

FINAL REGULATIONS - CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE

Introduction to Chapter 11

In this introduction to chapter 11 we outline possession requirements for live wildlife as found in Colorado wildlife law. There is growing interest in the private possession of live wildlife. At the same time there is considerable confusion over the laws regarding such private possession. Colorado wildlife law generally prohibits the importation, live possession, sale, barter, trade, or purchase of any species of wildlife native to Colorado (33-6-109, 33-6-113, 33-6-114 C.R.S.). In addition, these same laws restrict or prohibit the importation and possession of exotic (non-native) wildlife (33-6-109(4), C.R.S.); and noncommercial (pet) possession of regulated mammals has been prohibited by these regulations since 1983.

Live possession of Wildlife is permitted only under the exceptions noted below and as further detailed in Parks and Wildlife Commission regulations and Colorado statutes, See C.R.S. 33-1-106, 33-6-109, 33-6-113, 33-6-114, 18-9-202. The Commission also maintains a "prohibited species" list in Chapter 0. The possession of these species is severely restricted.

The Parks and Wildlife Commission establishes these regulations in an effort to balance its mandate to protect native species of wildlife in Colorado from the impacts which could be caused by the introduction of exotic (non-native) species with the public interest and demand for the private possession of live wildlife.

Reptiles and Amphibians - Chapter 10 of these regulations provide that any person can possess up to four total from a list of sixteen common native herptile species for personal use. These animals may not be sold, traded, or bartered and there are restrictions on release back into the wild.

Scientific Collection permit - Chapter 13 allows for the lawful possession of live wildlife under the authority of a scientific collection permit. Specific permit conditions and restrictions apply and may vary from permit to permit based on the needs of the permittee as well as appropriate protection of wildlife resources.

Wildlife Rehabilitation - Chapter 14 allows for the lawful possession of live wildlife by licensed rehabilitators as a means to care for sick, injured or orphaned wildlife. With few exceptions, possession is allowed only long enough for the animal to recover or mature.

Falconry and Hawking - Chapter 6 allows for the possession of falcons, hawks, and eagles for falconry purposes. Persons possessing these birds must be properly licensed by the Division and, if required by federal law, the U.S. Fish and Wildlife Service. Possession limits and other restrictions apply.

Aquaculture - Colorado statutory law recognizes that fish may be held and propagated under the authority of an aquaculture permit issued by the Department of Agriculture. In addition, chapter 12 authorizes the possession of fish for use in aquaria with some restrictions.

Bait dealers - Chapter 1, fishing, authorizes bait dealers and individuals to possess certain live fish as bait. Specific restrictions apply.

Common snapping turtles (*Chelydra serpentina*) - Chapter 0, General Provisions, authorizes the live possession of common snapping turtles by any person.

Wildlife Park Licenses - Chapter 11 provides for lawful possession, propagation and sale of native and exotic wildlife via a mandatory licensing process. This includes possession of any live wildlife, other than those discussed above or listed as "unregulated" wildlife. Examples include: Any live mammals (including furbearers), game birds, or other terrestrial wildlife not specifically listed on the unregulated wildlife list. Persons possessing live wildlife under a Commercial Wildlife Park License are required to maintain their commercial status.

Unregulated Wildlife - No license is required for the private possession or purchase of animals, which are included on the unregulated wildlife list or the domestic animal list. These animals may be sold, bartered, traded, exchanged, propagated or purchased by any person provided that importation requirements of the Department of Agriculture, health certifications, or any other federal, state or local requirement are met. There are no possession limits.

These chapter 11 regulations clarify that it is unlawful to intentionally release any wildlife declared to be unregulated. The wildlife on these lists are typically sold, purchased, possessed and propagated as pets, maintained by hobbyists, or raised for food and fiber within Colorado's alternative livestock industry. If an animal is not listed on either the unregulated wildlife or the domestic animal list it cannot be lawfully sold to an unlicensed person unless specifically authorized by Commission regulation.

