posts must be at least 8 feet above ground level. Corners shall be braced wood or equivalent material.

7. Existing hi-tensile smooth wire fences shall be modified with stays spaced at minimum intervals of 8 feet.

8. All facilities must be inspected by the Division within 90 days before the renewal or issuance of any license.

D. Except as provided in subsection E, all facilities licensed to hold captive Ursidae (bears), Canidae (wolves), or Felidae (cats) shall be designed and maintained to meet the following requirements:

1. The minimum height above ground shall be 8 feet with a top cover over the entire enclosure or 10 feet with an inward cantilever having two 16 gauge electrified wires on top. Walls shall extend three feet below ground if woven wire or chain link. Solid concrete walls shall extend at least one foot below ground. If the substrate will not permit sub-surface construction, 9 gauge chain link shall extend 3 feet inside on the surface. This surface wire shall be securely anchored.

   a. Except that facilities that only contain members of the family Canidae may have a minimum height of eight (8) feet, provided there are two electrified wires - one on the top and one at the bottom.

   b. Nine gauge or heavier chain link must be used for fencing construction below the 8 foot level if electrified wire is not used and for top cover construction. The 11 ½ gauge or lighter wire may only be used in conjunction with 2 electrified wires.

2. The following minimum guidelines will be used for cage (enclosure) sizes:

   a. **Small canids (foxes)**

      1. 1–2 Individuals: 6.5 × 6.5 feet
      2. 3 Individuals: 10 × 10 feet
      3. 3–5 Individuals: 13 × 13 feet

   b. **Large canids (wolves, coyotes)**

      1. 1 Individual: 10×15 feet, with a 50% increase for each additional animal

   c. **Bears**

      1. Black Bears: 1–2 Individuals- 15×20 feet or 300 square feet, with a 50% increase for each additional animal.
      2. Brown/Grizzly Bears: 1–2 Individuals- 20×20 feet or 400 square feet, with a 50% increase for each additional animal
d. **Small Felids (Bobcat, lynx)**

   1. 1–2 Individuals: 20×20 feet or 400 square feet, with 13×6.5 feet for each additional animal

e. **Large Felids (tigers, lions, mountain lions)**

   1. 1 Individual: 15×20 feet or 300 square feet, with a 50% Increase for each additional animal

   3. A minimum of 2 consecutive, self closing, locked gates.

   4. Posts or stays every 10 feet, if less than 8 inches in diameter or 20 feet if greater than 8 inches in diameter.

   5. Shade shelters for each individual animal.

   6. Dens for each individual animal.

E. Facilities with separate enclosures of five (5) acres and larger may request a variance from the facility requirements set forth in subsection D. Any requested variance must comply with the following requirements:

   1. The proposed enclosure must, as determined by the Division be as effective as the facilities required in subsection D at preventing the ingress of wild animals and the egress of the animals authorized for the enclosure. Numerous factors, including but not limited to topography, fencing material, the potential for violent weather events and any other relevant factor, may be considered in determining whether a proposed facility plan is adequate.

   2. The request for a variance shall be accompanied by facility plans of sufficient detail to allow the Division to determine whether the proposed enclosure meets the standards set forth in this rule.

F. All facilities for small mammals, amphibians, reptiles, and birds must be designed constructed and maintained to provide:

   1. Safety and protection for wildlife and people.

      a. Holding facilities and outdoor cages must be locked.

      b. Holding facilities must ensure containment for wildlife being held and exclusion of other wild and domestic animals.

G. All commercial park licensees holding ungulates are required to notify the Division within 24 hours upon discovery of any native ungulate species, which enter a commercial facility. The Division will direct or approve the removal of all native ungulates that have entered these facilities.

#1109 - FACILITY, WILDLIFE AND RECORD INSPECTION

A. The licensee must allow the inspection of captive wildlife, facilities, and records by representatives of the Division or other persons authorized to enforce these regulations at any reasonable time.

B. Copies of all invoices shall be maintained by the licensee for the current and three previous years. These invoices shall be available for inspection during normal business hours by representatives
of the Division or other persons authorized to enforce these regulations.

C. Upon observing or having reason to believe that captive wildlife are diseased or have been exposed to an infectious disease, a Division or Department of Agriculture representative may request inspection of the facility's animals by an accredited veterinarian. Such inspections will be at the licensee's expense. A written report regarding health and welfare of captive wildlife inspected under this provision will be submitted to the Division and the State Veterinarian's Office. Any diseased captive wildlife that pose a significant threat to other wildlife, may be disposed of in accordance with statutes and regulations (as per regulation #008(E)).

