

DEPARTMENT OF NATURAL RESOURCES

Division of Wildlife

CHAPTER 10 - NONGAME WILDLIFE

2 CCR 406-10

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

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:

Plains spadefoot

Woodhouse's toad

Boreal chorus frog

Painted turtle Ornate box turtle

Common sagebrush lizard

Ornate tree lizard

Common side-blotched lizard

Prairie lizard

Plateau fence lizard

Gophersnake

Terrestrial gartersnake

Plains gartersnake

Common lesser earless lizard

Tiger whiptail

North American racer

Plains hog-nosed snake

- 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.

#1001 - Vacant.

ARTICLE II - ENDANGERED WILDLIFE

#1002 - DESIGNATION OF SPECIES

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

1. Fish:

Bonytail ¹

Razorback Sucker ¹

Rio Grande Sucker

Northern Redbelly Dace

Southern Redbelly Dace

Plains Minnow

Suckermouth Minnow

Lake Chub

2. Birds:

Plains Sharp-tailed Grouse

Whooping Crane ¹

Least Tern ¹

Southwestern Willow Flycatcher ¹

3. Mammals:

Kit Fox

Gray Wolf ¹

Grizzly Bear ²

Black-footed Ferret ¹

Wolverine

Lynx ²

4. Amphibians:

Boreal (Western) Toad

¹ Appears on Federal List as Endangered.

² Appears on Federal List as Threatened.

B. Take of Threatened and Endangered Species

1. Any person may take threatened or endangered wildlife in defense of his life or the life of others.

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

3. 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.

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. Fish:

Colorado Squawfish ¹

Humpback Chub ¹

Greenback Cutthroat Trout

Arkansas Darter

Brassy Minnow

Common Shiner

2. Birds:

Mexican Spotted Owl ²

Burrowing Owl

Lesser Prairie Chicken

Piping Plover ²

3. Mammals:

Northern River Otter

Preble's meadow jumping mouse

1 Appears on Federal List as Endangered

2 Appears on Federal List as Threatened

ARTICLE IV - NONGAME WILDLIFE

#1004 - DESIGNATION OF SPECIES

A. The following wildlife are hereby declared nongame wildlife.

1. Fish:

Greenback Cutthroat Trout

Colorado Squawfish

Humpback Chub

Bonytail

Colorado Roundtail Chub

Lake Chub

Flathead Chub

Rio Grande Chub

Plains Minnow

Suckermouth Minnow

River Shiner

Northern Redbelly Dace

Southern Redbelly Dace

Razorback Sucker

Rio Grande Sucker

Bluehead Sucker

Flannelmouth Sucker

Mountain Sucker

Arkansas Darter

Plains Orangethroat Darter

Iowa Darter

Stonecat

Plains Topminnow

2. Amphibians:

Plains Spadefoot Couch's Spadefoot

Great Basin Spadefoot

Mexican Spadefoot

Boreal (Western) Toad

Great Plains Toad

Green Toad

Red-spotted Toad

Woodhouse's Toad

Northern Cricket Frog

Canyon Treefrog

Boreal Chorus Frog

Plains Leopard Frog

Northern Leopard Frog

Wood Frog

Western Narrow-mouthed Toad

3. Reptiles:

Yellow Mud Turtle

Painted Turtle

Ornate Box Turtle

Spiny Softshell

Eastern Collared Lizard

Long-nosed Leopard Lizard

Common Lesser Earless Lizard

Texas Horned Lizard

Hernandez's Short-horned Lizard

Round-tailed horned Lizard

Common Sagebrush Lizard

Desert Spiny Lizard

Prairie Lizard

Plateau Fence Lizard

Ornate Tree Lizard

Common Side-blotched Lizard

Many-lined Skink

Great Plains Skink

Six-lined Racerunner

Common Checkered Whiptail

Colorado Checkered Whiptail

Tiger Whiptail

Plateau Striped Whiptail

Texas Threadsnake

Glossy Snake

North American Racer

Ring-necked Snake

Great Plains Ratsnake Plains Hog-nosed Snake

Chihuahuan Nightsnake

Desert Nightsnake

Common Kingsnake

Milksnake

Coachwhip

Striped Whipsnake

Northern Watersnake
Smooth Greensnake
Gophersnake
Long-nosed Snake
Western Groundsnake
Plains Black-headed Snake
Smith's Black-headed Snake
Western Ribbonsnake
Black-necked Gartersnake
Terrestrial Gartersnake
Plains Gartersnake
Common Gartersnake
Lined Snake
Midget Faded (Western) Rattlesnake
Massasauga

