

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 a U.S. Department of Agriculture (USDA) official [identification device pursuant to 9 C.F.R. § 77.33 \(effective July 29, 2014\)](#) and/or eartags provided or approved by the Division. ~~eartags or tags approved by the Division.~~ CPW incorporates [9 C.F.R. § 77.33 \(effective July 29, 2014\)](#) by reference, but not later amendments or editions. Such document can be viewed, and copies obtained from the Division as set forth in the "Incorporated References" section of Chapter 0 of these regulations or from the USDA at 4700 River Road, Riverdale, MD 20737.
- ~~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.~~

46. CWD Surveillance

Commercial Wildlife Parks facilities seeking to move live ~~cervids~~~~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. ~~Cervids~~ ~~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 ~~cervids, except fallow deer, 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) ~~cervids, except fallow deer, 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 ~~fallow deer and~~ young born into a herd during the sixty month surveillance period, provided that all other ~~cervids, except fallow deer, deer and elk~~ in the facility during that time period and all ~~cervids, except fallow deer, 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 ~~cervids, except fallow deer, deer or elk~~ transported within Colorado as described in ~~G-4~~ 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. ~~Except fallow deer, A~~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 and the Division shall have 5 business days to review all necessary surveillance documents. 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 captive wild ungulates imported into Colorado must be tagged with a USDA official animal identification device pursuant to 9 C.F.R. § 77.33 (effective July 29, 2014) and/or eartags provided or approved by the Division. Source-herd premises information must be provided, 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. CPW incorporates 9 C.F.R. § 77.33 (effective July 29, 2014) by reference, but not later amendments or editions. Such document can be viewed, and copies obtained from the Division as set forth in the "Incorporated References" section of Chapter 0 of these regulations or from the USDA at 4700 River Road, Riverdale, MD 20737.
- 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, pre-approved 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.
 - b. ~~Be accompanied by a~~The health certificate completed by an accredited veterinarian with 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."
 - c. Originate from a herd determined to be tuberculosis monitored, qualified, or accredited under the USDA, APHIS's Uniform Methods and Rules—Bovine Tuberculosis Eradication (January 22, 1999, edition), as amended by VS Bulletin

2018.02, "Animal Additions to Tuberculosis (TB)-Accredited Cervid Herds" and must have been a part of said herd not less than 12 months prior to import into Colorado, unless the animal is a natural born addition. These documents are available for inspection at the APHIS reading room, room 1141, USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. These documents can also be viewed or copied at CPW headquarters as set forth in the "Incorporated References" section of Chapter 0 of these regulations; Or

- d. 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~~
 - ~~e. 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, except fallow deer, 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): Shall test ~~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 5 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.
1. 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. ~~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. In all such cases, there shall be no obligation for the state to compensate the owner of the animals.~~
 - a. 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, ~~prevalence in surrounding free-ranging cervid populations,~~ and other relevant factors.
 - b. If the Division and Dept. of Agriculture agree that the herd does not present a substantial risk, then a herd plan shall be developed and approved by the Division and the Dept. of Agriculture to replace a quarantine. ~~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.~~
 2. ~~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.
- DE. 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).
- EF. 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.

APPENDIX A - ~~RESERVED~~STANDARDS FOR ACCREDITED ELK HERD STATUS

The following guidelines will be used by the Colorado Department of Agriculture (Dept. of Agriculture) as the basis for granting TB "Accredited Herd" statuses to Colorado elk herds. This status will be granted to those herds which have (1) complied with the standards set forth in these guidelines and (2) made application to the Dept. of Agriculture for TB Accredited Elk Herd status.