D. All animals in the family Cervidae 12 months of age or older shall be tested for CWD upon death, regardless of the cause of death, at the expense of the owner. The heads of such animals shall be submitted to the Division at 317 W Prospect, Ft. Collins, or to one of the regional veterinary diagnostic labs within 3 days of death or the discovery thereof. Provided further that the necessary tissue samples may be extracted and submitted by an accredited veterinarian. Antlers and capes may be removed before submitting heads for testing. The owner shall notify the Division's designated wildlife veterinarian of any non-hunting mortality within 24 hours of discovery.

E. The Division will annually provide documentation of the Chronic Wasting Disease status of the licensed facility to license holders participating in the above mentioned surveillance program.

#1110 - TAGGING REQUIREMENTS

A. All wildlife, except birds, amphibians, and reptiles, and the progeny of lawfully possessed big game held under the authority of a big game hunting park license, shall be permanently marked with USDA “Official eartags” or with visible eartags/neckbands supplied or approved by the Division. Eartags shall be at least 1 inch wide by 1 inch long and neckbands shall be at least 1 inch wide.; or in the case of carnivores (Ursids, felids and canids) and all cervids, with accompanying photograph (front and side view of head). The tattoo number shall be established as follows: CO-Commercial Park License # - Individual ID Number (list number of letters/digits to be used). Tattoos shall be placed on the left butt in the hairless area under the tail, with the individual ID beneath the park number in either ear if both numbers are placed in the same ear, or in both ears if the park number is placed in the right ear and the individual ID is placed in the left ear. Each alphanumeric character must be at least 3/8 inch high. No tattoo number shall be used on more than one animal of the same species, and no animal shall have more than one assigned tattoo number. Young of the year must be tattooed by December 31 of the birth year; and all adult animals shall be tattooed within 72 hours of acquisition. Unmarked animals shall not be mixed with marked animals with the exception of calves before they are required to be marked. Lost tags or neckbands shall be replaced at the earliest opportunity. Tags shall be issued to breeders on an annual basis. No tags may be transferred or removed, except that tags shall be removed from dead animals. The use, removal or loss of tags will be reported to the Division within ten (10) days of such use or discovery of loss on forms provided by the Division. Unused, removed and damaged tags shall be returned with the license renewal application at the end of the year. 

1. All progeny of such wildlife must be tagged, as provided above, by December 31 of the year of birth or prior to leaving the facility, whichever is earlier.

B. Migratory birds shall be marked or banded in accordance with Federal law.

#1111 - #1112 VACANT

ARTICLE IV - SPECIAL RESTRICTIONS

#1113 - ESCAPE OF CAPTIVE WILDLIFE
A. Wildlife which are illegally possessed or have escaped the owner's control, including any breach of a fenced enclosure on the facility (either from a temporary holding enclosure or a primary enclosure), and which are determined by the Division to be detrimental to native wildlife, habitat or other wildlife resources by threat of predation, the spread of disease, habitat competition, interbreeding with native wildlife, or other significant damage, may be seized, captured or, where necessary, destroyed by the Division or any peace officer for the purpose of protecting and preserving Colorado's wildlife and their environment. The Division shall consider such wildlife to be a public nuisance and seek to hold the owner thereof responsible for any costs incurred in recovering, maintaining, or disposing of such wildlife in accordance with 33-1-106(3)(c), as well as any damages to the State's wildlife resources under appropriate statutory and common law. Escapes, which includes any breach of a fenced enclosure on the facility (either from a temporary holding enclosure, a primary enclosure or cage during transport), of native big game animals, felines, canids, or any exotic wildlife shall be reported to the Division of Wildlife and the local law enforcement agency within 24 hours of discovery of the loss.

B. Most Restrictive Federal or State Law - In all cases of licensing, taking, possession, importation, exportation, release, marking and sale of wildlife, the most restrictive state or federal law shall apply.

