

FINAL REGULATIONS - CHAPTER W-13 – POSSESSION OF WILDLIFE, SCIENTIFIC COLLECTING AND SPECIAL LICENSES

ARTICLE I - GENERAL PROVISIONS

#1300 - DEFINITIONS

- A. “Aquatic management” means taking or possessing fish, amphibians, crustaceans, or mollusks for the purpose of temporarily or permanently altering the composition of species in a body of water.
- B. “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.
- BC. “Scientific Collectionscollection” means: ~~temporary or permanent take or~~ 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 LICENSE

#1315 - PURPOSE

- A. A ~~Scientific scientific Collecting-collecting License-license~~ may be issued for the purpose of importing, marking, or banding, or ~~temporary or permanent possession of wildlife and collection of wildlife specimens for the purpose of scientific collections or bona fide scientific research.~~
- B. A scientific collecting license may be issued for the purpose of bird banding for educational purposes or for the possession of fish, mollusks, and crustaceans for educational purposes.
- C. A ~~Scientific scientific Collecting-collecting License-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-Licenses~~ granted under this ~~subpart~~ Bsubsection are valid only for Rodentia, Insectivora, Chiroptera, long-tailed weasel (Mustela frenata), short-tailed weasel or ermine (Mustela erminea), fish, or amphibians. Animals captured under this ~~subpart~~ Bsubsection 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~~A scientific collecting license may be issued for the purpose of conducting aquatic management.

~~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. At least thirty (30) days prior to the anticipated need for a license, applicants must apply on forms provided by the Division. The application must include payment in the amount of the license fee established in § 33-4-102, C.R.S., as specified in 2 CCR 406-0: Appendix F.

1.2. Applications for scientific collections, educational purposes or for teaching survey techniques will ~~must~~ include a detailed description of: project objectives, sampling methodologies, ~~detailed~~ sampling sites (with a map upon the Division's request), species and quantity of wildlife to be taken or possessed, 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 proposed disposition of the collected wildlife and any other information the Division finds relevant to its decision whether to approve an application.

2.3. 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.

3.4. All applications shall be approved by the appropriate Regional Manager(s), 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 and Terrestrial or Aquatic Section manager or their designees. The decision whether to approve an application will be based on the activity's potential impact on state wildlife resources. When approving an application, the Division may include any license terms it finds reasonably necessary to further the purposes of articles 1 to 6 of title 33, C.R.S.

4.5. Employees of the Division, f~~F~~ederal or state agencies applying for a job-related Scientific scientific Collecting-collecting License-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.~~

6. Applications must state whether any proposed activity will occur within one mile of designated critical habitat for any species listed as threatened or endangered under the federal Endangered Species Act, 16 U.S.C. § 1531, et seq.

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.

6.7. 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 determines the proposed collection is not for a purpose identified in #1315. 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.~~ The Division determines the proposed activity may adversely affect (i) any wildlife that is the property of the state under 33-1-101(2), C.R.S., including but not limited to species protected by the Colorado Nongame, Endangered, or Threatened Species Conservation Act, § 33-2-101, C.R.S., et seq., or the federal Endangered Species Act, 16 U.S.C. § 1531, et seq., or (ii) any wildlife 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 a current or previous permits license issued to the applicant have not been met.
 - h. Applicant has failed to show compliance with all any other applicable local, state, ~~or federal, or tribal law, including other applicable permitting or licensing requirements.~~
- ~~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 ~~will expire on the date specified in the license, which will be~~ shall be issued for the minimum time the Division determines is necessary to accomplish the desired study objectives as determined by the Division. purpose of the license or 12 months after the license is issued, whichever is sooner.
2. The Licensee shall notify the ~~local District Wildlife Manager(s) of his anticipated activity in the area(s) he intends to collect specimens.~~ Division personnel specified in the license prior to any collecting or banding. engaging in any activity authorized by the license.
3. ~~If a license has been suspended for any reason the licensee may apply for reinstatement by submitting a new application.~~ The license will specify the methods of take authorized. Only a license for a bona fide scientific research may authorize the methods described in § 33-6-206(1), C.R.S.

4. A license for educational purposes will not authorize removing live wildlife from the wild.

5. The Division may revoke, suspend, annul, limit, or modify a license if:

a. the Licensee violates any provision of the license;

b. the Licensee violates any local, state, or federal law;

c. the Licensee supplied false information in its application;

d. the Division finds revocation, suspension, annulment, limitation, or modification necessary to avoid substantial danger to public health and safety; or

e. the Division finds revocation, suspension, annulment, limitation, or modification necessary to further the purposes of articles 1 to 6 of title 33, C.R.S.

C. Reporting

1. The Licensee shall provide the Division with a report within thirty (30) days of the expiration date of ~~his~~the 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. The Licensee must carry the license when engaging in any activity authorized in the license.

B. ~~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. SA scientific collection license may allow employees, agents, or students under the supervision of the licensee to assist the licensee in performing activities authorized in the license. Any such employees, agents or students shall carry a copy of the license while engaged in field work.~~

A-C. Division employees acting within the scope of their employment are not required to obtain a scientific collecting license.

AS APPROVED 03/15/2023
Basis and Purpose
Chapter W-13 - Scientific Collecting and Special Licenses

Basis and Purpose:

These changes have two purposes. First, they specifically authorize CPW to issue scientific collecting licenses to qualifying landowners (or their contractors) who wish to alter the species composition in water bodies on their property. Second, they clarify the procedural requirements of Chapter 13.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2023 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 15TH DAY OF MARCH 2023.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Marie Haskett
Secretary