

Depredating Animal Regulations



COLORADO

Department of Agriculture

Updated March 2020





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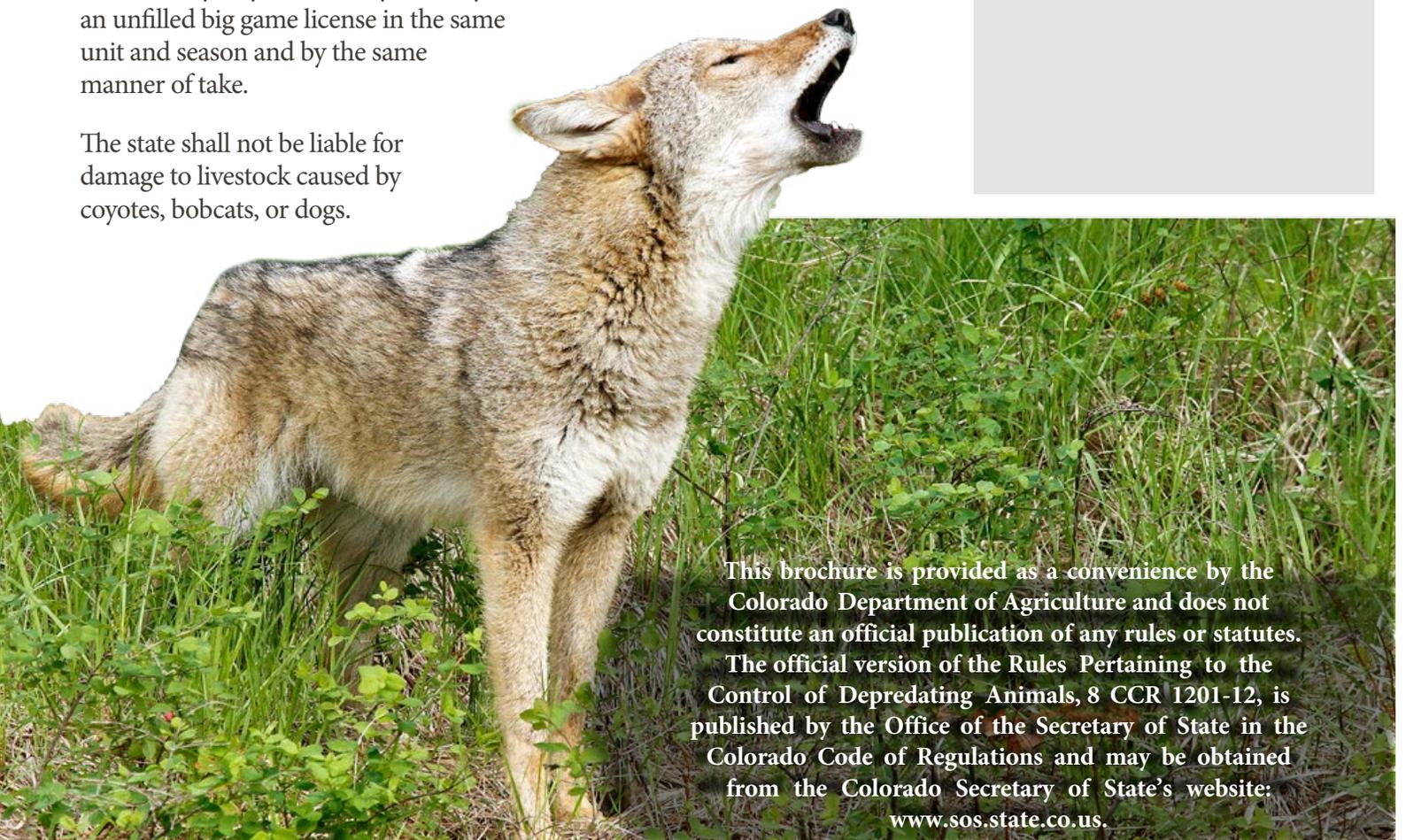
How Can Ag Producers Protect Their Livestock From Predators?

Pursuant to Colorado Revised Statutes 33-1-106, 33-3-103, 33-3-106, 33-4-101.3, 33-6-107, 33-6-207(3), 33-6-208, 35-40-100.2 through 115, Colorado Code of Regulations 8 CCR 1201-12, and Section 12, Article XVIII of the Colorado Constitution agriculture producers have the right to control depredating animals, meaning animals that pose a threat to an agricultural product or resource. Landowners may control animals themselves or they may identify a designee.