#1114 - Unregulated Wildlife Listing or Delisting

A. Persons desiring to place additional species of wildlife on the unregulated list or remove any species of wildlife from the unregulated wildlife list may petition for such amendment pursuant to subsection 24-4-103(7), C.R.S. The petitioner shall have the burden of proof to demonstrate that the amendment should be adopted by the Commission. The petition shall be in writing, shall contain a concise statement of the basis and purpose behind the requested amendment, a summary responding to each of the criteria listed below. Each request shall include appropriate additional evidence in support thereof. The petition shall be submitted to the Special Licensing Section of the Division of Wildlife and shall include documentation that the proposed species would or would not have detrimental effects on native wildlife. Such documentation should include but is not limited to the following specific information on each species being requested for consideration:

1. The scientific and common name or names including subspecies.

2. Habitat requirements and limitations, including an assessment of its survivability in Colorado's native habitats

3. The potential of the species to negatively impact or destroy native vegetation

4. All known associated diseases, including zoonotic diseases and parasites

5. Predatory behavior, including assessment of the anticipated effect predation by the species would have on native wildlife and domestic animals

6. An assessment of the potential of the species to damage or destroy agricultural crops or rangeland

7. An assessment of the ability of the species to breed with native wildlife and domestic animals

8. Fecundity and reproductive behavior

9. Assessment of the competition this species would have with native wildlife and domestic animals for food, water, and space.
10. Information about the regulatory status of the species in Arizona, Nevada, Utah, Wyoming, Nebraska, Kansas, Oklahoma, New Mexico, Idaho, and Montana. The Division of Wildlife will maintain a file of the appropriate regulations from these states and make them available upon request.

11. Assessment of the “weediness” of the animal. The “weediness” of an animal shall be defined and assessed by the following criteria: 1) Characterization of the aggressiveness of the animal, 2) its ability to thrive in disturbed habitats, 3) its ability to disperse widely or pioneer, 4) its reproductive potential, and 5) its ability to adapt to other food sources (opportunistic feeding ability).


13. Assessment of the danger this animal poses to human if it were to escape.

B. Requested amendments to the unregulated wildlife list must be received by the Special Licensing Section of the Division of Wildlife prior to October 1st of each calendar year. Such properly completed requests will be reviewed annually by the Wildlife Commission at their January and March meetings of the following calendar year. The Division will provide a summary of this information to the Departments of Health and Agriculture for their review.

#1115 - RED DEER HYBRIDIZATION TESTING AND DOCUMENTATION

A. All elk (Cervus elaphus canadensis, roosevelti, manitobensis, nannodes and nelsoni) imported into Colorado must be tested for hybridization with red deer (Cervus elaphus) as provided in Section #007(B), or must have proof of individual animal registration at the gold or silver level with the North American Elk Breeders Association, as identified by the animal's USDA #, as defined in the Rules and Regulations for Registering Elk under North American Elk Breeders Association (NAEBA) Registration Programs, 1999; 1708 N Prairie View Rd, PO Box 1640, Platte City MO 64079. This document can be viewed and copies obtained at the Division of Wildlife as set forth in #015 of these regulations. Such tests will be conducted by a laboratory approved by the Division. Blood shall be drawn and submitted by an accredited veterinarian. Individual test results and/or NAEBA registration shall accompany all elk whenever being imported or transported within the state. Written documentation for each animal, by USDA Tag and/or Division tag, must be provided to the Division showing that each animal has been tested or is the offspring of pure parents.

#1116 MULE DEER COMPENSATION PROGRAM

A. Compensation Program

1. Subject to approval of spending authority by the General Assembly, compensation at fair market value shall be offered to any commercial wildlife park for its mule deer. Participation in the program shall be voluntary. Producers who elect to participate in the program may sell the animals out of state, sell them at slaughter, or have them removed through hunting. Any deer not disposed of by December 31, 2003 must be killed.

2. Licensees shall notify the Division of their intent to participate in the compensation program on forms provided by the Division, no later than May 1, 2003.

3. The licensee shall prepare a disposition plan, which shall be approved by the Division before claiming any compensation under this program no later than July 31, 2003.

4. All compensation shall be paid at fair market value (FMV). The Division will reimburse owners for transportation costs incurred and also for the difference between the sale price and
the FMV, if the sale price is less. Written documentation in the form of sale receipts and shipping invoices would be required for reimbursement.

5. Re-population shall not be allowed on any facility which has elected to participate in the compensation program.

CHAPTER 12 - LAKE LICENSES

ARTICLE I - GENERAL PROVISIONS

#1200 DEFINITIONS

A. “Commercial Lake License” issued for the operation of privately owned lakes for purposes of charging customers to fish. No live fish or viable gametes may be sold or transported from the premises.

B. “Private Lake License” issued for the operation of privately owned lakes for the purpose of fishing when no fee is charged; no fish or gametes may be sold or live fish or viable gametes transported from the premises.

