

FINAL REGULATIONS - CHAPTER W-0 - GENERAL PROVISIONS

ARTICLE VI - TERRESTRIAL WILDLIFE

#006 – TRANSPORTATION

A. Harvested Terrestrial Wildlife

1. Wildlife for which a carcass tag is required by statute or by Commission Regulation must have such tag properly attached to the wildlife unless the wildlife consists of twenty (20) pounds or less of big game meat and is accompanied by a donation certificate.
2. Processed big game meat shall be accompanied by the carcass tag, or in the case of donated meat a donation certificate.
3. Except as provided in subsection four (4) below, wildlife for which no carcass tag is required must be personally accompanied by the license holder.
4. Wildlife shipped by common carrier must be accompanied by either the license, a photo copy of the license, or appropriate carcass tag, and if applicable, a donation certificate.
5. Evidence of sex regulations as provided in #003 shall apply while transporting any wildlife except for processed big game meat.

B. Live Terrestrial Wildlife

1. Intrastate transportation of those species of live wildlife listed in #008(B) is prohibited.
2. Any exportation of live wildlife held under authority of Colorado Wildlife Parks or Lakes licenses shall be in accordance with the rules and regulations of the receiving country, state or province.
3. All wild ungulates transported within Colorado must be marked with U.S. Department of Agriculture (USDA) official eartags or tags approved by the Division.
4. All live captive cervids transported within Colorado must test negative for tuberculosis (TB) within sixty (60) days prior to movement anywhere within Colorado except that live captive cervids originating from herds with a "Colorado TB tested elk herd" or a "Colorado TB accredited elk herds" status issued by the Colorado Department of Agriculture (Dept. of Agriculture) shall be exempt from intrastate TB testing requirements. Tuberculosis testing shall be accomplished using a single strength cervical (SSC) tuberculin test performed by an accredited veterinarian who has prior training to conduct such tests. An official certificate of veterinary inspection (listing the animal identification, as well as the dates and results of such testing, or the Dept. of Agriculture herd status number) shall also accompany all shipments of live captive cervids within Colorado.
5. All captive wild ungulates transported within Colorado after July 1, 1993, must originate from a "Colorado tuberculosis tested herd" or a "Colorado tuberculosis accredited herd" as determined under procedures approved by the Dept. of Agriculture as set forth in Appendix A to this regulation.
6. CWD Surveillance
Commercial Wildlife Parks facilities seeking to move live deer or elk within Colorado must obtain written authorization from the Director and shall request such authorization from the Division at least 30 days prior to the proposed movement date. Deer and elk from alternative livestock facilities licensed by the Dept. of Agriculture being transferred into

Commercial Wildlife Parks are included in this requirement. Provided further that no such captive cervid transportation will be permitted anytime a new CWD diagnosis is made in any such facility, until all tracebacks have been completed and CWD-free facility status has been confirmed.

a. Criteria for approval or denial:

1. Written authorization will be based on compliance with a sixty (60) month surveillance requirement for CWD including a review of inventory records for all deer and elk on the facility. Such review shall include proof of individual animal identification; all additions, exports and mortalities; and copies of the results of any animal inventory or records of audits and verification records; for at least the previous sixty (60) months, and laboratory reports documenting the absence of CWD lesions, after microscopic evaluation of brain tissues by an accredited veterinary diagnostic laboratory, or a negative result from another CWD diagnostic test conducted by an accredited laboratory, which test has been approved by the Director and State Veterinarian as having equal or greater diagnostic reliability, in all adult (12 months of age or older) deer and elk dying of any cause over the required surveillance period. Determination of when a facility meets the sixty (60) month minimum surveillance period shall be based on the age of the animals on the facility, the source facility of the animals, and the length of the surveillance program of the source facility(ies). Every individual in the source herd must meet the sixty month surveillance requirement, except for young born into a herd during the sixty month surveillance period, provided that all other deer and elk in the facility during that time period and all deer and elk imported into the facility during that time period also meet the sixty (60) month requirement, unless the Division and the Dept. of Agriculture agree that movement does not present a substantial risk of moving CWD based on the location of the source and receiving facilities, length of surveillance at the source facility, fencing at the receiving facility and other relevant factors.
2. For the purpose of determining and maintaining 60 months CWD-free status, records must positively account for all animals and cause of death, unless the Division and the Dept. of Agriculture agree otherwise. If any animals remain untested or unaccounted for or cause of death is otherwise unknown or in question, status is adversely impacted and reduced to the date the untested or unaccounted for animal or animal with the unknown or questionable cause of death was introduced into the herd, unless the Division and the Dept. of Agriculture agree that the associate risk is negligible, taking into consideration the possibility of predation, theft, or other relevant factors. Provided, however, that anytime a facility receives animals from another in-state facility with lower CWD status, the receiving facility shall assume the lower CWD status level. Any deer or elk transported within Colorado as described in G above in violation of this standard, or any pre-existing standard, or for which documentation does not exist which clearly establishes compliance with said standard, must be immediately destroyed and tested for CWD. In addition, the status of the receiving herd may be reduced up to 0 months. Both the source facility and the receiving facility are quarantined upon discovery of the violation, until test results show that CWD was not detected in any of the subject animals. If CWD is detected in any of them, the quarantines remain in effect and all private deer and elk that have come into contact with any of them must be immediately destroyed and tested for CWD. In all such cases, there shall be no obligation for the state to compensate the owner of the animals.
3. All cervid mortalities of animals 12 months of age or older shall be submitted for CWD testing. If CWD is detected in any animal, the status of the herd exposed to such animal shall be reduced to 0 months.