ARTICLE I - GENERAL PROVISIONS

#1100 - DEFINITIONS

- A. "Commercial use" for the purpose of this chapter means using captive wildlife in sale, trade, barter, brokerage or other commerce with the motive to generate profit from such use.
- B. "Domestic animal" – means those animals which through long association with humans have been bred to a degree which has resulted in genetic changes affecting the color, temperament and conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species.
- C. "Prohibited Species" – means those species that the Commission has determined would be detrimental to Colorado's native wildlife. See Parks and Wildlife Commission Regulations, General Provisions, Article VIII, sections #008 and #012.
- D. "Tropical" – means those regions lying between The Tropic of Cancer at 23.5 degrees north latitude and the Tropic of Capricorn at 23.5 degrees south latitude. In this chapter this reference is for those species of wildlife that are resident breeders of this region.
- E. "Subtropical" – means those regions adjacent to the tropics, within the zone from 23.5 degrees north latitude to 26.0 degrees north latitude and from 23.5 degrees south latitude to 26.0 degrees south latitude. This definition applies to those regions that lay near the tropical zone and contain wildlife that are resident breeders of this region.
- F. "Unregulated Wildlife" – means wildlife listed in section #1103 of these regulations which may be possessed without a license as authorized by the Commission. See also regulation #1114.
- G. "Wildlife Sanctuary" – means a place of refuge where a nonprofit entity provides care for abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife for their lifetime and, with respect to any wildlife owned by such entity, does not: use the animal for any type of entertainment; sell, trade, or barter the animal or the animal's body parts, except as authorized by rule promulgated by the Commission; or breed the animal.

#1101 - Vacant

ARTICLE II - LICENSE REQUIREMENTS, LICENSE EXEMPTIONS, LICENSE TYPES, APPLICATION AND RECORD REQUIREMENTS, AND LICENSE RENEWAL.

#1102 - LICENSE REQUIREMENTS

- A. Except as authorized by Parks and Wildlife Commission regulation:

1. No person shall possess, sell, propagate, acquire, purchase, broker, transport, trade, barter or attempt to sell, propagate, acquire, purchase, broker, trade or barter live wildlife unless such person first obtains a proper license.
2. No person shall possess, buy, sell or attempt to buy or sell live wildlife or barter, trade or broker live wildlife except to or from persons properly licensed to purchase, sell, barter, trade, broker or possess such wildlife. When permitted by statute or Parks and Wildlife Commission regulation, any person may buy or sell captive wildlife that is in the total custodial care of another licensed individual; however, ownership of said wildlife shall be indicated on the licensee's annual report.
3. All live wildlife possessed under the authority of these regulations must be approved by the Division and listed by species on the license. Live wildlife held under the authority of a commercial park license issued pursuant to this chapter may be possessed only for the stated commercial use. Wildlife held under the authority of this license must be held in a licensed facility unless it is being transported due to sale or purchase, for veterinary care, or to and from an exhibition approved by these regulations.
4. Approval of a license application shall not be granted if the proposed wildlife is deemed to be detrimental to native wildlife. Such approvals shall limit the species to be possessed and shall specify fencing configuration requirements necessary to protect Colorado's wildlife resources from significant negative impacts. Such approvals, denials, and any conditions imposed on such license shall be based on consideration of:
 - a. Potential habitat competition, damage or destruction.
 - b. Disruption of migration, breeding, or rearing and survival of young.
 - c. Predation.
 - d. Disease.
 - e. Potential for hybridization.
 - f. Any other wildlife management criteria.

Additionally, these restrictions may include those necessary to minimize the danger to humans, domestic livestock or property.

5. New applications for Commercial Wildlife Park Licenses or new satellite facilities for species in the family *Cervidae* will not be approved anywhere in the state. Licenses issued prior to September 13, 2001 are eligible for renewal for 2002, except that licenses for mule deer are only eligible for renewal if the deer were in possession when the renewal application was received by the Division.
6. All big game animals owned by the State shall be removed from the confines of the proposed commercial area at the applicant's expense before the application for a license is approved. The applicant shall provide to the Division a plan or plans for removal. The Division shall supervise all removal operations. Where complete removal is not possible or management on site is deemed appropriate by the Division, the State must be fully compensated pursuant to written agreement for the animals and/or provide sufficient free public hunting to remove the animals.
7. Licenses shall be issued only for facilities which are owned, managed and/or leased by a single individual, partnership, limited liability company, cooperative, or corporation.
8. Licensees shall notify the Division when substantive changes to their commercial parks facility, such as fence length, fence configuration or acreage enclosed, the addition of non-contiguous parcels of land (satellite facilities), or species to be possessed are planned. Satellite facilities must comply with all licensing criteria and other applicable regulations. Such changes must be approved by the Division prior to construction or acquisition to include necessary license amendments.
 - a. To add additional species of wildlife to an existing license, the licensee must fill out a new license application listing the desired species. The amended license must be approved prior to the licensee acquiring and possessing any previously unapproved

species. In addition, the licensee must inform the Division in writing within 10 days following the acquisition of any new species.