#1201 - LICENSE REQUIREMENTS

A. No person shall possess, acquire, purchase, or attempt to acquire, purchase, live fish or viable gametes unless he/she first obtains a proper lake license as provided for in this chapter. No person may import, collect, barter, buy, transfer or possess any prohibited live aquatic species except as otherwise provided.

B. Except as otherwise provided, no person may take or possess any live fish or viable gametes from the wild. No person may acquire live fish or viable gametes from any person unless they possess a valid aquaculture license issued by the Department of Agriculture and they comply with Wildlife Commission regulations.

C. Exemptions From License Requirements

1. No lake license, commercial or private, shall be required for persons to obtain and possess live fish for aquaria or private ponds as long as such ponds are closed systems, not connected to state waters. Live fish held in aquaria or private ponds shall not be released in state waters (Comm. Reg. #009A).

2. No commercial lake license or private lake license shall be required of any Federal, state or county agency, or any person with a valid scientific collecting permit conducting research and performing educational activities with lawfully acquired fish; or zoos accredited by American Association of Zoological Parks and Aquariums; however, such entities must adhere to all other Division of Wildlife regulations including record keeping and importation requirements.

D. Non-compliance with the provisions of this chapter and general provisions pertaining to lake licenses, commercial or private, may result in revocation of the license pursuant to the provision of 33-6-106. The licensee whose license is revoked shall lawfully dispose of fish and viable gametes held pursuant to the license. Fish and viable gametes must be disposed of by the owner or his agent within 6 months of license revocation.

#1202 - PERMITTED ACTIVITIES

A. Commercial Lake License
1. Licensees of commercial lakes may purchase fish and viable gametes for the operation of their privately owned lakes for the purpose of charging customers to fish. No live fish or viable gametes may be sold or transported from the premises. A fishing license shall not be required for customers to fish in a commercial lake.

B. Private Lake License

1. Licensees of private lakes may purchase fish or viable gametes for the operation of their privately owned lakes for the purpose of fishing when no fee is charged. No fish or gametes may be sold or live fish or viable gametes transported from the premises. A fishing license shall not be required to fish in a licensed private lake.

#1203 - APPLICATION AND LICENSING PROCEDURE

A. Applicants shall apply for required licenses on forms provided by the Division, accompanied by funds in the amount of the license fee established in 33-4-102 (2) C.R.S. as may be amended.

B. Applicants shall list the species of fish they desire to possess.

C. A Division employee shall make a personal inspection of the applicant's facilities when considering an initial application to determine compliance with these regulations.

D. A commercial lake license, or private lake license will not be issued for waters which have been stocked with fish at public expense within five (5) years prior to application unless: (a) all fish stocked in such waters have been removed or eliminated (e.g., by winter kill): or (b) the applicant has negotiated with the Division for purchase, or salvage of state-stocked fish. All licensed lakes shall be equipped with screening installations, if necessary, to prevent fish from entering or leaving licensed lakes.

E. An application for a license issuance or renewal shall be denied in its entirety or limited as to species authorized to be kept if necessary to protect Colorado's wildlife resources from a significant negative impact as defined in Commission regulation 1103DA.

1. Written notification of denial will be furnished to the applicant stating the reasons for denial within forty-five (45) days of the receipt of a completed application.

2. Review of a denial shall be in accordance with section 24-4-104, C.R.S. (1988 & 1989 Supp.), as may be amended.

F. Expiration and Renewal of Licenses

1. Commercial lake licenses are non-transferable and shall expire December thirty-first (31) of each year. Licenses may be renewed upon written request and payment of the required fee without submitting a new application.

2. Private lake licenses are not required to be renewed, and are non-transferable.

3. An additional fee is not required to amend a license (add more species).

#1204 - INSPECTION

A. The licensee must allow the inspection of fish or viable gametes by representatives of the Division or other persons authorized to enforce these regulations at any reasonable time. Records required by these regulations shall be made available to Division employees during regular business hours.
#1205 - RECORD KEEPING

A. Acquisition: All lake licensees, commercial and private, shall maintain annual records documenting the acquisition of fish and viable gametes. The records shall show the name and address of the person of whom such fish and viable gametes were obtained, date of acquisition and species, number and size of the fish and viable gametes obtained. All records will be retained for the period of ownership of the fish or viable gametes and for three (3) years after disposition.