Badger, muskrat, beaver, red fox, bobcat, skunk, coyote, raccoon, prairie dog, pocket gopher, rock squirrel, Richardson's and thirteen-lined ground squirrel, jackrabbit, marmot, porcupine, black-billed magpie, common crow, rattlesnakes, common pigeons, and starling may be taken year-round as necessary to protect private property. A license shall not be required of any owner, member of the owner's family, lessee, agent, designee, or any employee of the owner when necessary to protect private property.

Additionally, any hunter may take coyotes with an unfilled big game license in the same unit and season and by the same manner of take.

The state shall not be liable for damage to livestock caused by coyotes, bobcats, or dogs.



This brochure is provided as a convenience by the Colorado Department of Agriculture and does not constitute an official publication of any rules or statutes. The official version of the Rules Pertaining to the Control of Depredating Animals, 8 CCR 1201-12, is published by the Office of the Secretary of State in the Colorado Code of Regulations and may be obtained from the Colorado Secretary of State's website: www.sos.state.co.us.

MOUNTAIN LIONS AND BEARS

CRS 33-3-106
8 CCR 1201-12, 7.00

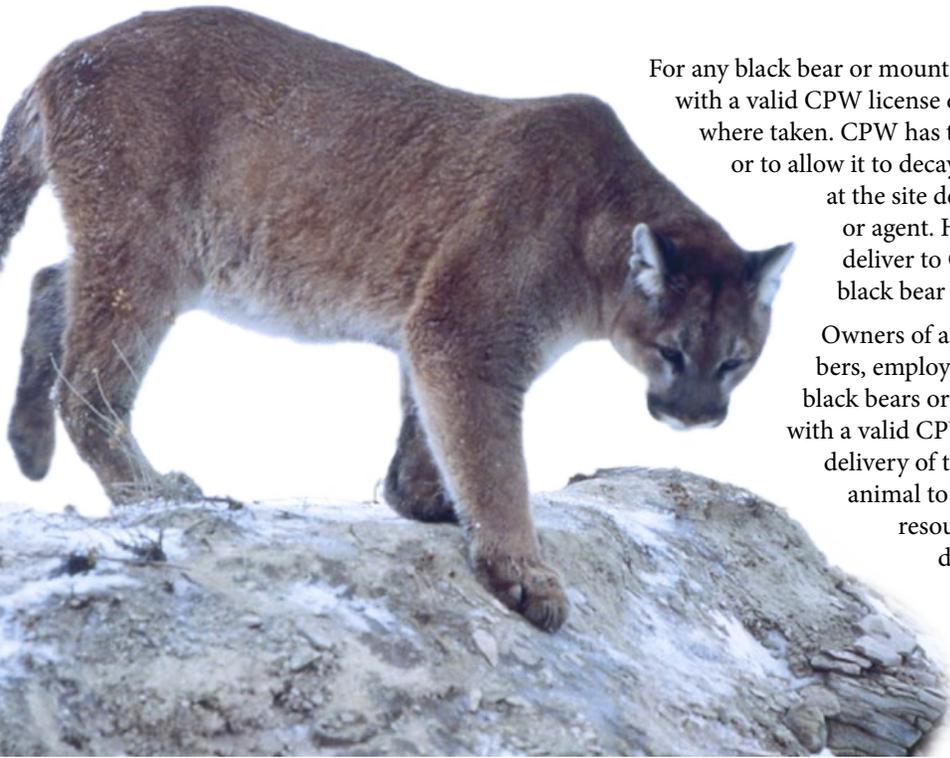
It is legal to trap, kill, or otherwise dispose of bears or mountain lions without a permit in situations when it is necessary to prevent them from inflicting death, damage, or injury to livestock, real property, a motor vehicle, or human life. In the case of black bears or mountain lions, the phrase “necessary to prevent” as it relates to death or injury to livestock, is limited to the specific black bear(s) or lion(s) that is (are) reasonably believed to pose a threat and is (are) in the proximity, and when damage to livestock is likely to occur or has occurred.

Black bears and mountain lions may be shot or live trapped and killed by owners of agricultural products, their families, employees, and identified designees in defense of such property.

An owner or lessee of a parcel of private property, or the employees of such owner or lessee, may use traps or cable device traps on black bears or mountain lions on his parcel of private property with a thirty day trapping exemption permit issued by CPW.