9. Except for wildlife sanctuaries, only AZA (Association of Zoos and Aquariums) accredited or certified facilities shall be permitted to possess animals from the families *Canidae*, *Felidae* and *Ursidae*, except that those animals lawfully in possession at such facilities before January 1, 2006 may be retained and those facilities licensed by the Division as a commercial wildlife park prior to January 1, 2001, and incorporated as a 501(c)(3) non-profit, which functioned as a wildlife sanctuary, may continue to import and possess animals from these families. Only wildlife sanctuaries accredited or certified by the AZA (Association of Zoos and Aquariums) or accredited or verified by the GFAS (Global Federation of Animal Sanctuaries) shall be licensed to possess any animals.

B. Facility Contingency Plans

1. Animals from the families *Canidae*, *Felidae* or *Ursidae* may only be possessed at facilities that have a written contingency plan approved by the Division. The purpose of the contingency plan will be to detail the procedures that will be followed in the event the Division must provide for the disposition of animals in the families *Canidae*, *Felidae* or *Ursidae* if the facility is abandoned, the facility's license expires pursuant to #1107(A) of these regulations, or the facility's license is revoked pursuant to #1107(G) of these regulations. The contingency plan shall include provisions for the care and ultimate disposition of all such animals in the families *Canidae*, *Felidae* and *Ursidae* within sixty (60) days.
2. The contingency plan shall include detailed cost estimates to perform the specified activities and shall be updated every year at the time of license renewal, or whenever acquisition or disposition from the families *Canidae*, *Felidae* or *Ursidae* results in an aggregate population change greater than ten (10) percent in these three families during the year.

C. Financial Assurance

1. Prior to initial licensure or renewal of any license, any facility seeking authorization to possess animals in the families *Canidae*, *Felidae* or *Ursidae* must demonstrate financial assurance or bonding sufficient to fund the contingency plan. The facility may satisfy the financial assurance requirements through issuance of an irrevocable letter of credit, surety bond, insurance, or other financial assurance acceptable to the Division.
2. Facilities possessing animals in the families *Canidae*, *Felidae* or *Ursidae* shall establish a standby trust approved by the Division to receive the designated funds upon notification by the Division to the issuing institution that facility abandonment has occurred or the facility's license has been terminated or revoked and the animals have not been properly disposed of in accordance with #1107 of these regulations. The standby trust shall also provide for disbursement of funds as directed by the Division and as otherwise necessary for care and disposition of the animals, such funds not to exceed the amount of the approved contingency plan. All forms of financial assurance shall be issued for at least one- (1) year (premiums or other costs of issuance shall be prepaid by the facility) and shall provide for automatic extension for subsequent one- (1) year periods unless the issuing institution notifies the Division by certified mail at least 120 days prior to expiration of the present term of its decision not to extend.

#1103 - EXEMPTIONS FROM LICENSE REQUIREMENTS:

- A. Domestic animals - The following animals are considered domestic and are exempted from the requirements of Parks and Wildlife Commission regulations:

Domestic dog (*Canis familiaris*) including hybrids with wild canids
 Domestic cat (*Felis catus*) including hybrids with wild felines
 Domestic horse (*Equus caballus*) including hybrids with *Equus assinus*
 Domestic ass, burro, and donkey (*Equus assinus*)
 Domestic cattle (*Bos taurus* and *Bos indicus*)
 Domestic sheep (*Ovis aries*)
 Domestic goat (*Capra hircus*)
 Domestic swine (*Sus scrofa domestica*)
 Domesticated races of hamsters (*Mesocricetus* spp.)
 Domesticated races of mink (*Mustela vison*)
 Domesticated races of guinea pigs (*Cavia porcellus*)
 Domesticated races of gerbils (*Meriones unguiculatus*)
 Domesticated races of chinchillas (*Chinchilla laniger*)
 Domesticated races of rats (*Rattus norvegicus* and *Rattus*)
 Domesticated races of mice (*Mus musculus*)
 Domesticated races of European rabbit (*Oryctolagus cuniculus*)
 Domesticated races of chickens (*Gallus*)
 Domesticated races of turkey (*Meleagria gallopavo*) distinguished morphologically from wild birds
 Domesticated races of ducks and geese (*Anatidae*) distinguishable morphologically from wild birds
 Domesticated races of European ferret (*Mustela putorius*)
 Domesticated races of pigeons) and feral pigeons (*Columba domestica* and *Columba livia*)
 Domesticated races of guinea fowl (*Numida meleagris*)
 Domesticated races of peafowl (*Pavo cristatus*)
 Bison (*Bison*) including hybrids with domestic cattle
 Asian Water Buffalo (*Bubalus bubalis*)
 Ostrich (*Struthio* spp.)
 Llama (*Lama glama*)
 Rhea (*Rhea* spp.)
 Emu (*Dromiceius* spp.)
 Alpaca (*Lama pacos*)
 Reindeer (*Rangifer tarandus*)
 Yak (*Bos grunniens*)
 Camels (*Camelus bactrianus* and *Camelus dromedarius*)

- B. Unregulated Wildlife - Prior to adoption of this regulation (#1103(B)), possession of the listed species was expressly prohibited by Section 33-6-109(4), C.R.S. The decision of the Commission to authorize this possession as herein provided is based on the scientific evidence available to it at the time of adoption of the regulation. The Commission retains the statutory authority and duty to amend these regulations and to impose requirements, restrictions, and/or prohibition on possession of any of the listed species if and when further evidence comes to the Commission's attention which makes such amendments appropriate.

Except for the provisions of section #007 regarding importation of terrestrial wildlife, #008 regarding prohibited terrestrial wildlife, #009 regarding release of terrestrial wildlife, #011 regarding importation of aquatic wildlife, #012 regarding possession of aquatic wildlife, #013 regarding release of aquatic wildlife, and section #1114 regarding the addition of species to the unregulated wildlife list, the wildlife enumerated in this list are otherwise exempted from the requirements of Parks and Wildlife Commission regulations.

Unregulated wildlife may be imported, sold, bartered, traded, transferred, possessed, propagated and transported in Colorado provided that all importation, disease requirements and any other state, local or federal requirements are met. Statutory restrictions still apply.

All marine animals (vertebrates and invertebrates) except for anadromous and catadromous species.

Mammals:

African pygmy hedgehog (*Atelerix albiventris*, *Erinaceus albiventris*)
Sugar Gliders (*Petaurus breviceps*)
Short-tailed Possum (*Monodelphis domestica*)
Dama (Tammar) Wallaby (*Macropus eugenii*)
Swamp Wallaby (*Wallabia bicolor*)
Bennet (Red-necked) Wallaby (*Macropus rufogriseus*)
Red Kangaroo (*Macropus rufus*)
Wallaroo (*Macropus robustus*)
Zebras and Zebra hybrids

Fishes:

All tropical and subtropical fishes
Common goldfish (*Carassius auratus*)
Koi

Birds:

All tropical and subtropical birds in the Order Passeriformes: including but not limited to birds in the families:

Sturnidae (Mynahs)
Ramphastidae (Toucans, Toucanettes)
Fringillidae (Siskins)
Estrildidae (Finches)
Emberizidae (Cardinals)
Ploceidae (Weavers)
Timaliidae (Mesias)
Viduinidae (Wydahs)
Thraupidae (Tanagers)
Zosteropidae (Zosterops).
European Goldfinch (*Carduelis carduelis*)
All *Psitticine* birds

Reptiles and Amphibians:

All non-native tropical and sub-tropical species of snakes in the families:

Boidae (giant snakes)
Colubridae (modern snakes), except venomous species
Acrochordidae (file and elephant trunk snakes)
Xenopeltidae (sunbeam snakes)
Aniliidae (pipe snakes)
Uropeltidae (shield-tailed snakes)

All non-native tropical and subtropical species of lizards in the following families or subfamilies:

Agamidae (chisel-teeth lizards)
Anelytropsidae (snake lizards)
Anguinae (glass and alligator lizards)
Chamaeleonidae (chameleons)
Cordylidae (girdle-tailed lizards)
Corytophanidae (casquehead lizards)