B. All original records must be kept at the same location as the commercial lake or private lake or at the Colorado address of the licensee.

#1206 - VACANT

#1207 - SPECIAL REGULATIONS

A. Most Restrictive Federal or State Law - In all cases of licensing, taking, possession, importation, exportation, release, marking and sale of wildlife, the most restrictive state or federal law shall apply.

B. Commercial and private lakes and connecting channels shall not be a part of a natural stream unless constructed and licensed prior to January 1, 1970 or unless specifically authorized by the director of the Division upon his determination that such use would not be detrimental to the natural stream and its resources. Two or more lakes may be operated and maintained under one lake license if such lakes are under the same management.

CHAPTER 13 - POSSESSION OF WILDLIFE, SCIENTIFIC COLLECTING, AND SPECIAL LICENSES

ARTICLE I - GENERAL PROVISIONS

#1300 - POSSESSION

A. No person shall, at any time, have in possession or under control any wildlife caught, taken or killed outside of this state which were caught, taken or killed at a time, in a manner, or for a purpose, or in any other respect which is prohibited by the laws of the state, territory or country in which the same were caught, taken or killed; or which were shipped out of said state, territory or country in violation of the laws thereof.

ARTICLE III - SCIENTIFIC COLLECTING

#1315 - PURPOSE

A. A Scientific Collecting License may be issued for the purpose of marking or banding or temporary or permanent possession of wildlife and collection of wildlife specimens outside of established seasons and bag and possession limits, for the purpose of collecting scientific data. A scientific collecting license may also be issued for the purpose of possession of birds, fish, mollusks and crustaceans for educational purposes.

B. A scientific collecting license may be issued for the purpose of teaching survey techniques in a post-secondary educational setting. Permits granted under this subpart B are valid only for Rodentia, Insectivora, Chiroptera, long-tailed weasel (Mustela frenata), short-tailed weasel or ermine (Mustela erminea). Animals captured under this subpart B must be released immediately at the capture site after identification and necessary handling and/or marking has taken place.

C. Any trapped mortalities resulting from activities authorized by this section shall be prepared and deposited in an established collection at a recognized museum, contingent on Division approval.
D. At least thirty (30) days prior to the anticipated need for such a license, applicants must apply on forms provided by the Division. Such application shall be accompanied by a certified check or money order in the amount of the license fee established in 33-4-102(1) C.R.S..

#1316 - LICENSE REQUIREMENTS

A. Application Procedures

1. The application will include a detailed description of: project objectives, sampling methodologies, detailed sampling sites and quantity of wildlife to be taken, reasons why the collection is not possible during an open season or why collections would exceed the established bag limits, the literature survey performed to demonstrate need for collecting, and a description of the ultimate disposition of the collected wildlife.

2. All applications shall be approved by the appropriate State Wildlife Manager and Regional Manager, or their designee, with consideration given for potential impacts on the resource.

3. Employees of the Division, federal or state agencies applying for a job-related Scientific Collecting License shall be exempt from remitting the license fee but must comply with all other provisions of this chapter.

   The license fee will be required for projects outside normal agency duties. Temporary employees of the Division who are working under the supervision of a permanent employee who are in possession of a Scientific Collecting License shall not be required to obtain a Scientific Collecting License.

4. Persons applying for a scientific collecting license to band migratory birds must have a valid bird banding permit issued by the U.S. Fish and Wildlife Service prior to submitting an application to the Division.

5. If an application is denied the applicant shall be notified in writing of the reasons therefore. Applications may be denied for the following reasons:

   a. The collections are not for a scientific or educational purpose.

   b. The collecting could be conducted during an established season with an appropriate hunting, fishing or trapping license.

   c. It is determined by the Division that collecting the requested species would be detrimental to the species or its habitat.

   d. The application is incomplete.

   e. The application fee is not included.

   f. Information being sought by the study is already available, as determined by the Division.

   g. Reporting and notification requirements for previous permits issued to the applicant have not been met.

6. Applicants must comply with all other applicable laws.

7. Applicants denied a license may reapply by re-submitting a corrected or new application or
providing additional evidence that the collections requested will not be detrimental to the
species or its habitat

8. The license may be suspended for any of the reasons stated in paragraph 6 above or for
violation of conditions of the license or of any applicable wildlife statutes or regulations.

9. Licenses issued for educational purposes shall not allow the take of live wildlife from the wild.

B. Licensing

1. The license shall be issued for the minimum time necessary to accomplish the desired study
objectives as determined by the Division.