I. ~~DEFINITIONS~~

- A. ~~Cervical Tuberculin Test~~ for deer, elk, and other Cervidae is the intradermic injection of 0.1 ml. of U.S. Department of Agriculture (USDA) Bovine Purified Protein Derivative (PPD) Tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours. This test must be conducted under the guidelines contained in the current USDA Veterinary Services Notice titled "Tuberculin Testing of Cervidae" by veterinarians employed full time by the state, USDA, or by an accredited veterinarian. All herd and individual animal tests conducted for Herd Status under these guidelines must be by the Cervical Tuberculin Test procedure except where other tests are specifically recommended by the Dept. of Agriculture or the USDA.
- B. ~~Test Eligible Animals~~ Testing of herds for Accredited status or reaccreditation must include all Cervidae over 12 months of age. All natural additions must be individually identified and recorded on the test report as members of the herd at the time of the annual test. All cloven hoofed ruminants and camelids over one year of age must be included in all herd tests if such animals have had contact or opportunity for contact with deer or elk in the accredited herd.
- C. ~~Annual Tests~~ Complete herd tests of all test eligible animals which are conducted at intervals of not less than 8 months nor more than 14 months. All animals in the herd must be tested within a time period of 180 days.

II. ~~HERD STATUSES~~ In order to qualify for a "Colorado TB Tested Elk Herd" or "Colorado TB Accredited Elk Herd" status, an "Application for Elk Herd Status" must be completed and submitted to the Colorado State Veterinarian. Supporting documents verifying herd tests, sources of herd additions, tests of purchased additions, and results of post-mortem examinations must be attached to this completed application.

- A. ~~Colorado TB Tested Elk Herd~~ Herds will be granted this status upon application and on the basis of one complete herd test with no evidence of mammalian tuberculosis disclosed. This test must include all Cervidae over one year of age. This status will expire 12 months after the date of the complete herd test.
- B. ~~Colorado TB Accredited Elk Herd~~ To qualify for accredited herd status, the herd must pass at least two consecutive annual tests with no evidence of mammalian tuberculosis disclosed. All animals must be bona fide members of the herd. The accreditation period will be 36 months from the date of the reaccreditation test. To qualify for reaccreditation the herd must pass a complete herd test of all eligible animals at three year intervals following the first annual test.

III. ~~HERD ADDITIONS~~ herd additions (other than natural additions) must originate from one of the following sources:

- A. ~~Another Colorado TB Accredited Elk Herd, or from a herd accredited by another state (or province) under guidelines equivalent to Colorado's.~~
- B. ~~A herd that has passed a herd test of all eligible animals over 12 months of age, and the individual animals for addition were negative to the tuberculin test within 90 days of being added to the Accredited Herd.~~

~~C. Individual animals which have passed a negative test within 60 days prior to entering the premises of the herd, and must be kept in isolation from all members of the accredited herd until negative to a test conducted at not less than 90 days after date of pre-entry test.~~

~~D. Individual animals which were added to the herd at less than 12 months of age will not be considered a part of the accredited herd until they have: (1) Reached 12 months of age, and (2) passed two negative tests conducted at least 90 days apart and after their 12th month of age. Animals under 12 months of age which originated from another accredited herd or a tested herd (see A & B above) are not subject to these retest restrictions.~~

~~IV. POST-MORTEM EXAMINATION - An attempt will be made by the herd owner/manager to have a post-mortem examination conducted on: (1) all adult animals which die of non-accidental causes, and (2) a representative sample of adult animals harvested by hunting or slaughtered at non-inspected facilities.~~

APPENDIX B - RESERVEDTUBERCULIN TESTING OF CERVIDAE

The cervical tuberculin test for deer, elk, and other Cervidae is the intradermic injection of 0.1 ml. of U.S. Department of Agriculture (USDA) contract PPD-Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours.

The injection site measuring approximately 2 1/2 inches square must be clipped using electric clippers with a fine blade and be carefully checked for extraneous reactions from prior injuries or drug administrations. The injection is made in the center of the clipped area and if properly done should result in a distinct bleb at the injection site. Reading of the cervical tuberculin test is by palpation. This requires that the skin be grasped so as to cause a fold over the injection site and then carefully palpated by running the thumb and fingers of the opposite hand back and forth along the fold. Palpation which is limited to running the fingertips over the skin surface is not acceptable.

Any response, irrespective of size, detected by palpation or visually will be considered a suspicious test and the responding animal will be classified as SUSPECT. If there is reason to suspect the animal or herd had been exposed to Mycobacterium bovis, such responses shall be classified as POSITIVE. All responses must be reported. The response size shall be recorded in millimeters (estimated) of increased skin thickness on VS Form 6-22, Tuberculosis Test Record, or other official form. The official USDA metal eartag is the only acceptable form of identification, except that animals bearing official eartags of other countries need not be retagged.