Crotaphytidae (collared and leopard lizards)
Dibamidae (blind lizards)
Feyliniidae (African snake skinks)
Gekkonidae (geckos)
Pygopodidae (snake lizards)
Scincidae (skinks)
Eublepharidae (Eyelid geckos)
Helodermatidae (beaded lizards, gila monsters)
Iguanidae (iguanas)
Lacertidae (wall lizards)
Lanthanotidae (earless monitor)
Phrynosomatidae (earless, spiny, and horned lizards)
Polychridae (anoles)
Teiidae (whiptail)
Tropiduridae (neotropical ground lizards)
Varanidae (monitor lizard)
Xantusiidae (night lizard)
Xenosauridae (knob-scaled lizards).

All non-native tropical and subtropical species of turtles in the families:

Carettochelyidae (New Guinea softshell turtles)
Dermatemydidae (Central American river turtles)
Kinosternidae (mud and musk turtles)
Testudinidae (tortoises)
Trionychidae (soft-shelled turtles)

Red-eared slider (*Trachemys scripta*)

All non-native tropical and subtropical species of frogs and toads in the families:

Atelopodidae (stub-footed toads)
Bufo (true toads)
Centrolenidae (glass frogs)
Dendrobatidae (poison dart frogs)
Hylidae (tree frogs)
Leptodactylidae (tropical frogs)
Microhylidae (narrow-mouthed toads)
Pelobatidae (spadefoot toads)
Pelodytidae (spadefoot toads)
Phrynomeridae (snake-necked frogs)
Pipidae (clawed frogs, Surinam toads)
Pseudidae (Harlequin frogs)
Ranidae (true frogs)
Rhacophoridae (flying frogs)
Rhinophrynidae (cone-nosed toads)

Leopard frog acquired from lawful out-of-state source or instate commercial producer.
Tiger salamander acquired from lawful out-of-state source or instate commercial producer.
Oriental fire-bellied toad (*Bombina orientalis*)
Order *Gymnophiona* - Caecilians, tropical amphibians
Order *Urodela* - Salamanders and newts
Suborder *Amphisbaenia* - Worm lizards
Caimans

Members of the subfamily *Phasianinae* not native to North America except chukar partridge, grey partridge, red-legged partridge and ring-necked pheasant.

Those species of ducks, geese and swans not listed in the regulations of the U.S. Fish & Wildlife Service in the Code of Federal Regulation 50 CFR. 10.13 (October 1, 1994). This rule does not incorporate amendments to said U.S. Fish and Wildlife Service regulations. Information regarding this rule or copies may be obtained from the Terrestrial Wildlife Section, 6060 Broadway, Denver, CO 80216.

- C. The Cheyenne Mountain Zoo, Denver Zoo, Landry's Downtown Aquarium, and Pueblo Zoo are exempted from the requirements of Parks and Wildlife Commission regulations.
- D. Any person with a valid scientific collecting license issued by the Division, or any person possessing animals used in carnival and animal acts which are licensed by the U.S. Department of Agriculture and the Division pursuant to #1104.A.3 of these regulations, is exempted from other generally applicable requirements of Parks and Wildlife Commission regulations, except for the provisions of section #007 regarding importation of terrestrial wildlife, #008 regarding prohibited terrestrial wildlife, #009 regarding release of terrestrial wildlife, #011 regarding importation of aquatic wildlife, #012 regarding possession of aquatic wildlife, and #013 regarding release of aquatic wildlife. Provided however, that further exceptions to these specific regulatory provisions may be authorized by the Division as conditions to a person's scientific collecting license or non-resident temporary exhibitor's license.
- E. No license is required for wildlife taken in accordance with Parks and Wildlife Commission regulation #1000(A)(6).
- F. No wildlife park license is required to possess up to 25 privately-owned game birds for up to 60 days, provided that they are being held specifically for release in accordance with #007, #008 and #009 of these regulations.

#1104 - LICENSE TYPES

A. Commercial Wildlife Park License

Commercial Wildlife Park Licenses are issued to a person or persons for the operation of privately owned wildlife parks and for the related commercial use of such wildlife including: buying, selling, propagating, brokering or trading of lawfully acquired captive wildlife; charging customers to hunt on such a park; or, exhibiting wildlife for educational or promotional purposes.