2. The Licensee shall notify the local District Wildlife Manager(s) of his anticipated activity in the
area(s) he intends to collect specimens prior to any collecting or banding.

3. If a license has been suspended for any reason the licensee may apply for reinstatement by
submitting a new application.

C. Reporting

1. The Licensee shall provide the Division with a report within thirty (30) days of the expiration
date of his license or upon request by the Division. Such report shall include all
information and findings as required by the Division using appropriate forms supplied by
the Division.

2. Failure to submit a complete report within thirty (30) days of license expiration or upon request
by the Division, shall result in denial of future licenses for up to three (3) years.

#1317 - SPECIAL PROVISIONS

A. Students enrolled in a university or college and under the supervision of an instructor who is in
possession of a valid scientific collecting license shall not be required to obtain a scientific
collecting license provided such license authorizes the holder thereof to utilize such assistants,
and describes the collecting activities to be performed. Students shall carry a copy of the license
while engaged in field work.

Chapter 14, Wildlife Rehabilitation

ARTICLE I - GENERAL PROVISIONS

#1400 - POSSESSION

A. Any person may provide immediate transportation for sick, injured, or orphaned wildlife to the Division,
a licensed wildlife rehabilitator, DVM (licensed Doctor of Veterinary Medicine), animal control
agency or local law enforcement agency for the purposes of obtaining animal care or treatment if
instructed to do so by the individual or agency to whom the wildlife will be delivered.

B. Nothing in this chapter shall be construed as authorizing the practice of veterinary medicine as defined
in section 12-64-103 (10) and regulated by the provisions of article 64 of Title 12 C.R.S.

C. Wildlife possessed under authority of this chapter remain the property of the State and nothing herein
shall be construed as granting any ownership interest to a licensed Wildlife Rehabilitator,
Provisional Wildlife Rehabilitator or any other person. As owner, the State has the right to require
a rehabilitator or any other person having possession of wildlife under authority of this chapter to
immediately surrender possession of such wildlife to the Division in the case of violation of these regulations or other applicable law or whenever the Director or his designee determines it is necessary or appropriate for the welfare of such wildlife or for the protection of wildlife resources or the public.

 ARTICLE II - POSSESSION AND REHABILITATION OF SICK, INJURED, OR ORPHANED WILDLIFE

#1401 - LICENSE TYPES AND REQUIREMENTS

A. The Colorado Division of Wildlife may issue an annual Wildlife Rehabilitator License or annual Provisional Wildlife Rehabilitator License to any individual for the purpose of rehabilitating wildlife that is or appears to be sick, injured, or imprinted on humans; or that has been orphaned; or that has been otherwise approved by the Division. Only wildlife listed on the license may be rehabilitated, and all rehabilitation authorized by the license is for the primary purpose of returning the wildlife to the wild. The license is a renewable annual license which expires on January 31, annually.

1. Types of Licenses
   a. Wildlife Rehabilitator
      1) Authorizes licensee to receive, rehabilitate, transfer, and release all wildlife listed on the license under the conditions specified on the license.
   b. Provisional Wildlife Rehabilitator
      1) Authorizes licensee to receive, rehabilitate, transfer, and release all wildlife listed on the license under the conditions specified on the license.
      2) Must be sponsored by a Wildlife Rehabilitator(s) licensed for the same wildlife.
      3) Must consult with sponsor immediately after receiving any wildlife. If sponsor is not available, a licensed Provisional Wildlife Rehabilitator must consult with a licensed Wildlife Rehabilitator, DVM, or the Division within 24 hours.
      4) Must immediately return any wildlife to the sponsor upon request.

2. License Requirements: Prior to the issuance of any license, the Division shall determine that the applicant has met the following requirements:
   a. Certification that the applicant is at least 18 years of age.
   b. Submission of a completed written application form provided by the Division.
   c. Submission of a letter from a DVM agreeing to examine and treat injured wildlife. The Division will not be responsible for reimbursing the DVM for services rendered.
   d. Effective February 1, 1997, completion of a basic wildlife rehabilitation curriculum approved by the Division which includes basic animal care concepts, zoonotic disease information, preferred euthanasia practices, wildlife rehabilitation law and ethics, and other general rehabilitation information; except that Provisional Wildlife Rehabilitators must complete the course prior to their second license renewal.
e. Submission of the applicant's USFWS special purpose rehabilitation permit where required, or a copy of the federal application. Federally regulated species cannot be authorized on any license until the USFWS permit has been received.

