PART I - REQUIREMENTS FOR POSSESSION OF RAPTORS FOR FALCONRY

ARTICLE I - GENERAL PROVISIONS

#600 - DEFINITIONS

A. "Aylmeri Jesses" are leather (or a suitable similar material) bracelets affixed to each leg with a grommet through which a leather strap passes freely so that an escaped bird will lose the leather strap.

B. “Eyas raptor” means a young raptor not yet capable of flight.

C. “Captive-bred raptor” means any raptor born in captivity as a result of raptor propagation.

D. "Falconry" means the sport of hunting or taking quarry with a trained raptor. The term "hawking" shall be synonymous with falconry.

E. "Falconry Field Meet" means an event sponsored by a state or national organization in which falconers fly their raptors.

F. "Falconry license" means a possession of raptor license as provided for in Article 4 of Title 33.

G. “Hacking” means the temporary release of a falconry raptor to the wild so as to allow the raptor to learn to hunt and survive in the wild.

H. "Hybridization" means the breeding of raptors of different species.

I. “Imping” means the rebuilding of broken feather(s) through splicing on an undamaged section from another suitable feather.

J. “Imprinted” means a bird that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

K. “Mews” means a structure- or room in which one or more raptors are housed.

L. "Raptor" means any migratory bird that is a member of Falconiformes or Strigiformes and, specifically, but not by way of limitation, means falcons, hawks, owls, and eagles.

M. "Sponsor" means a Colorado master falconry license holder or a licensed Colorado falconer with at least three years experience as a general license holder who serves as a mentor to an apprentice licensee. The purpose of the sponsor is to provide adequate guidance and instruction to the apprentice concerning all aspects of the sport of falconry.

N. “Wild-Caught Raptor” means any raptor removed from the wild for falconry, regardless of how long such a bird is held in captivity or whether it is transferred to another permittee or permit type.

O. "Zoological Institution" means an institution operated and funded wholly or in part by a political subdivision of the state or of a city to display wildlife to the public.
ARTICLE II - LICENSE, FACILITY AND EQUIPMENT REQUIREMENTS

#601 - APPLICATION - EXAMINATIONS - LICENSING

A. Except for raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, no person shall take, transport, possess or maintain in captivity any raptor or practice falconry unless they first secure a state license permitting the possession of raptors. Zoological institutions and the U.S. Air Force Academy shall not be required to secure such licenses, but shall submit reports and otherwise comply with the provisions of this chapter.

B. Falconry license applicants must pass a written examination relating to basic biology, care and handling of raptors, literature, laws, regulations and other appropriate subject matter given by the Division. The applicant shall be required to answer correctly at least 80 percent of the questions on the written examination.

C. All falconry licenses are nontransferable and except as provided in subsection D below, will expire on December 31 of each year.

D. A three-year possession/hunting raptor license is available to residents. Such license shall expire on December 31 of the third year of the term of the license.

E. Any licensee whose falconry license has lapsed for fewer than five years may be reinstated at their previous level provided they have documentation of their previous license level. Any licensee whose falconry license has lapsed for five years or longer must comply with the exam requirement in Part B of this subsection. If the licensee passes the exam, their license may, at the discretion of the Division, be reinstated at their previous license level.

F. New residents of Colorado may qualify for the falconry license appropriate for their experience, as determined by the Division. Applicants must submit documentation demonstrating their prior experience. New residents must comply with the exam requirement in Part B of this subsection. New residents who intend to establish permanent residency in Colorado, and are legally in possession of a raptor, may retain that raptor while applying for a nonresident annual possession/hunting raptor license, providing that they must notify the Division and apply for such license within 10 days of importing any raptor. Prior to obtaining any falconry license, new residents of Colorado must provide and thereafter maintain facilities and equipment acceptable to the Division at all times when any raptor is in the licensee’s possession.

G. Nonresidents residing temporarily in Colorado may qualify for the falconry license appropriate for their experience as determined by the Division. Applicants must submit documentation demonstrating their prior experience. Applicants must comply with the exam requirement in Part B of this subsection. Applicants who are legally in possession of a raptor may retain that raptor while applying for a nonresident license. Prior to obtaining a license, nonresidents residing temporarily in Colorado must provide and thereafter maintain facilities and equipment acceptable to the Division at all times when any raptor is in the licensee’s possession.