- 1. Big Game Hunting Park - Issued for hunting privately owned big game animals on private property. No new big game hunting park licenses shall be issued after July 1, 1996, except when a change of ownership occurs on an existing Big Game Hunting Park. The new applicant(s) must comply with all regulations in place at the time of the change of ownership when applying for the new license.
 - a. Big Game Hunting Park Carcass tags will be provided by the Division at no cost. No hunting license is required for hunting captive wildlife within the park. Hunting can occur year-round. All wildlife removed from the park must be accompanied by a carcass tag, properly attached, showing number, sex, age, species, date taken, park number, hunter's name and address and, if available, eartag and/or tattoo number of each animal taken.
 - b. All wildlife released into the park must be marked with a USDA official identification device pursuant to 9 C.F.R. § 77.33 (effective July 29, 2014) metal eartags and/or eartags provided or approved by the Division. All alternative livestock (fallow deer and elk) released into the park must be identified ~~tattooed~~ as provided by State Board of Livestock Inspection Commission regulations. 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.

- c. No live wildlife may be removed from the park.
 - d. All big game killed on Big Game Hunting Parks will be subject to the "Slaughter Surveillance Program" for bovine tuberculosis testing as provided for in regulation #008, and to CWD testing requirements in #1110.
2. Wildlife Exhibitors Park - Issued for the exhibition of live wildlife (except birds) for educational or promotional activities.
- a. Exhibition of animals in the families *Canidae*, *Felidae*, or *Ursidae* outside the licensed Wildlife Exhibitors Park premises is prohibited except under the following conditions:
 1. Animals must be caged at all times, except as provided in 1104(A)(2)(a)(2). Cages must be made from a minimum of 9 gauge wire, completely enclosed, including a top and a bottom; and shall be large enough to allow the animal being caged to stand up and turn around.
 2. Animals may be exhibited out of cage only when the exhibitor is covered by a current and in-force insurance policy in the face amount of no less than \$500,000 coverage for general liability. Copies of the liability insurance policy shall be forwarded to the Special License Unit of the Division prior to the scheduled event.
 3. Animals must remain caged during any exhibition in any educational institution.
 4. All incidents involving exhibited wildlife where injury to wildlife or people occurs must be reported to the Special Licensing Unit within 24 hours.
 - b. Exhibition of any wildlife for educational purposes is permitted under the following conditions:
 1. A copy of the authorization from the educational institution, if exhibited at an educational institution, must be submitted to the Special Licensing Unit prior to presentation.
 2. A copy of the lesson plan must be submitted on an annual basis to the Division Education Unit.
 - c. Wildlife Exhibitors Parks must be AZA accredited prior to and maintain such accreditation as a condition of the issuance of a license. Facilities previously licensed by the Division prior to January 1, 2006 may continue to operate under wildlife parks requirements without obtaining AZA certification.
3. Non-Resident Temporary Exhibitors License - Issued for the importation and exhibition of live regulated wildlife for educational, training or entertainment purposes from a facility outside Colorado that is properly licensed by the state of origin.
- a. Each Non-Resident Temporary Exhibitors license shall be valid for no more than 30 days within a calendar year.
 - b. All animals must be housed, transported, and displayed in a safe and humane manner. Any applicant who has been convicted of animal cruelty shall not be issued a license.

4. Wildlife Producers Park - Issued for trading, selling, propagating, bartering, shooting, brokering, and transporting, live wildlife (except birds) and wildlife parts.
5. Upland Bird and Waterfowl Hunting and Producers Park - Issued for the propagation and release of commercially raised upland game birds and waterfowl for preserve shooting.
 - a. Boundaries of licensed areas shall be clearly identified with fencing or other distinguishing features and shall be signed at intervals of not more than 400 yards. All hunting shall be limited to the area identified on the license.
 - b. Total harvest of any bird species released on a commercial wildlife park shall be limited to no more than the number of flight capable birds released in a calendar year.
 - c. Only the following wildlife species may be released and hunted under the authority of this license: Ring-necked pheasant, Gambel's, scaled, and bobwhite quail, chukar, gray partridge, and mallard ducks. Exceptions to this list may occur with the approval of the Director of the Division.
 - d. Wildlife taken under an Upland and Waterfowl Hunting and Producers Park may be taken within the licensed park without a hunting license, unless otherwise restricted by Federal law and may be taken from January 1 through December 31. A receipt must be issued to any hunter leaving the park with wildlife stating numbers of wildlife taken, sex, species, park number and date.
6. Zoological Park License - Issued for the operation of facilities, other than AZA-accredited zoos, open to the public for wildlife exhibition. Zoological Park License costs \$158.92 as provided in 33-4-102 C.R.S.
 - a. Zoological Parks must meet all criteria of 33-4-102(13)(a) C.R.S. as amended.

