

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.

<u>Fish</u>	
Bonytail ^{1/}	<u>Gila elegans</u>
Razorback Sucker ^{1/}	<u>Xyrauchen texanus</u>
Rio Grande Sucker	<u>Catostomus plebeius</u>
Northern Redbelly Dace	<u>Phoxinus eos</u>
Southern Redbelly Dace	<u>Phoxinus erythrogaster</u>
Plains Minnow	<u>Hybognathus placitus</u>
Suckermouth Minnow	<u>Phenocobius mirabilis</u>
Lake Chub	<u>Couesius plumbeus</u>

2.	Birds	
	Plains Sharp-tailed Grouse	<u>Tympanuchus phasianellus jamesi</u>
	Whooping Crane 1/	<u>Grus americana</u>
	Least Tern	<u>Sterna antillarum</u> 1/
	Southwestern Willow Flycatcher	<u>Empidonax traillii extimus</u> 1/
3.	Mammals	
	Kit Fox	<u>Vulpes macrotis</u>
	Gray Wolf 1/	<u>Canis lupus</u>
	Grizzly Bear 2/	<u>Ursus arctos</u>
	Black-footed Ferret 1/	<u>Mustela nigripes</u>
	Wolverine	<u>Gulo gulo</u>
	Lynx	<u>Lynx canadensis</u>
4.	Amphibians	
	Boreal Toad	<u>Bufo boreas boreas</u>

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.

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.

4. The take of gray wolf (*Canis lupus*) north of Interstate 70 shall be allowed consistent with 50 C.F.R. 17.40(n)(United States Fish and Wildlife Service, the Department of the Interior), herein incorporated by reference as of November 17, 2004.

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

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| 1. | <u>Fish</u> | |
| | Colorado Squawfish ¹ | <u><i>Ptychocheilus lucius</i></u> |
| | Humpback Chub ¹ | <u><i>Gila cypha</i></u> |
| | Greenback Cutthroat Trout | <u><i>Onchorynchus clarki stomias</i></u> |
| | Arkansas Darter | <u><i>Etheostoma cragini</i></u> |
| 2. | <u>Birds</u> | |
| | Bald Eagle ² | <u><i>Haliaeetus leucocephalus</i></u> |
| | Mexican Spotted Owl ² | <u><i>Strix occidentalis lucida</i></u> |
| | Burrowing Owl | <u><i>Athene cunicularia</i></u> |
| | Lesser Prairie Chicken | <u><i>Tympanuchus pallidicinctus</i></u> |
| | Piping Plover ² | <u><i>Charadrius melodus</i></u> |
| 3. | <u>Mammals</u> | |
| | River Otter | <u><i>Lontra canadensis</i></u> |
| | Preble's meadow jumping mouse ² | <u><i>Zapus hudsonius preblei</i></u> |

11/12/98 Nongame Wildlife

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 Couesius 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 Phoxinus 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 Noturus 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 Pondsail Lymnaea elodes

Rock Fossaria Lymnaea modicella

Golden Fossaria Lymnaea ohrussa

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 anceps

Sharp Sprite Promenetus exacuus

Umbilicate Sprite Promenetus umbilicatellus

Rocky Mountain Capshell Acroloxus coloradensis

Fragile Ancyloid Ferrissia fragilis

Creeping Ancyloid Ferrissia rivularis

Cloche Ancyloid Ferrissia walkeri

Giant Floater Anodonta grandis grandis

Cylindrical Papershell Anodontooides ferussacianus

Pondhorn Unio merus 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

Shiny 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 Gastrocopta 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

Gyr Falcon 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 paradisaea

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 erythrophthalmus

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 kennicottii

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 Eugenes fulgens

Black-chinned Hummingbird Archilochus alexandri

Anna's Hummingbird Calypte anna

Calliope Hummingbird Stellula calliope

Broad-tailed Hummingbird Selasphorus platycercus

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 Psaltirparus 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 fuscescens

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 graciae

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 Helminthos 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 ludoviciana

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 Poocetes 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

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 Amphibians - 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 Park 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.
- 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. **"Wildlife Sanctuary"** – means a place of refuge where a nonprofit entity provides care for abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife for their lifetime and, with respect to any wildlife owned by such entity, does not: use the animal for any type of entertainment; sell, trade, or barter the animal or the animal's body parts, except as authorized by rule promulgated by the Commission; or breed the animal.