H. Any license issued under this chapter may be administratively suspended or revoked for violation of any relevant animal welfare or wildlife law, or failure to comply with any of the requirements of this chapter. Prior to revocation, a license holder shall be notified by the Division in writing of any specific violation, including a date by which the license holder must come into compliance. Failure to comply within the specified time period may result in a
hearing and subsequent suspension or revocation pursuant to this regulation. Upon written notification of noncompliance, a license holder may not acquire any new raptor until the violation has been remedied.

ARTICLE III - CAPTURING AND BANDING RAPTORS

#607 - CAPTURING RAPTORS - The following restrictions shall apply to the capture of raptors:

O. Capture of Peregrine Falcons:

Peregrine falcons may be captured and removed from the wild only in accordance with the following provisions:

1. Capture Quotas
   a. Up to four Peregrine falcon capture permits may be issued annually to licensed Colorado master or general falconers pursuant to a random drawing process.

   1. Applications for Peregrine falcon capture permits will be accepted only on application forms provided by the Division.

   2. Only complete and correct applications forms will be accepted, and no person may submit more than one application per year.

   3. Each application form, along with the required payment in the form of a check or money order, must be mailed to the Division, 6060 Broadway, Denver CO 80216, and postmarked no later than midnight on April 1.

   4. Any person who takes a Peregrine falcon shall be ineligible to apply for or participate in a Peregrine falcon license drawing for five years.

2. Provisions of Take
   a. No person shall take any Peregrine falcon from the wild that is banded with a Federal Bird Banding Laboratory aluminum band or any research band. Any such Peregrine falcon, if captured, must be immediately released, provided further that if a Peregrine falcon has a transmitter attached, a licensee may possess the falcon for up to 30 days in order to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or their designee can make the change or allow the licensee to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, the licensee may keep the falcon providing they comply with all other provisions of these regulations.

   b. Peregrine falcon capture licenses are valid from June 1 through August 31 and authorize the take of one eyas or recently-fledged young. An eyas peregrine falcon may not be removed from its eyrie prior to 10 days of age. Peregrine falcon eyries may not be entered when young are 28 days or more of age.

   c. Take of Eyas or Recently-Fledged Peregrine Falcons

      1. A Division representative need not be present during capture attempts of eyas or recently-fledged young. However, a Division representative may choose to be present during any capture attempt and the license holder
must allow for such participation by a Division representative. License holders must contact the local District Wildlife Manager at least seven days in advance and provide notification of any proposed capture schedule.

2. No adult or passage (first-year) Peregrine falcon may be taken from the wild. Any adult or passage Peregrine falcon which is incidentally captured while attempting take of eyas or recently-fledged peregrine falcons shall be immediately released.

d. Peregrine Falcon Capture License Requirements

1. Immediately upon taking any Peregrine falcon into possession, the license holder shall void the capture license provided as part of their license, and write on the capture license the time, date and location of take. Such voided permit authorizes possession of the raptor by the license holder, and shall remain with the raptor until banded by a Division representative, upon which time it shall be surrendered. The license holder shall report such action as required by these regulations.

**ARTICLE V - IMPORTATION, AND EXPORTATION OF RAPTORS**

**#612 - IMPORTATION**

A. Except as provided under “Falconry Field Meets” in these regulations, the importation of raptors, including raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, or a joint state/federal raptor propagation permit, must be in accordance with 33-6-114 C.R.S., except that resident falconers may leave the state with a licensed raptor and return to Colorado without submitting a raptor importation form, obtaining an importation license, or obtaining a veterinary health certificate provided the return of the raptor occurs within 30 days of leaving the state.

**#613 - EXPORTATION**

A. No raptor shall be permanently exported, except as follows:

1. A person holding a current and valid resident falconry license shall be authorized to export any raptor on their license when the licensee permanently changes their state of residence.