SUSPECT animals may be handled in one of two ways as follows:

- ~~1. SUSPECT animals shall be held for a comparative cervical (C-C) tuberculin test to be applied no less than 90 days following the injection of the cervical test. Veterinary Medical Officers (VMOs), State or Federal, must be specifically approved to conduct the C-C test. The C-C test is applied exactly as for cattle except that all animals having equal sized avian and bovine responses or predominantly bovine responses shall be classified as POSITIVE. OR~~
- ~~2. They shall be sacrificed at owner's expense and receive a complete necropsy by, or in the presence of, a State or Federal VMO. Tissue samples for histopathological examination and culture shall be collected and submitted to the National Veterinary Services Laboratories, Ames, Iowa, irrespective of whether suspicious tuberculous lesions are found. In the absence of gross lesions, the VMO will submit pooled tissue samples including portions of the following lymph nodes: mandibular, retropharyngeal, parotid, mediastinal (middle and caudal), tracheobronchial (right and left), and hepatic.~~

Cervidae herds with tuberculosis suspects should receive a complete herd test of all adult animals. If all cervical test SUSPECT deer are found negative on a C-C test or are found free of tuberculosis lesions at necropsy, including negative histopathology and culture, the herd may be relieved of all further restrictions.

When animals are classified as POSITIVE to the C-C tuberculin test, the disease status of the herd must be evaluated by a tuberculosis epidemiologist. The final herd disease status will be determined based on necropsies, herd history, additional herd tests, and other diagnostic procedures as needed.

Herds in which M. bovis infection is confirmed should be retested only with the cervical test using 0.2 ml. of USDA, PPD-Bovis or special double strength single cervical test PPD-Bovis. All animals showing a response to the 0.2 ml. cervical injection should be classified as POSITIVE.

In all cases of Cervidae investigated for tuberculosis the herd quarantines and followup procedures are the responsibility of the State animal health official.

Basis and Purpose:

Modifying the disease testing requirements for cervids in commercial parks

The Colorado Department of Agriculture (CDA) revised its regulations concerning the prevention of disease in alternative livestock effective June 15, 2022. There is split jurisdiction between CDA and CPW regarding the possession of privately held deer and elk and CPW has the authority to regulate the possession of deer and elk at commercial wildlife parks licensed by CPW. To maintain consistency in the regulation of privately held cervids in Colorado, CPW removed tuberculosis testing requirements for intrastate movement of alternative livestock and chronic wasting disease (CWD) testing requirements for import, certification and movement of fallow deer. Additionally, CPW updated language on ear-tagging and testing procedures to remain consistent with CDA regulations.

There has not been a documented case of bovine tuberculosis in captive cervids since the early 1990s and CDA and CPW feel eliminating the tuberculosis testing requirements for the intrastate movement of alternative livestock poses a low risk. However, testing requirements should remain in place for the interstate movement of cervids.

Similarly, to date there have been no documented cases of CWD in fallow deer under natural exposure conditions. There is no current evidence that fallow deer are susceptible to CWD under natural exposure conditions and CDA and CPW feel eliminating the CWD testing requirements for fallow deer would pose low risk for CWD transmission. Modifications serve to relax disease-testing requirements, clarify ear-tagging and testing procedures, streamline language for improved readability, and will not result in an increased burden on producers.

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:

- **§§ 33-1-106(4), 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.**
- **§ 33-9-102, C.R.S.**

EFFECTIVE DATE – THE REGULATIONS HEREIN SHALL BECOME EFFECTIVE SEPTEMBER 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 21ST DAY OF JULY, 2022.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Marie Haskett
Secretary

Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Eric R. Olson
Solicitor General



STATE OF COLORADO
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Office of the Attorney General

Tracking Number: **2022-00251**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (406 Series, Wildlife)
ON 07/21/2022**

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

The above-referenced rules were submitted to this office on 07/25/2022 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.

July 26, 2022 14:50:55 MST

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

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