#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. When permitted by statute or Commission regulation, 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 park license issued pursuant to 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 Park 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.
9. Only AZA accredited or certified facilities (commercial wildlife parks or wildlife sanctuaries) shall be permitted to possess animals from the families Canidae , Felidae and Ursidae , except that those animals lawfully in possession at such facilities before January 1, 2006 may be retained.

#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 assinus

Domestic ass, burro, and donkey (Equus assinus)

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 pigs (Cavia porcellus)

Domesticated races of gerbils (Meriones unguiculatus)

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 meleagris)

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 animal s (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 (Mesias)
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:

Bolidae (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)

Centrolenidae (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 pipiens (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

Caimans

Members of the subfamily Phasianinae 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 License

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 cost \$100 as provided 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, hunter's name and address and, if available, eartag and/or tattoo number of each animal taken.
 - 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 cost \$100 as provided 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.

c. Wildlife Exhibitors Parks must be AZA accredited prior to and maintain such accreditation as a condition of the issuance of a license. Facilities previously licensed by the Division prior to January 1, 2006 may continue to operate under wildlife parks requirements without obtaining AZA certification.

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 cost \$100 as provided 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 cost \$100 as provided 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 an 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 cost \$100 as provided 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 non-commercial 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 non-commercial 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.

C. Wildlife Sanctuary License

As provided in § 33-1-106, C.R.S., Wildlife Sanctuary licenses are issued to wildlife sanctuaries as defined in § 33-1-102, C.R.S. Wildlife Sanctuary licenses cost \$100 as provided in § 33-4-102 C.R.S.

1. Wildlife Sanctuary licenses may be issued only to nonprofit entities.
2. Wildlife sanctuaries must comply with all requirements of § 33-1-102(2) and § 33-4-102(14), C.R.S.
3. Except as provided herein, wildlife sanctuaries must be certified by the AZA as a "related facility" prior to and maintain such certification as a condition of the issuance of a wildlife sanctuary license. Facilities previously licensed by the Division as a commercial wildlife park prior to January 1, 2001, and incorporated as a 501(c)(3) non-profit which functioned as wildlife sanctuaries may continue to operate as wildlife sanctuaries under the wildlife parks facility requirements set forth in Regulation No. 1108. In addition, these existing facilities may expand operation onto contiguous property owned by them under those same facilities requirements and without AZA certification.
4. Wildlife possessed by a wildlife sanctuary shall be surgically sterilized within thirty days of arrival, except that pregnant animals shall be surgically sterilized immediately following

weaning and animals eligible for participation in the AZA's Species Survival Plan ("SSP") need not be sterilized. However, documents supporting such SSP eligibility must be provided to the Division within 30 days of arrival at the wildlife sanctuary.

Any nonprofit sanctuary facility previously licensed by the Division as a commercial wildlife park prior to January 1, 2001, shall submit a sterilization plan for wildlife possessed by such facility for approval by the Division. Such plan shall be submitted to the Division by January 1, 2006 and shall provide for surgical sterilization of all wildlife possessed at such facility as of November 1, 2005, in an expeditious manner, but in no event later than May 1, 2007. Wildlife brought onto such a facility after November 1, 2005, shall be surgically sterilized within thirty days of arrival, except that pregnant animals shall be surgically sterilized immediately following weaning.

In lieu of surgical sterilization, wildlife sanctuaries may submit a birth control plan for animals located on the facility for approval by the Division. Such plans may be approved if they provide sufficient assurances against propagation of animals at the facility.

5. No wildlife taken from the wild shall be possessed by any wildlife sanctuary.

#1105 - APPLICATION REQUIREMENTS

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

1. Commercial Parks must demonstrate "commercial" status by documenting a profit motive as determined pursuant to the following criteria. An applicant does not have to meet all of the listed criteria. Nonprofit entities by definition cannot demonstrate the required "commercial" status required for licensing as a commercial park. Nonprofit entities must meet the requirements of and may only be licensed as wildlife sanctuaries, if at all.