2. A nonresident shall be authorized to export any raptor legally taken under the authority of a nonresident take license or any raptor legally imported into Colorado and possessed under the authority of a nonresident annual possession/hunting raptor license.

3. Any raptor not taken from the wild in Colorado that is legally possessed under the authority of a falconry license may be exported from Colorado if the licensee wishes to transfer the raptor to another properly-licensed licensee in accordance with these regulations and the laws of the receiving state, province or country.

4. Any raptor possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, or a joint state/federal raptor propagation permit, may be exported from Colorado when the licensee is a nonresident, is a resident who permanently changes their state of residence, or if the licensee is no longer able to provide adequate care.

**ARTICLE VI - USE OF RAPTORS**
#614 - FALCONRY

A. All residents must possess a resident 3-year possession/hunting raptor license in order to practice falconry in Colorado. All nonresidents must possess either (a) a nonresident annual possession/hunting raptor license or (b) a nonresident small game license and (c) proof that they possess a valid falconry license in their home state. A hunter education certificate shall not be necessary to practice falconry under a resident 3-year possession/hunting raptor license or a nonresident annual possession/hunting raptor license. State and Federal Migratory Bird Hunting Stamps (Duck Stamps) are required as provided in Chapter 5 of these regulations for the taking of migratory waterfowl.

B. Licensees must ensure that their activities do not cause the take of federally-listed threatened or endangered wildlife.

C. The use of firearms is prohibited while engaged in falconry.

D. Practicing falconry from a public road is prohibited.

E. Except as provided in “Falconry Field Meets” in these regulations, all raptors flown in Colorado for falconry purposes must be banded or otherwise marked so that they may be readily identified.

#615 - FALCONRY FIELD MEETS

A. A permit is required for any falconry field meet sponsored by a state or national organization in which any non-resident of Colorado participates.

B. An application furnished by the Division shall be completed and returned to the Division accompanied by a fee of forty dollars ($40.00) at least 30 days prior to the proposed meet.

C. For the period three days prior to, during, and five days following any properly-licensed falconry field meet, those participants and raptors listed on a registration form for that field meet provided to the Special Licensing Unit of the Division at least five days prior to the scheduled event may submit that registration in lieu of an importation permit to satisfy the importation requirements of these regulations and § 33-6-114(2), C.R.S., provided further that registered participants in a field meet sponsored by any national falconry organization may submit that registration prior to or on the first day of the scheduled event. A veterinary certificate certifying that each bird is disease free is required.

D. Banding requirements of these regulations are waived for the period three days prior to, during, and five days following any properly-licensed falconry field meet for any non-resident of Colorado whose birds are not required by their home state to be banded, and who are registered participants of a permitted falconry field meet.

E. Each resident participant in such meet shall have a valid falconry license. Nonresident participants shall be required to purchase an annual nonresident possession/hunting raptor license.

F. Migratory game birds used in a falconry field meet shall be marked or banded in accordance with federal law.

#616 - EDUCATION
A. General or master falconers may use any raptor possessed under the authority of their state falconry license in any conservation education program presented in a public venue. Apprentice falconers shall only participate in any conservation program under the direct supervision of a general or master falconer. Further, the following provisions must be met:
1. Any raptor used in a conservation education program must be possessed and used primarily for the practice of falconry.
2. Any fee charged for a conservation education program may not exceed the amount required for the presenter to recoup their cost of the presentation.
3. The conservation education program must include information about at least one of the following:
   b. Ecological roles of raptors.
   c. Conservation needs of raptors and other migratory birds.
4. This section does not authorize presentations that do not address falconry and conservation education.
5. The presenter assumes all responsibility and liability associated with any conservation education program they present under this section.

B. A state falconry license holder may allow photography, filming, or other such uses of any falconry raptor to create sources of information on the practice of falconry, or on the biology, ecological roles, and conservation needs of raptors and other migratory birds if no compensation is received by the licensee for such use.

C. Raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education with non-falconry raptors, shall be subject to the provisions of that permit. Federal permittees are required to comply with all the terms and conditions of their federal permit. No state license is otherwise required to possess the birds or conduct conservation education activities in Colorado.