4. Upon receipt of any request to move captive wildlife or alternative livestock to a captive wildlife facility within the state, the Division shall forward the request and all necessary documentation, including but not limited to, the status records for the facilities involved, to the Dept. of Agriculture for review and approval. The Dept. of Agriculture shall render its determination regarding risk within 5 working days of receipt of all necessary documentation. If no such determination is received by the Division at the end of the five working days, the Division may presume that the Dept. of Agriculture has no objection to the requested movement.
5. No evaluation of determination of CWD risk is required for alternative livestock or captive wildlife shipped directly to slaughter or to a biosecure facility approved by the Division and the Dept. of Agriculture.

#007 – IMPORTATION OF TERRESTRIAL WILDLIFE

- A. Prior to importation of wildlife an importation permit must be obtained from the Division and the State Veterinarian.
- B. An appropriate license must be in possession prior to importation. Only animals in the same scientific family as animals approved on the license can be imported.
- C. All wild ungulates imported into Colorado must be tagged with a USDA official identification device or official Canadian identification device. Any wild ungulates imported to Colorado 12 months of age or under must be identified with a bangle or ranch tag to identify ownership.
- D. Except as authorized in writing by the Director for research purposes or immediate slaughter, all wildlife imported into Colorado must be examined by an accredited veterinarian prior to importation and must be accompanied by a valid, preapproved health certificate certifying disease-free status. Minimum specific disease testing results and/or health statements must be included on health certificates for:
 1. All captive wild ungulates shall:
 - a. Test negative for brucellosis. The health certificate completed by an accredited veterinarian must include the signed statement that "To the best of my knowledge, animals listed herein are not infected with Paratuberculosis (Johnes Disease) and have not been exposed to animals infected with Paratuberculosis."
 - b. Test negative for bovine tuberculosis using USDA-approved testing procedures appropriate for species in question not more than 60 days prior to importation and must originate from a herd which has had a negative complete herd test for tuberculosis within the past 12 months. A "complete herd test" is defined as tuberculosis testing of all ruminants and camelids on a premises (except domestic cattle, Bison, sheep and goats) using USDA-approved testing procedures appropriate for species in question where all testing is completed during a period not exceeding six (6) consecutive months; or
 - c. Originate from a bovine tuberculosis-free herd accredited by another state or province which meets the standards for testing or their equivalent as set forth in (b) above.
 - d. Appropriate USDA-approved testing procedures are limited to those referenced in section #006(B)(5) above and others prescribed by the federal Veterinary Service as set forth in Appendix B to this regulation.
 - e. If in the family Cervidae, originate from a herd that has been under surveillance for Chronic Wasting Disease for a period of at least 60 months unless the Division and the Colorado Department of Agriculture agree that the associated risk is negligible.
 2. Testing for bovine tuberculosis in other mammalian species may be required prior to importation if there is reason to suspect that such animals may be infected with the disease.

3. All wild species in the sub families Meleagridinae (wild turkey) and Tetraoninae (grouse): Tested negative for *Mycoplasma gallisepticum*, *M. synoviae*, *M. meleagridis* and *Salmonella pullorum*. For groups of grouse imported from the same source in a single shipment, testing is required for only 25% (one of every four) of those birds.
 4. All elk must be tested prior to importation for evidence of red deer hybridization. Any animal testing positive for red deer hybridization shall not be allowed to be imported into Colorado.
 5. The offspring of any female elk must be tested for red deer hybridization, at the owner's expense, by December 31 of the year of birth if the calf results from a pregnancy which existed prior to the female elk being imported into Colorado.
 6. Any offspring, described in 4(e) above, testing positive for red deer hybridization, must be removed from the State of Colorado, at the owner's expense, by June 1 of the year following the year of birth. In all cases, the Division will not compensate owners for these animals.
- E. Additional disease testing may be required at the discretion of the Director of the Division by written notification prior to importation, when there is reason to believe other diseases, parasites or other health risks are present. (e.g. recent outbreak of a disease not listed in this section.)
- F. All imported wild ungulates, turkeys, and grouse must be held in isolation from other wildlife on the operator's premises for at least thirty (30) consecutive days upon importation into Colorado. Animals obtained from free-ranging wild stock by state or federal agencies are exempt from the isolation period.
- G. At least seven (7) days prior to the proposed importation date all persons desiring to import raptors into Colorado must properly complete a Raptor Importation form, except that no raptor importation form is required for licensed Colorado wildlife rehabilitators importing raptors for imminently-necessary medical care. However, prior to importation, that rehabilitator must provide telephone notice of any such importation to the Area Wildlife Manager presiding over the area in which the care facility is located, including the number, species and condition of the raptor(s) to be imported. All raptors imported into Colorado must have veterinary certificates certifying the birds are disease free.