For the purpose of taking depredating black bears or mountain lions, foothold traps, or mechanical or spring-powered foot cable device traps may be utilized within 30 feet of a carcass.

All take of black bears and mountain lions shall be reported to Colorado Parks and Wildlife (CPW) within five days to allow CPW the opportunity to inspect the depredating animal. This report shall include any information requested by CPW.



For any black bear or mountain lion taken pursuant to these rules and not taken with a valid CPW license during the applicable season, the carcass shall be left where taken. CPW has the responsibility to recover or dispose of the carcass or to allow it to decay. CPW may inspect the black bear or mountain lion at the site designated by the owner, the owner’s family, employee, or agent. However, CPW may require an identified designee to deliver to CPW at a reasonable location the carcass or parts of a black bear or mountain lion taken by that identified designee.

Owners of agricultural products or resources, their family members, employees, agents and identified designees shall not possess black bears or mountain lions, or the parts thereof, unless taken with a valid CPW license during the applicable season. However, delivery of the carcass or parts thereof by the person taking the animal to the owner or manager of agricultural products or resources for verification of kill will be allowed within five days of the kill. After verification, the owner or manager shall make the carcass or parts that were delivered available for CPW’s recovery and disposal; or voluntary delivery of said carcass or parts to CPW.

Any bear or mountain lion killed shall remain the property of the state, and such killing shall be reported to CPW within five days.

DESIGNEE

8 CCR 1201-12, 2.00

Landowners may control animals or may identify a designee. The designee must have written authorization from the property owner, operator or lessee to control depredating animals. Any such authorization shall: contain the designee’s name; contain the name of the property owner, operator or lessee; identify the target depredating animal(s); and specify the time period and geographic area in which the identified designee is authorized to take control measures. Additionally the designee shall not pay, nor shall the property owner, operator, or lessee accept payment from an identified designee, for the right to act as an identified designee. However, nothing prohibits the property owner, operator, or lessee from paying an identified designee for services. Lastly, Wildlife Services, CDA, or any other government agency shall not be an identified designee.

ARTIFICIAL LIGHT

An owner or lessee of a parcel of private property, or the employees of such owner or lessee, or identified designee may use artificial light on private land where depredation has occurred or is occurring.

An owner of livestock, or the employees of such owner or lessee, or identified designee may also use artificial light on public lands when taking depredating animals where depredation has occurred or is occurring, except:

- During the 24-hour period prior to and during any regular deer, elk, or pronghorn rifle season and during the 24-hour period prior to and during the opening weekend of any grouse, pheasant, quail, turkey, or waterfowl season, unless prior authorization is obtained from the Commissioner with notification to CPW;
- In any areas where human safety would be jeopardized.

TRAPS

In November 1996 the Colorado voters approved the Colorado prohibited methods of taking wildlife initiative prohibiting the use of foothold traps. However, some exceptions are allowed including depredating animal control. If foothold traps are used, the following requirements apply:

An owner or lessee of a parcel of private property, or the employees of such owner or lessee, may use foothold traps on his parcel of private property so long as the following conditions are met:

- The property is primarily used for commercial livestock or crop production; and
- The use of traps occurs only on the property; and
- Such use does not exceed one thirty-day period per year for each parcel of private property as allowed by the CPW "30-day Trapping Exemption Permit."
- The owner or lessee can present on-site evidence to CPW that ongoing damage to livestock or crops has not been alleviated by other methods
- The jaws of foothold traps must be padded, laminated or offset.
- Traps may not be used within 30 feet of either side of a public trail easement across private lands.
- Traps must be equipped with anchor chains attached to the center of the base plate of the trap. The chain shall have a double swivel mechanism to prevent tangling of the chain; and must have a spring device which serves as a shock absorber.
- Chain length requirements for foothold traps set on land are as follows:
 - When anchored by a stake, a chain or cable of 30 inches or less must be utilized.
 - When anchored by a drag, a chain or cable of six feet or more must be utilized.
 All foothold traps with an inside jaw spread of 5 ½ inches or greater and set on land must be equipped with a pan-tension device set to a minimum release pressure of 3 1/2 pounds tested at the center of the pan.