D. Nonresidents holding either a valid federal permit issued for the express purpose of conducting conservation education or a state general or master falconers license may conduct conservation education programs in Colorado for no more than 30 days within a calendar year.

E. Persons previously licensed to possess corvids or raptors pursuant to Chapter W-13 ("Possession of Wildlife, Scientific Collecting, and Special Licenses") for educational purposes prior to November 1, 2016 shall be authorized to continue to possess those individual birds for the life of the birds provided the birds are otherwise maintained in facilities that comply with the provisions of #605 and subject to inspection by the Division. Further, escape, theft, death or other disposition of the birds must be reported to the Division in accordance with #620, #621 and #622. Under the provisions of #622, only the Division form is required.

#617 - ABATEMENT

A. Any master falconer may conduct any abatement activity with any captive-bred raptor possessed under the authority of a state falconry license subject to the following provisions:
1. Any raptor used for abatement purposes must be possessed and used primarily for the practice of falconry.
2. Prior to conducting any abatement activity under this provision, the licensee must possess a valid federal Special Purpose Abatement permit.
3. General falconers shall conduct abatement activities only as a subpermittee of the holder of the Special Purpose Abatement permit.
4. A fee may be charged for abatement services.
B. Raptors possessed under the authority of a valid federal Special Purpose Abatement permit issued for the express purpose of conducting abatement activities shall be subject to the provisions of that federal permit. Federal permittees are required to comply with all terms and conditions of their federal permit. No additional state license is otherwise required to possess the birds and conduct the abatement activities in Colorado.

C. Nonresidents holding a valid federal permit issued for the express purpose of conducting abatement may conduct abatement activities in Colorado for no more than 30 days within a calendar year.

#618 - DEPREDATION

A. A licensee may take any species listed in 50 CFR, Chapter 1, Parts 21.43, 21.44, 21.45 or 21.46 at any time in accordance with the conditions of the applicable depredation order, so long as that licensee is not paid for doing so.

ARTICLE VII - RELEASE, LOSS AND DISPOSITION

#619 - RELEASE

A. The following restrictions shall apply to the temporary release of raptors in Colorado:
   1. Hacking is an approved method for conditioning of raptors. Falconry raptors may only be hacked by licensed general or master falconer. Any hacked raptor shall count against the number of raptors a licensee is allowed to possess. A raptor shall not be hacked near a nesting area of a federally threatened or endangered animal species, or where a raptor may otherwise be likely to harm a federally threatened or endangered animal species.
   2. Any hybrid raptor or any raptor brought to the United States temporarily must have two attached functioning radio transmitters at all times whenever flown free of a tether.

B. The following restrictions shall apply to the permanent release of raptors in Colorado:
   1. Any species of raptor that is not native to Colorado, or is a hybrid of any kind, shall not be released to the wild.
   2. Any licensee who releases a raptor to the wild shall be subject to the following restrictions:
      a. Only wild-caught raptors native to Colorado may be released to the wild.
      b. Raptors may only be released at an appropriate time of year and an appropriate location.
      c. Prior to release, all falconry bands shall be removed from the raptor to be released.
      d. The licensee must report the release of the raptor as required by these regulations.

#620 - ESCAPE, THEFT, DEATH AND DISPOSITION

A. Any licensee who loses a raptor through escape, theft or death must report such action as required by these regulations. Falconry raptors that die must be dealt with in one of the following ways:
   1. They must be frozen immediately after death and preserved in this manner for 20 days and, upon request, delivered to the Division, or;
   2. They must be necropsied by a qualified pathologist or Doctor of Veterinary Medicine. If necropsied, the necropsy report, which shall include a statement on destruction or disposition of the carcass, shall be sent to the Division within 10 days of the necropsy.

B. Once the above provisions have been met, the licensee may dispose of the carcass of a falconry raptor in the following manner:
1. The carcass may be burned, buried, or otherwise destroyed. In all cases, a licensee must take appropriate precautions to prevent any euthanized raptor from secondarily poisoning any other animal.

2. A licensee may donate the carcass or feathers of any captive-bred raptor possessed for falconry to any person or institution legally authorized to acquire and possess such parts or feathers.