#008 – POSSESSION OF TERRESTRIAL WILDLIFE

- 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.
- B. The following terrestrial wildlife species or viable gametes (eggs and sperm) are hereby determined to be detrimental to existing wildlife and their habitat in Colorado, and except as authorized in writing by the Division after consideration of the criteria in Commission Regulation #1102(A)(4), their possession is prohibited. Persons who have proof of possession of those species listed in subsections 1 through 8 of this section prior to September 1, 1990, may possess the following species for the life of the animal(s). These live animals may not be transported, imported, sold, bartered or traded within Colorado. They may be transported out of state according to state and federal regulations. All animals held under the grandfather clause must be tagged, recorded, and reported as per Commission Regulations #1106, #1109, and #1110.
1. All species and hybrids of wild species in the subfamily Caprinae not native to North America. (Exotic sheep and goats including but not limited to: mouflon, barbary sheep, tahr, chamois.)
 2. The following genera in the subfamily Hippotraginae. *Oryx spp*, *Addax spp*.

3. The following genera in the subfamily Alcelaphinae. Wildebeest (*Connochaetes*), Hartebeest (*Alcelaphus*), *Damaliscus spp*, *Blesbok spp*.
 4. All wild species and hybrids of wild species in the family Suidae (European boar, Eurasian boar, Russian boar, feral hog) and the family Tayassuidae (Javelina and peccary).
 5. All species and hybrids of wild species in the family Cervidae not designated as alternative livestock by §35-41.5-102 C.R.S. or as domestic or unregulated wildlife by Chapter W-11 of these regulations. Only commercial parks licensed for, and in possession of, authorized species on or prior to March 2, 2014 will be allowed to continue possession of those species, including acquisition of new individual animals of those species.
 6. Raccoon.
 7. Nonnative species of the subfamily Tetraoninae, including but not limited to red grouse, black grouse and capercaillae.
 8. Striped skunks.
 9. Hedgehogs - *Erinaceus spp.*, (except *Erinaceus albiventris* or *Atelerix albiventris*); *Hemiechinus spp.*, and *Paraechinus spp*.
 10. Brush-tailed opossums - *Trichosurus vulpecula*, *Trichosurus arnhemensis*, and *Trichosurus caninus*.
 11. Monk parakeet.
 12. Tree or sun squirrels (*Heliosciurus spp.*).
 13. Rope squirrels (*Funisciurus spp.*).
 14. Dormices (*Graphiurus spp.*)
 15. Gambian giant pouched rats (*Cricetomys spp.*)
 16. Brush-tailed porcupines (*Atherurus spp.*)
 17. Striped mice (*Hybomys spp.*)
 18. Prairie dogs (*Cynomys spp.*) provided however that native prairie dogs may continue to be possessed pursuant to licenses or permits granted by the Division for scientific collection, relocation or rehabilitation purposes.
 19. All species and hybrids of non-human primates, except as authorized by §35-80-108 C.R.S.
- C. If any diseased wildlife, which would have a significant detrimental effect on Colorado's wildlife resource as determined by the Director, are found such wildlife may be destroyed or held in quarantine at the owner's expense until disposition is determined. Possession, transfer or any other act relative to such wildlife contrary to the Director's determination of disposition is prohibited. Any occurrence of CWD in a commercial wildlife park, including the detection of CWD in either a wild or private animal within the exterior boundaries of the park or facility requires the immediate quarantine of the facility. De-population upon a positive diagnosis of CWD shall be required if the Division and the Dept. of Agriculture agree that the herd presents a substantial risk, taking into consideration the size and location of the facility, the presumed length of exposure, the effectiveness of the fence, and other relevant factors. The quarantine shall remain in place and no re-stocking of cervids including, but not limited to, stocking for the purposes of the operation of a terminal facility, shall occur without written agreement of the Division and the Dept. of Agriculture. In addition to required testing of all mortalities, the herd shall be closely monitored and all clinically suspect animals shall also be destroyed and tested. Any deer or elk brought onto a facility in violation of quarantine or re-stocking plan must be immediately destroyed and tested for CWD. If CWD is detected in any of these, all other private deer or elk that have come into contact with these animals must be immediately destroyed and tested for CWD. In all such cases, there shall be no obligation for the state to compensate the owner of the animals.
- D. The Director shall determine when destruction of wildlife, a quarantine or disinfection is required at any federal, state, private or commercial fish or wildlife production facility. If the Director determines that either destruction, quarantine or disinfection is required, he shall issue a written order to the owner or operator of the facility setting forth the steps for

