

CHAPTER 12 – LAKE LICENSES

INDEX

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			Page
Article I		GENERAL PROVISIONS	1
	#1200	DEFINITIONS	1
	#1201	LICENSE REQUIREMENTS	1
	#1202	PERMITTED ACTIVITIES	2
	#1203	APPLICATION AND LICENSING PROCEDURE	2
	#1204	INSPECTION	3
	#1205	RECORD KEEPING	3
	#1206	VACANT	4
	#1207	SPECIAL REGULATIONS	4
Basis and Purpose			5

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. Except as otherwise provided, no person shall possess, acquire, purchase, or attempt to possess, acquire or 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 for possession pursuant to a commercial or private lake license unless they are acquired from a person who possesses a valid Colorado aquaculture facility permit issued by the Department of Agriculture or a valid aquatic wildlife importation licensed issued by the Division and they otherwise comply with all other applicable 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-one (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.

01/11/2007
Basis and Purpose
Chapter 12 – Lake Licenses

Basis and Purpose

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Wildlife, Office of Regulations Manager, Policy and Regulations Section, 6060 Broadway, Denver, CO 80216.

The 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: §§ 33-1-101, 102, 104, 105, 106-108, 115, and 121; §§ 33-2-104, 105, 106, and 107; § 33-3-104; §§ 33-4-101, 102, 102.5, 103, 116, 116.5, 117, and 119; § 33-5.5-102; and §§ 33-6-107, 109, 112, 113, 113.5, 114, 114.5, 117, 119, 120, 121, 124, 127, 128, 129, 131, 205, 206, 207, and 208.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MARCH 1, 2007 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 11th DAY OF JANUARY, 2007.

Approved:
Jeffrey A. Crawford
Chairman

Attest:
Claire O’Neal
Secretary