3. If a captive-bred raptor was banded prior to its death, a licensee may keep the carcass. Feathers of such carcasses may be used for imping purposes. Carcasses of captive-bred raptors may be mounted by a taxidermist for use in conservation education programs so long as the band remains in place.

4. For imping, a licensee may possess flight feathers for each species of raptor legally possessed or previously held for as long as they hold a valid falconry license, subject to the following restrictions:
   a. A licensee may give and/or receive feathers only to/from other licensed falconers who legally possess a raptor of the same species, wildlife rehabilitators, or propagators for imping.
   b. No person shall buy, sell or barter such feathers.
   c. A licensee may donate feathers from a falconry raptor, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from federal permit requirements.
   d. A licensee must collect all molted flight feathers and retrices from a golden eagle possessed by them as a falconry raptor. Such feathers must be kept for imping or sent to the National Eagle Repository.
   e. A licensee must retain records documenting acquisition of each raptor so long as feathers from that raptor are in possession. If a person no longer holds a valid Colorado falconry license, they must either destroy all falconry feathers they possess or donate them to a person or institution who is authorized to legally possess them.

5. A licensee must send the carcass of any golden eagle possessed for falconry to the National Eagle Repository, including all feathers, talons and other parts.

   C. Except as otherwise provided by these regulations, the band from any dead raptor must be removed and surrendered to the Division within 10 days of such death.

ARTICLE VIII - RECORD KEEPING AND REPORTING

#621 - RECORD KEEPING

A. All licensees shall keep copies of all electronic database submissions, as required in “Reporting” below, for 5 years from the date of such action.

B. All licensees shall maintain a current personal address and a current facilities address by entering the required information in the electronic database at http://wildlife.state.co.us/RulesRegSpecialLicenses/RaptorEntryForms within 30 days of any address change.

#622 - REPORTING

A. All licensees must comply with reporting requirements for all raptors possessed under the authority of their falconry license by entering the required information in the electronic databases at both of the following addresses:
Except as provided below, such reporting must be completed by the licensee no later than 10 days after any such action.

Reporting is required when:
1. The location of a permanent indoor or outdoor facility is changed (must be reported within five business days),
2. A falconry raptor is moved to a temporary facility for purposes other than transport or hunting,
3. A licensee or their designee captures a raptor from the wild,
4. A licensee transfers a raptor to another person or permit type, whether permanently or temporarily,
5. A licensee receives a raptor from another person, whether permanently or temporarily,
6. A licensee recaptures a lost or escaped raptor (must be reported within five business days),
7. A band is lost or removed from a raptor (must be reported within five days),
8. A raptor escapes or is lost or stolen,
9. A raptor is released into the wild, whether permanently or temporarily,
10. A raptor dies.

B. Any person who captures a raptor wearing any band, research marking or transmitter, must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.
Basis and Purpose:

Previously, state educational live possession licenses (a type of Chapter W-13 scientific collection license) were being issued to residents to allow possession of non-falconry raptors for educational use, as long as they also held a concurrent U.S. Fish and Wildlife Service special purpose education permit. Colorado Parks and Wildlife (CPW) did not allow federally permitted nonresidents the same opportunity. Legal counsel for CPW advised that regulations pertaining to raptors should more appropriately reside in Chapter W-6, now re-titled “Raptors”. The title of the chapter was amended from “Falconry” to “Raptors” to clarify that regulations in this chapter go beyond just falconry, but also include provisions for raptor education, abatement, depredation, and general possession. “Possession” covers all forms of in-state transportation and therefore transport was removed from 601.A. Importation of raptors must comply with 33-6-114 C.R.S., including raptors possessed for conducting conservation education or abatement as specified. When a raptor possessed for conducting conservation education or abatement may be exported is spelled out.

These modifications to Chapter W-6 now allow both residents and nonresidents to possess federal Migratory Bird Treaty Act-listed raptors exclusively for educational purposes without a state issued license as long as the person holds a federal permit for such activity. Only the standard conditions of their federal permit apply, except that nonresidents are further restricted to 30 days of permitted possession in the state annually. For consistency, abatement programs by nonresidents holding a valid federal permit are also restricted to 30 days. Federal permittees must comply with all terms and conditions of their federal permit to continue those activities in Colorado.