destruction and/or disinfection. Required disinfection of holding facilities will be completed at the owner's expense. If the owner disagrees with the Division's determination he shall have the right to appeal the decision to the Wildlife Commission provided notice of such appeal is given to the Director within twenty-four (24) hours of receipt of the order.

- E. Any species on the prohibited list in #008(B) that escapes the owners or guardians control will be deemed to be detrimental to native wildlife and can be removed from the wild by the Division as per Commission Regulation #1113(A).
- F. All big game hunting parks as defined in Commission Regulation #1104(A)(1), shall develop and submit a plan to accomplish bovine tuberculosis testing and/or slaughter surveillance for captive wild ungulates beginning January 1, 1993. Plans must be submitted to the Division for approval by January 1, 1993, and must be approved by the Director and State Veterinarian prior to implementation.

#009 - RELEASE OF TERRESTRIAL WILDLIFE

- A. Except as allowed by these regulations it shall be unlawful for any person to release or possess for release any species of wildlife (native or non-native). Provided further, that as concerns licensed wildlife rehabilitators, possession and release of native species listed on the Division prohibited list (#008(B)) must be pursuant to prior authorization in writing from the Division. Such authorization may include restrictions regarding the location or timing of any release.
- B. Only the following live game birds may be released in Colorado: ring-necked pheasants, Gambel's, scaled, and bobwhite quail, chukar, gray partridge, and mallard ducks. Release is prohibited on public lands unless authorized in Chapter 9 of these regulations. Release is prohibited during any established season for that species, except when the release is of privately-owned game birds performed as part of the training of raptors held by licensed falconers and the number of game birds released does not exceed the daily falconry bag limit for the species. Exceptions to this species list may occur with the approval of the Director Division. Any exceptions, granted by the Director must follow the criteria established by the Commission for the release of wildlife pursuant to this subsection.
 - 1. Up to 25 privately-owned game birds may be released on private land.
 - 2. Privately-owned game birds may be released on State Wildlife Areas specifically authorized for that purpose in #901 of these regulations. Up to 25 game birds may be released for dog training. More than 25 game birds may be released for field trials authorized under #801 of these regulations.
 - 3. Privately-owned game birds may only be hunted on the day of release, and there is no hunting license required except as required by #804 of these regulations. The total number of game birds taken shall not exceed the number of birds released.
 - 4. All released privately-owned game birds not taken by hunting on the day of release shall become property of the state.
 - 5. 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.
 - 6. Migratory birds shall be banded with a USFWS band except for falconry activities authorized by Chapter 6 of these regulations.
- C. Except for falconry activities authorized by Chapter 6 of these regulations the release of species and hybrids of raptors not native to Colorado is prohibited.

Basis and Purpose:

Allowing the release of privately-owned game birds during an established season for falconry training under specific conditions

This regulation change is based on a citizen petition requesting an exemption for privately-owned game birds for falconry training from the prohibition on releasing live game birds during an established season for that species. The petition argued most falconers serve quarry for birds for training purposes during the fall and winter months when game bird seasons are open. Additionally, field trials can be held year-round for dog training and hunting preserve licensees can release game birds year-round. The Division supported this petition with the specific exception for the training of raptors by licensed falconers as long as the number of game birds released does not exceed the daily falconry bag limit for the species.

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 statutory authority for these regulations includes, but is not limited to:

- § 24-4-103, C.R.S.
- §§ 33-1-101 to 33-6-209, C.R.S., particularly §§ 33-1-105, -106, -107, and 33-4-102, C.R.S.

EFFECTIVE DATE – THE REGULATIONS HEREIN SHALL BECOME EFFECTIVE MAY 1, 2022 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 9TH DAY OF MARCH, 2022.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Luke B. Schafer
Secretary

Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

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Tracking Number: **2022-00046**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (406 Series, Wildlife)
ON 03/09/2022**

**2 CCR 406-0
CHAPTER W-0 - GENERAL PROVISIONS**

The above-referenced rules were submitted to this office on 03/15/2022 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

March 23, 2022 10:21:49 MST

A handwritten signature in blue ink, appearing to read "P. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General