f. Certification by the applicant that the proposed possession and treatment of wildlife is not in violation of any city or county ordinance and submission of any required local permits.

g. Certification by the applicant that the proposed wildlife rehabilitation activities will be in compliance with Colorado Department of Health statutes 25-4-602 through 604 and Colorado Department of Health regulation 6CCR-1009-1 (regulation 7).

h. Certification by another licensed Wildlife Rehabilitator or a Division employee who has completed the basic wildlife rehabilitator course that the person possesses the necessary skills and abilities to be a licensed Wildlife Rehabilitator.

i. Possession of an on-site holding facility which meets the criteria established under regulation #1404. A Provisional Wildlife Rehabilitator may meet this requirement with facilities available from the sponsor.

j. Certification by the applicant that he/she has read and understands the “Zoonoses Information and Prevention” packet provided by the Division containing general zoonoses information and procedures to minimize potential exposure to such diseases.

k. Certification by the applicant that he/she has been provided with information by the Division of Wildlife about Chronic Wasting Disease (CWD).

3. If at any time a Provisional Wildlife Rehabilitator loses sponsorship, all wildlife shall be transferred to the sponsor or other Wildlife Rehabilitator licensed for that wildlife as soon as possible but not to exceed 48 hours. If the licensee has not obtained a new sponsor within 30 days, the license shall expire. Anytime sponsorship is revoked, the sponsor shall notify the Division within 48 hours.

4. Upon receipt of an application, the Division will review the application and inspect the facilities. Approval or disapproval will be based on compliance with the licensing and facilities criteria in this chapter. Written notification of the approval or disapproval (including reason for disapproval) will be made within 60 days of Division receipt of the application.

5. Licensed Wildlife Rehabilitators may use unlicensed volunteers under their supervision, at their facilities, provided that they maintain current records including name, address, phone number, and dates worked for all volunteers.

#1402 - RECORD REQUIREMENTS

A. All licensed wildlife rehabilitators shall keep current and complete written records of wildlife handled, containing the following information:

1. Species, sex, length and type of treatment, source of wildlife, cause for admission, date received, attending veterinarian if applicable, disposition, and disposition date.

B. These records must be submitted by the licensee to the Division no later than January 31 annually. In addition, licensees must maintain copies of the current and prior calendar years’ records.

#1403 - REQUIREMENTS FOR LICENSE RENEWAL
A. The renewal of a license is contingent upon the licensee’s compliance with relevant state statutes, health department regulations and the provisions of this chapter.

#1404 - FACILITIES AND INSPECTIONS

A. All wildlife must be kept within wildlife holding enclosures except when being transported, transferred, treated, or released. These holding facilities must be designed, constructed and maintained to provide:

1. Safety and protection for wildlife and people.
   a. Facilities and outdoor cages must be locked.
   b. Facilities must ensure containment for wildlife under rehabilitation and exclusion of other wild and domestic animals.

2. Separation between wildlife held under other licenses and wildlife in rehabilitation at all times, unless otherwise approved by the Division.

3. Sufficient space to allow normal development and physical behavior, as well as postural and social adjustments with freedom of movement.

4. Proper lighting levels.

5. Proper ventilation.

6. Ability to conduct cleaning, sanitation, disinfecting and handling procedures considering safety, escape prevention and while minimizing stress to wildlife.

7. A means to gradually acclimate wildlife to external environmental conditions.

8. Appropriate ambient temperatures.

9. Barriers to minimize stress on these wildlife.

10. Barriers to prevent imprinting on humans or domestic animals.

B. In addition to the design, construction and maintenance of holding facilities as specified in 1404 A, the licensee must provide:

1. Specific enclosures for all developmental stages of wildlife on the license.

2. Enclosures for recuperation from injuries.

3. Quarantine capabilities.

4. Parasite and pest control.

5. Shelter within enclosure as needed.

6. Clean water and appropriate food.

7. Nesting and/or bedding materials.

C. The facilities will be kept clean and sanitary.
D. Wildlife rehabilitator license applicants shall develop a written minimum facilities standards agreement with the Division, which describes the facilities and explains how they meet or exceed the requirements of regulations #1404 A and B. This agreement shall be in the form of an annotated checklist which explains how generally and specifically stated objectives (e.g., “proper ventilation” or “parasite control”) are met. Any facilities added between inspections shall meet the same standards. When approved, the plan shall become a part of the issued license and a failure to maintain the facilities as described in the license agreement shall be deemed a violation of this regulation.