A grandfather clause was also included in regulations to address the 3 non-MBTA-listed raptors and two non-raptors presently licensed by the agency. Necessary corresponding modifications were also made to regulations in Chapters W-13 “Possession of Wildlife, Scientific Collecting, and Special Licenses” to remove raptor educational license regulations and to Chapter W-14 “Wildlife Rehabilitation” to allow the transfer of non-releasable rehab raptors to a federal permit rather than a CPW educational scientific collection license. The definition of “raptor” was also modified for consistency with the state statutory definition.

Lastly, to ensure peregrine falcons are captured at an appropriate age, it was clarified that an eyas peregrine falcon may not be removed from its eyrie prior to 10 days of age and that eyries may not be entered when young are 28 days or more of age.

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 NOVEMBER 1, 2016 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.


APPROVED:
Chris Castillian
Chairman
ARTICLE II - SCIENTIFIC COLLECTING

#1315 - PURPOSE

A. A Scientific Collecting 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 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.

B. Any raptor not taken from the wild in Colorado that is legally possessed under the authority of a scientific collecting license issued for educational purposes may be exported from Colorado when the licensee permanently changes their state of residence, or if the licensee is no longer able to provide adequate care.
Basis and Purpose:

Previously, state educational live possession licenses (a type of Chapter W-13 scientific collection license) were being issued to residents to allow possession of non-falconry raptors for educational use, as long as they also held a concurrent U.S. Fish and Wildlife Service special purpose education permit. Colorado Parks and Wildlife (CPW) did not allow federally permitted nonresidents the same opportunity. Legal counsel for CPW advised that regulations pertaining to raptors should more appropriately reside in Chapter W-6, now re-titled “Raptors”. The title of the chapter was amended from “Falconry” to “Raptors” to clarify that regulations in this chapter go beyond just falconry, but also include provisions for raptor education, abatement, depredation, and general possession. “Possession” covers all forms of in-state transportation and therefore transport was removed from 601.A. Importation of raptors must comply with 33-6-114 C.R.S., including raptors possessed for conducting conservation education or abatement as specified. When a raptor possessed for conducting conservation education or abatement may be exported is spelled out.

These modifications to Chapter W-6 now allow both residents and nonresidents to possess federal Migratory Bird Treaty Act-listed raptors exclusively for educational purposes without a state issued license as long as the person holds a federal permit for such activity. Only the standard conditions of their federal permit apply, except that nonresidents are further restricted to 30 days of permitted possession in the state annually. For consistency, abatement programs by nonresidents holding a valid federal permit are also restricted to 30 days. Federal permittees must comply with all terms and conditions of their federal permit to continue those activities in Colorado.

A grandfather clause was also included in regulations to address the 3 non-MBTA-listed raptors and two non-raptors presently licensed by the agency. Necessary corresponding modifications were also made to regulations in Chapters W-13 “Possession of Wildlife, Scientific Collecting, and Special Licenses” to remove raptor educational license regulations and to Chapter W-14 “Wildlife Rehabilitation” to allow the transfer of non-releasable rehab raptors to a federal permit rather than a CPW educational scientific collection license. The definition of “raptor” was also modified for consistency with the state statutory definition.

Lastly, to ensure peregrine falcons are captured at an appropriate age, it was clarified that an eyas peregrine falcon may not be removed from its eyrie prior to 10 days of age and that eyries may not be entered when young are 28 days or more of age.

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 NOVEMBER 1, 2016 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.


APPROVED:
Chris Castilian
Chairman

ATTEST:
James C. Pribyl
Secretary
#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, provided further, however, that the Division may authorize the transfer of any raptor determined by the Division to be recovered, but non-releasable, to any person in possession of a Scientific Collecting valid federal permit issued for educational purposes, provided the raptor is maintained in facilities and otherwise possessed in accordance with the standards set forth in Chapter 6 of these regulations the express purpose of conducting conservation education.

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 33-1-102(32) C.R.S., 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.
Basis and Purpose:

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