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
1. Wildlife Sanctuaries must demonstrate "nonprofit" status by documenting exemption from taxation under section 501(a) of the Internal Revenue Code and otherwise demonstrating compliance with section 501(c)(3) of such code.
 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 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 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. Licenses are nontransferable and, with the exception of Non-commercial Wildlife Park Licenses, shall expire December 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 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 licensees required to renew their licenses annually 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 #1105.
- D. All Wildlife Sanctuary licensees must certify that they maintain their nonprofit status as specified in

#1105.

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

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

#1108 – WILDLIFE PARK 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 x 6.5 feet
2.	3 Individuals:	10 x 10 feet
3.	3-5 Individuals:	13 x 13 feet

b. Large canids (wolves, coyotes)

1. 1 Individual: 10x15 feet, with a 50% increase for each additional animal

c. Bears

1. Black Bears: 1-2 Individuals- 15x20 feet or 300 square feet, with a 50% increase for each additional animal.

2. Brown/Grizzly Bears: 1-2 Individuals- 20x20 feet or 400 square feet, with a 50% increase for each additional animal

d. Small Felids (Bobcat, lynx)

1. 1-2 Individuals: 20x20 feet or 400 square feet, with 13x6.5 feet for each

additional animal

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

1. 1 Individual: 15x20 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 – WILDLIFE SANCTUARY FACILITY REQUIREMENTS

- A. Except as provided in #1104.C.4, all wildlife sanctuaries must meet and comply with the facility requirements necessary to maintain their certification as an AZA “related facility.”

#1110 - 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 provide annual documentation of the Chronic Wasting Disease status of the licensed facility to license holders participating in the above-mentioned surveillance program.

#1111 - 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-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 or 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.

#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)
 12. Bibliography of reference materials.
 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, but not later amendments or editions, have been incorporated by reference and can be viewed and copies obtained at the Division of Wildlife as set forth in the "Incorporated References" section of Chapter 0 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 - DEFINITIONS

- A. "Bona fide scientific research" means: systematic investigative or experimental activities which are carried out for the purpose of acquiring new and relevant knowledge pertaining to wildlife biology, ecology or management, or the revision of accepted conclusions, theories, or laws in the light of newly discovered facts, and which are conducted in a humane fashion by qualified personnel, and the results of which would meet the accepted standards for publication in a refereed scientific journal.
- B. "Scientific Collections" means: temporary or permanent possession of wildlife for inventory purposes, to estimate population size or ascertain distribution, taxonomic classification or for environmental assessment.

#1301 - 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 II - 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 for the purpose of scientific collections.
- B. A scientific collecting license may be issued for the purpose of possession of birds, fish, mollusks and crustaceans for educational purposes.
- C. A Scientific Collecting License may be issued for the purpose of conducting bona fide scientific research consistent with the definition of bona fide scientific research in #1300(A).
- D. 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.
- E. 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.
- F. 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.
- G. Manner of take will be specified in the license. Only licenses authorizing bona fide scientific research may be authorized to use the methods of take set forth in 33-6-206(1) C.R.S.

#1316 - LICENSE REQUIREMENTS

A. Application Procedures

- 1. Applications for scientific collections, educational purposes or for teaching survey techniques 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 and a description of the ultimate disposition of the collected wildlife.
- 2. Applications for the purpose of conducting bona fide scientific research must include a detailed study plan which contains the following elements: a statement of the need for the study and expected management application and benefit to the state; a description of study area(s), data collection and analytical methodologies which demonstrate ability to meet study objectives; and a description of financial and other resources which demonstrate ability to meet study objectives.
- 3. All applications shall be approved by the appropriate Regional Manager, or their designee, with consideration given for potential impacts on state wildlife resources. Applications for the purpose of conducting bona fide scientific research must also be approved by the appropriate Terrestrial or Aquatic Section manager or their designee.
- 4. 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.

5. 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.
6. 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, or it is determined by the Division that the proposed research does not constitute bona fide scientific research.
 - 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.
 - h. Applicant has failed to show compliance with all other applicable local, state or federal law.
7. Applicants must comply with all other applicable local, state and federal laws, including but not limited to requirements set forth in the federal Animal Welfare Act.
8. Applicants denied a license may reapply by re-submitting a corrected or new application or providing additional evidence that addresses the reasons for denial.
9. 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.
10. 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 1-70 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, hog-nosed 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 1-70 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.