USE OF ARTIFICIAL LIGHT

8 CCR 1201-12, 3.12

TRAPS AND CABLE DEVICE TRAPS

ARTICLE XVIII, 12B
OF THE COLORADO
CONSTITUTION,
8 CCR 1201-12, 3.00 -
7.00

CABLE DEVICE TRAPS

- An owner or lessee of a parcel of private property, or the employees of such owner or lessee, may use cable device traps on his parcel of private property so long as the following conditions are met:
- The property is primarily used for commercial livestock or crop production
- The use of cable device traps occurs only on the private property
- Such use does not exceed one thirty-day period per year for each parcel of private property as allowed by the CPW "30-day Trapping Exemption Permit"
- The owner or lessee can present on-site evidence to CPW that ongoing damage to livestock or crops has not been alleviated by the use of methods
- Nonlethal cable device traps set on land must be equipped with an in line swivel placed at least one (1) foot from the stake and with a stop designed to restrain furbearers, without suffocation, by preventing the cable device trap from closing to a circumference of not less than 10.5 inches; except stops may be set at a circumference of not less than 8.0 inches in areas and at times when red fox are causing damage to livestock. All cable device traps must break away at a maximum of 350 pounds of pull.
- Lethal cable device traps must break away at a maximum of 350 pounds of pull.
- ~~5STVWUWCS~~ traps may not be used within 30 feet of either side of a public trail easement across private lands.

CHECKING FREQUENCIES

- All foothold traps, live traps, and non-lethal cable device traps shall be checked a minimum of 3 times per week: twice, 2 days apart and once, 3 days apart in any seven-day period (any combination of 2-2-3).
- Lethal cable device traps, lethal traps and drowning sets shall be checked a minimum of once every 7 days.
- Any animals found in traps or cable device traps upon checking shall either be released or humanely killed and removed.

There are additional restrictions if the agricultural land is in kit fox, lynx and/or river otter areas. Please contact CPW for more information.

CAPTURE OF NON-TARGET ANIMALS

In the event of live capture of a non-target animal or other species that is not a state or federally identified threatened, endangered, at risk or otherwise protected species, the non-injured animal shall be immediately released. An injured animal shall be quickly and humanely killed or transported to a current CPW-licensed wildlife rehabilitator. If the animal cannot be released without human endangerment, the animal shall be quickly and humanely killed.

If the non-target animal is a state or federally identified threatened, endangered, at risk or otherwise protected species, the following provisions apply:

If the non-target animal is uninjured and can be released without human endangerment, the animal shall be immediately released. If the non-target animal cannot be released without human endangerment or is injured refer to applicable federal and/or state law pertaining to other disposition, reporting requirements and penalties. For information regarding federal law, contact the assistant regional director for law enforcement of the U.S. Fish and Wildlife Service; for information regarding state law, contact CPW.

LIVE CAPTURE OF TARGET ANIMALS

If the target depredating animal is taken alive, the animal shall be quickly and humanely killed, or the animal may be relocated if prior approval has been granted by CPW.

DISPOSITION OF ORPHANED YOUNG OF DEPREDATING ANIMALS

If orphaned young of depredating animals are found, they must be transported to a current CPW licensed wildlife rehabilitator or quickly and humanely killed.

If orphaned black bear cubs are found before August 1st of their birth year, they shall be either transported to a current CPW-licensed wildlife rehabilitator or quickly and humanely killed; those found after August 1st of their birth year shall be left to survive on their own.

If orphaned mountain lions are found with obvious spotting they shall be either transported to a current CPW-licensed wildlife rehabilitator or quickly and humanely killed; those without obvious spotting shall be left to survive on their own.



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Predicides may be used on private property by certified APHIS Wildlife Services employees or other certified persons authorized pursuant to the Pesticide Applicators' Act, §35-10-101, C.R.S. and in accordance with the product label directions so long as all of the following conditions are met:

- The property is primarily used for commercial livestock or crop production; and
- The use of pesticides occurs only on the owner or lessee's property; and
- Such use does not exceed one thirty-day period per year for each parcel of private property as allowed by the CPW "30-day Trapping Exemption Permit"; and
- The owner or lessee can present on-site evidence to CPW that ongoing damage to livestock or crops has not been alleviated by the use of other methods

PREDICIDES
8 CCR 1201-12, 3.9

Guard dogs, decoy dogs, coursing dogs, and trailing dogs are allowed. Incidental take by these dogs is not unlawful.

DOGS
8 CCR 1201-12, 3.10.1

Agriculture producers can also use the US Department of Agriculture's (USDA) Wildlife Services to help mitigate depredation losses. For more information visit www.aphis.usda.gov/wps/portal/aphis/ourfocus/wildlifedamage or call (303) 236-5810.

USDA WILDLIFE SERVICES



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COLORADO
Department of Agriculture



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