4. Mollusks:

Mossy Valvata
Quilted Melania
Prairie Fossaria
Cockerell Lymnaea
Carib Fossaria
Wrinkled Marshsnail
Marsh Pondsnaill
Rock Fossaria
Golden Fossaria
Pygmy Fossaria
Swamp Lymnaea
Lance Aplexa

Pewter Physa

Ashy Physa

Glass Physa

Utah Physa

Tadpole Physa

Protean Physa

Mimic Lymnaea

Disc Gyro

Ash Gyro

Mesa Rams-horn

Marsh Rams-horn

Two-ridge Rams-horn

Sharp Sprite

Umbilicate Sprite

Rocky Mountain Capshell

Fragile Ancyloid

Creeping Ancyloid

Cloche Ancyloid

Giant Floater

Cylindrical Papershell

Pondhorn

Lake Fingernailclam

Long Fingernailclam

Striated Fingernailclam

Ubiquitous Peaclam

Ridgebeak Peaclam

Quadrangular Pillclam

Shiny Peaclam

Triangular Peaclam
Glossy Pillar
Costate Vallonia
Multirib Vallonia
Lovely Vallonia
Rocky Mountain Column
Widespread Column
White-lip Dagger
Rocky Mountain Dagger
Armed Snaggletooth
Erie Snaggletooth
Lambda Snaggletooth
Slim Snaggletooth
Comb Snaggletooth
White Snaggletooth
Variable Vertigo
Cross Vertigo
Ovate Vertigo
Five-tooth Vertigo
Toothless Column
Suboval Ambersnail
Niobrara Ambersnail
Blunt Ambersnail
(NCN) Ambersnail
Forest Disc
Compound Coil
Smooth Coil
Meadow Slug

One-ridge Fieldslug

Amber Glass

Wild Hive

Brown Hive

Quick Gloss

Spruce Snail

Rocky Mountainsnail

Lyrate Mountainsnail

5. Birds:

Red-throated Loon

Pacific Loon

Common Loon

Yellow-billed Loon

Pied-billed Grebe

Horned Grebe

Red-necked Grebe

Eared Grebe

Western Grebe

Clark's Grebe

American White Pelican

Brown Pelican

Double-crested Cormorant

Neotropic Cormorant

American Bittern

Least Bittern

White Ibis

Glossy Ibis

Great Blue Heron

Great Egret
Snowy Egret
Little Blue Heron
Tricolored Heron
Cattle Egret
Green Heron
Black-crowned Night-Heron
Yellow-crowned Night-Heron
White-faced Ibis
Tundra Swan
Trumpeter Swan
Turkey Vulture
Osprey
Mississippi Kite
Bald Eagle
Northern Harrier
Sharp-shinned Hawk
Cooper's Hawk
Northern Goshawk
Red-shouldered Hawk
Broad-winged Hawk
Swainson's Hawk
Red-tailed Hawk
Ferruginous Hawk
Rough-legged Hawk
Golden Eagle
American Kestrel
Merlin

American Peregrine Falcon

Gyr Falcon

Prairie Falcon

Arctic Peregrine Falcon

Lesser Prairie-Chicken

Plains Sharp-tailed Grouse

Greater Sandhill Crane

Whooping Crane

Black-bellied Plover

American Golden-Plover

Western Snowy Plover

Semipalmated Plover

Piping Plover

Killdeer

Mountain Plover

Black-necked Stilt

American Avocet

Greater Yellowlegs

Lesser Yellowlegs

Solitary Sandpiper

Willet

Spotted Sandpiper

Upland Sandpiper

Whimbrel

Long-billed Curlew

Hudsonian Godwit

Marbled Godwit

Ruddy Turnstone

Red Knot

Sanderling

Semipalmated Sandpiper

Western Sandpiper

Least Sandpiper

White-rumped Sandpiper

Baird's Sandpiper

Pectoral Sandpiper

Sharp-tailed Sandpiper

Dunlin

Stilt Sandpiper

Buff-breasted Sandpiper

Ruff

Short-billed Dowitcher

Long-billed Dowitcher

Wilson's Phalarope

Red-necked Phalarope

Red Phalarope

Pomarine Jaeger

Parasitic Jaeger

Long-tailed Jaeger

Laughing Gull

Franklin's Gull

Little Gull

Bonaparte's Gull

Mew Gull

Ring-billed Gull

California Gull

Herring Gull
Thayer's Gull
Lesser Black-backed Gull
Glaucous-winged Gull
Glaucous Gull
Great Black-backed Gull
Black-legged Kittiwake
Sabine's Gull
Caspian Tern
Common Tern
Arctic Tern
Forster's Tern
Least Tern
Black Tern
Marbled Murrelet
Ancient Murrelet
Black-billed Cuckoo
Western Yellow-billed Cuckoo
Greater Roadrunner
Groove-billed Ani
Barn Owl
Flammulated Owl
Eastern Screech-owl
Western Screech-owl
Great Horned Owl
Snowy Owl
Northern Pygmy-Owl
Burrowing Owl