B. Non-commercial Wildlife Park License

Non-commercial Wildlife Park licenses are issued to a person or persons for the purpose of keeping birds other than raptors, or for species acquired in accordance with section 2 below.

1. A licensee may only buy, propagate, give, trade, exchange, release, import or export any lawfully acquired birds or eggs in accordance with Parks and Wildlife Commission regulations. Such license activity may not be engaged in for the purpose of generating a profit.
2. Persons in possession of a private non-commercial wildlife park license or in lawful non-commercial possession of exotic mammals prior to January 1, 1983 may continue to possess only those individual mammals and their progeny born after January 1, 1982, under a non-commercial wildlife park license.
3. Non-commercial Wildlife Park licenses are nontransferable and shall be valid for the life of the licensee. Any change in the location of the facilities for a noncommercial park must be approved as a license amendment, in advance, by the Division.

C. Wildlife Sanctuary Licenses

As provided in § 33-1-106, C.R.S., Wildlife Sanctuary licenses are issued to wildlife sanctuaries as defined in § 33-1-102, C.R.S.

1. Types of Licenses

a. Provisional Wildlife Sanctuary

1. Issued to nonprofit entities for the conditional operation of a wildlife sanctuary as defined in 33-1-102, C.R.S. Provisional wildlife sanctuary licenses expire December 31st of the year issued and may be renewed for up to one additional year after which time the facility must meet the requirements to obtain and be issued a wildlife sanctuary license. In the event that a facility fails to meet this requirement, all wildlife in possession must be transferred from the facility according to the approved contingency plan and the facility must wait a minimum of 5 years before re-applying for a new provisional wildlife sanctuary license.
2. Except for the provisions of Reg # 1105.A.8, the Division shall determine that the applicant has met the following requirements prior to the issuance of a provisional wildlife sanctuary license:
 - aa. Documentation demonstrating experience in the care and handling of the type of wildlife for which the applicant is seeking authorization to possess on their license.
 - bb. Letter of recommendation from a currently licensed Colorado wildlife sanctuary acknowledging the applicant's qualifications in the care and handling of captive wildlife.

b. Wildlife Sanctuary

1. Prior to the annual issuance or renewal of a wildlife sanctuary license, the Division shall determine that the applicant possesses a current provisional wildlife sanctuary license or a current wildlife sanctuary license issued by the Division.
2. All Wildlife Sanctuary licenses may be issued only to nonprofit entities.
3. Wildlife sanctuaries must comply with all requirements of § 33-1-102(52) and § 33-4-102(14), C.R.S.
4. Except as provided herein, wildlife sanctuaries must be an accredited or certified "related facility" by the AZA or accredited or verified by the GFAS prior to and maintain such certification as a condition of the issuance of a wildlife sanctuary license. Facilities previously licensed by the Division as a commercial wildlife park prior to January 1, 2001, and incorporated as a 501(c)(3) non-profit which functioned as wildlife sanctuaries may continue to operate as wildlife sanctuaries under the wildlife parks facility requirements set forth in Regulation No. 1108. In addition, these existing facilities may expand operation onto contiguous property owned by them under those same facilities requirements and without AZA certification. Provided further that, when one of these existing facilities is impacted by an act of nature (e.g. fire or flood) that prevents it from reasonably continuing its operation at the present location, the facility may, with the approval of the Director, move to a new location and continue its operation without being subject to the generally applicable AZA certification requirement, provided the relocated facility complies with the wildlife parks facility requirements set forth in #1108 of these regulations, and all wildlife sanctuary operations at the present locations cease.
5. Wildlife possessed by a wildlife sanctuary shall be surgically sterilized within thirty days of arrival, except that pregnant animals shall be surgically sterilized immediately following weaning and animals eligible for participation in the AZA's Species Survival Plan ("SSP") need not be sterilized. However, documents supporting such SSP eligibility must be provided to the Division within 30 days of arrival at the wildlife sanctuary.