E. Within the facilities shall be available for inspection by representatives of the Division or other persons having authority to enforce the Wildlife Commission regulations, at reasonable times seven (7) days a week.

#1405 - CARE, TREATMENT AND DISPOSITION OF WILDLIFE

A. A DVM must approve all medications, medical treatments, diagnostic and prognostic procedures. Anesthesia and surgery will be conducted only by a DVM or under direct DVM supervision.

B. If the rehabilitator or DVM determines that any wildlife is not likely to survive, it must be euthanized immediately by the DVM or rehabilitator.

C. As soon as it can be determined that sick or injured wildlife is not likely to recover within 180 days, it must be euthanized, unless prior Division approval is given for extended care.

D. It shall be unlawful to provide wildlife care that seriously impairs the potential success of release, such as but not limited to wing amputation, without approval of the Division.

E. A DVM may render emergency care and treatment to sick or injured wildlife without a wildlife rehabilitation license. Whenever a DVM renders such care or treatment he or she shall transfer responsibility for such wildlife either to a licensed wildlife rehabilitator or notify the Division within 24 hours of initial contact with the wildlife. Any care and treatment rendered shall not create a financial obligation to the Division or licensed wildlife rehabilitator without prior approval.

F. Any DVM, licensed wildlife rehabilitator, full time employee of the Division, Peace Officer as defined in 18-1-901(3)(1) (1986), Animal Control Officer or anyone else authorized by the Division may euthanize injured wildlife when such person determines that no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife.

G. Factors that shall be considered in determining what action should be taken relative to injured wildlife include:
   1. Type, extent and severity of injury(ies).
   2. Physical condition of the injured wildlife.
   3. Any other relevant factors which show that no other reasonable action would be practical or effective for the rehabilitation of the animal involved.

H. Any person euthanizing wildlife using chemical agents which have the potential to cause secondary poisoning must provide for appropriate burial, incineration, or other lawful disposition of such wildlife.

I. Except as provided below, it shall be unlawful to use leashes and tethers in the rehabilitation of wildlife. Creances for flying raptors in rehabilitation may be used only for sound biological reasons under the supervision of a veterinarian approved by the Division. Creances shall not be used as a
substitute for flight cages for pre-release training and exercise.

**CHAPTER 14 - WILDLIFE REHABILITATION**

**#1406 - RELEASE OF WILDLIFE**

A. All rehabilitated wildlife shall be released in appropriate habitat as close as possible to its place of origin, within 10 miles of that location; or as otherwise required to comply with any special conditions of the license; or at a site approved in advance by the Division except that any member of the family *Cervidae* taken for rehabilitation to a rehab facility in Game Management Units 6, 7, 8, 9, 16, 161, 17, 171, 18, 181, 19, 191, 20, 27, 28, 29, 37, 371, 38, 87, 88, 89, 90, 91, 92, 93, 94, 95, 951, 96, 97, 98, 99, 100, 101, 102, and that portion of 104 north of I-70 must be released in appropriate habitat in the Game Management Unit where the rehabilitation facility is located.

B. All rehabilitated wildlife shall be released as soon as it has reached physical maturity and/or has attained full recovery from injury or illness, or as soon thereafter as the time of year is ecologically appropriate. In no case shall any wildlife be held longer than one year without prior Division approval based on sound biological reasons.

**#1407 - RESTRICTED SPECIES**

A. Any rehabilitator licensed for State or Federally listed threatened or endangered species must notify the Division within 48 hours after receiving; after release; and prior to euthanasia of these species.

B. Applicants for authorization to rehabilitate spotted skunks, hognosed skunks or any bats must show evidence of current pre-exposure rabies vaccination with demonstrated titers. If authorized, the licensee must not allow unvaccinated individuals to contact skunks or bats in rehabilitation.

C. The rehabilitation of striped skunks is prohibited.

D. Any member of the family *Cervidae* taken for rehabilitation in Game Management Units 6, 7, 8, 9, 16, 161, 17, 171, 18, 181, 19, 191, 20, 27, 28, 29, 37, 371, 38, 87, 88, 89, 90, 91, 92, 93, 94, 95, 951, 96, 97, 98, 99, 100, 101, 102, and that portion of 104 north of I-70 must be rehabilitated in a rehab facility located in the source Game Management Unit. If such a facility is not available, the animal shall be euthanized.