Mexican Spotted Owl
Long-eared Owl
Short-eared Owl
Boreal Owl
Northern Saw-whet Owl
Lesser Nighthawk
Common Nighthawk
Common Poorwill
Whip-poor-will
Black Swift
Chimney Swift
White-throated Swift
Blue-throated Hummingbird
Magnificent Hummingbird
Black-chinned Hummingbird
Anna's Hummingbird
Calliope Hummingbird
Broad-tailed Hummingbird
Rufous Hummingbird
Belted Kingfisher
Lewis's Woodpecker
Red-headed Woodpecker
Red-bellied Woodpecker
Red-naped Sapsucker
Yellow-bellied Sapsucker
Williamson's Sapsucker
Ladder-backed Woodpecker
Downy Woodpecker

Hairy Woodpecker
American Three-toed Woodpecker
Northern Flicker
Olive-sided Flycatcher
Western Wood-Pewee
Eastern Wood-Pewee
Alder Flycatcher
Willow Flycatcher
Least Flycatcher
Hammond's Flycatcher
Dusky Flycatcher
Gray Flycatcher
Cordilleran Flycatcher
Black Phoebe
Eastern Phoebe
Say's Phoebe
Vermilion Flycatcher
Ash-throated Flycatcher
Great Crested Flycatcher
Cassin's Kingbird
Western Kingbird
Eastern Kingbird
Scissor-tailed Flycatcher
Horned Lark
Purple Martin
Tree Swallow
Violet-green Swallow
Northern Rough-winged Swallow

Bank Swallow

Cliff Swallow

Barn Swallow

Gray Jay

Steller's Jay

Blue Jay

Western Scrub-Jay

Pinyon Jay

Clark's Nutcracker

Chihuahuan Raven

Common Raven

Black-capped Chickadee

Mountain Chickadee

Juniper Titmouse

Bushtit

Red-breasted Nuthatch

White-breasted Nuthatch

Pygmy Nuthatch

Brown Creeper

Rock Wren

Canyon Wren

Carolina Wren

Bewick's Wren

House Wren

Winter Wren

Sedge Wren

Marsh Wren

American Dipper

Golden-crowned Kinglet
Ruby-crowned Kinglet
Blue-gray Gnatcatcher
Eastern Bluebird
Western Bluebird
Mountain Bluebird
Townsend's Solitaire
Veery
Gray-cheeked Thrush
Swainson's Thrush
Hermit Thrush
Wood Thrush
American Robin
Varied Thrush
Gray Catbird
Northern Mockingbird Sage Thrasher
Brown Thrasher
Bendire's Thrasher
Curve-billed Thrasher
American Pipit
Sprague's Pipit
Bohemian Waxwing
Cedar Waxwing
Phainopepla
Northern Shrike
Loggerhead Shrike
White-eyed Vireo
Bell's Vireo

Gray Vireo

Plumbeous Vireo

Yellow-throated Vireo

Warbling Vireo

Philadelphia Vireo

Red-eyed Vireo

Blue-winged Warbler

Golden-winged Warbler

Tennessee Warbler

Orange-crowned Warbler

Nashville Warbler

Virginia's Warbler

Lucy's Warbler

Northern Parula

Yellow Warbler

Chestnut-sided Warbler

Magnolia Warbler

Cape May Warbler

Black-throated Blue Warbler

Yellow-rumped Warbler

Black-throated Gray Warbler

Townsend's Warbler

Hermit Warbler

Black-throated Green Warbler

Blackburnian Warbler

Yellow-throated Warbler

Grace's Warbler

Pine Warbler

Prairie Warbler
Palm Warbler
Bay-breasted Warbler
Blackpoll Warbler
Black-and-white Warbler
American Redstart
Prothonotary Warbler
Worm-eating Warbler
Swainson's Warbler
Ovenbird
Northern Waterthrush
Louisiana Waterthrush
Kentucky Warbler
Connecticut Warbler
Mourning Warbler
MacGillivray's Warbler
Common Yellowthroat
Hooded Warbler
Wilson's Warbler
Canada Warbler
Painted Redstart
Yellow-breasted Chat
Hepatic Tanager
Summer Tanager
Scarlet Tanager
Western Tanager
Northern Cardinal
Rose-breasted Grosbeak

Black-headed Grosbeak

Blue Grosbeak

Lazuli Bunting

Indigo Bunting

Painted Bunting

Dickcissel

Green-tailed Towhee

Eastern Towhee

Spotted Towhee

Canyon Towhee

Cassin's Sparrow

Rufous-crowned Sparrow

American Tree Sparrow

Chipping Sparrow

Clay-colored Sparrow

Brewer's Sparrow

Field Sparrow

Vesper Sparrow

Lark Sparrow

Black-throated Sparrow

Sage Sparrow

Lark Bunting

Savannah Sparrow

Baird's Sparrow

Grasshopper Sparrow

Henslow's Sparrow

Le Conte's Sparrow

Nelson's Sharp-tailed Sparrow

Fox Sparrow
Song Sparrow
Lincoln's Sparrow
Swamp Sparrow
White-throated Sparrow
Golden-crowned Sparrow
White-crowned Sparrow
Harris's Sparrow
Dark-eyed Junco
McCown's Longspur
Lapland Longspur
Chestnut-collared Longspur
Snow Bunting
Bobolink
Red-winged Blackbird
Eastern Meadowlark
Western Meadowlark
Yellow-headed Blackbird
Rusty Blackbird
Brewer's Blackbird
Great-tailed Grackle
Common Grackle
Brown-headed Cowbird
Orchard Oriole
Baltimore Oriole
Bullock's Oriole
Scott's Oriole
Gray -crowned Rosy-Finch

Black Rosy-Finch
Brown-capped Rosy-Finch
Brambling
Pine Grosbeak
Purple Finch
Cassin's Finch
House Finch
Red Crossbill
White-winged Crossbill
Common Redpoll
Pine Siskin
Lesser Goldfinch
American Goldfinch
Evening Grosbeak

6. Mammals:

Virginia Opossum
Masked Shrew
Montane Shrew
Dwarf Shrew
Water Shrew
Merriam's Shrew
Pygmy Shrew
Elliot's Short-tailed Shrew
Least Shrew
Crawford's Desert Shrew
Eastern Mole
California Myotis
Western small-footed Myotis

Long-eared Myotis
Little Brown Myotis
Fringed Myotis
Long-legged Myotis
Yuma Myotis
Eastern Red Bat
Hoary Bat
Silver-haired Bat
Western Pipistrelle
Big Brown Bat
Spotted Bat
Townsend's Big-eared Bat
Eastern Pipistrelle
Pallid Bat
Brazilian Free-tailed Bat
Big Free-tailed Bat
Nine-Banded Armadillo
American Pika
Least Chipmunk
Cliff Chipmunk
Colorado Chipmunk
Uinta Chipmunk
White-tailed Antelope Squirrel
Spotted Ground Squirrel
Golden-mantled Ground Squirrel
Botta's pocket gopher
Northern pocket gopher
Olive-backed Pocket Mouse

Plains Pocket Mouse

Silky Pocket Mouse

Great Basin Pocket Mouse

Hispid Pocket Mouse

Ord's Kangaroo Rat

Plains Harvest Mouse

Western Harvest Mouse

Deer Mouse

White-footed Mouse

Canyon Mouse

Brush Mouse

Pinyon Mouse

Northern Rock Mouse

Northern Grasshopper Mouse

Hispid Cotton Rat

Eastern Woodrat

Southern Plains Woodrat

Western White-throated Woodrat

Eastern White-throated Woodrat

Desert Woodrat

Mexican Woodrat

Bushy-tailed Woodrat

Southern Red-backed Vole

Western Heather Vole

Meadow Vole

Montane Vole

Long-tailed Vole

Mogollon Vole

Prairie Vole
Sagebrush Vole
Preble's Meadow Jumping Mouse
Meadow Jumping Mouse
Western Jumping Mouse
North American Porcupine
Gray Wolf
Kit Fox
Swift Fox
Gray Fox
Grizzly Bear
Ringtail
Ermine (Short-tailed weasel)
Long-tailed Weasel
Black-footed Ferret
Wolverine
Western Spotted Skunk
Eastern Spotted Skunk
Common Hog-nosed Skunk
Northern River Otter
Lynx

Editor's Notes

History

#1670, #1671 eff. 07/01/2007.

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Entire Rule eff. 05/01/2009.