Any nonprofit sanctuary facility previously licensed by the Division as a commercial wildlife park prior to January 1, 2001, shall submit a sterilization plan for wildlife possessed by such facility for approval by the Division. Such plan shall be submitted to the Division by January 1, 2006 and shall provide for surgical sterilization of all wildlife possessed at such facility as of November 1, 2005, in an expeditious manner, but in no event later than May 1, 2007. Wildlife brought onto such a facility after November 1, 2005, shall be surgically sterilized within thirty days of arrival, except that pregnant animals shall be surgically sterilized immediately following weaning.

In lieu of surgical sterilization, wildlife sanctuaries may submit a birth control plan for animals located on the facility for approval by the Division. Such plans may be approved if they provide sufficient assurances against propagation of animals at the facility.

- D. Except as provided herein, no wildlife taken from the wild shall be possessed by any commercial wildlife park, noncommercial wildlife park or wildlife sanctuary in Colorado. Wildlife taken from the wild outside of Colorado may be possessed by a wildlife sanctuary provided:
1. The wildlife has been determined by the wildlife management agency of the source state or country to be habituated and non-releasable and has otherwise authorized the export of the wildlife, and
 2. The wildlife has been held in captivity in the source state or country for no less than 24 months. However, the Director may authorize the importation of wildlife that does not meet the captivity period requirement if he/she determines it is proper for management of the Division and otherwise beneficial to the management, preservation or conservation of wildlife resources. In making such determination, the Director shall consider:
 - a. other placement or wildlife management options available to the exporting state or country,
 - b. capacity and resources of the importing wildlife sanctuary,
 - c. impact to state wildlife management programs, and
 - d. any other wildlife management criteria.

Provided however, that no more than one such importation per calendar year (based on a three-year rolling average) may be approved for any wildlife sanctuary.

For the purposes of this regulation, wildlife born in captivity, even if born to wildlife taken from the wild, are not considered "taken from the wild."

#1105 - APPLICATION REQUIREMENTS

- A. Prior to the issuance of any license, the Division shall determine that the applicant has met the following requirements:
1. Commercial Parks must demonstrate "commercial" status by documenting a profit motive as determined pursuant to the following criteria. An applicant does not have to meet all of the listed criteria. Nonprofit entities by definition cannot demonstrate the required "commercial" status required for licensing as a commercial park. Nonprofit entities must meet the requirements of and may only be licensed as wildlife sanctuaries, if at all.

These criteria include:

- a. Hiring of trained employees
- b. Maintenance of detailed business records

- c. Generation of profits
 - d. Abandoning the activity when profits cannot be achieved
 - e. Advertising
 - f. Experiencing annual increases in net income from the activity
 - g. Devoting significant amount of time to the activity
 - h. Devoting significant amount of money to the activity
 - i. Development of a written business plan
 - j. Operating the activity in a businesslike manner
 - k. Evidence of previous profitability in a similar activity
 - l. Consistent efforts to market products and/or services
 - m. Exercising care in carrying on the activity
 - n. Expectation of large profits if successful
 - o. Having or developing expertise with respect to the activity
 - p. Investigating the profit potential of the activity
 - q. Filing state and federal income tax returns on the activity
 - r. In-service training for existing employees
2. Wildlife Sanctuaries must demonstrate "nonprofit" status by documenting exemption from taxation under section 501(a) of the Internal Revenue Code and otherwise demonstrating compliance with section 501(c)(3) of such code.
 3. Submission of a completed application form provided by the Division.
 4. Submission of a plan of the proposed park showing areas to be fenced, topography, type of fence and isolation facilities.
 5. Submission of a list of all facilities to be covered by the license, including the address/location.
 6. Certification by the applicant that the proposed possession of wildlife is not in violation of any city or county ordinance and submission of any required local permits.
 7. Certification by the applicant that he/she has been provided with information by the Division about Chronic Wasting Disease (CWD).
 8. Submission of proof of licensing by the USDA, or a letter from the USDA stating that a USDA license is not required for the type of activity proposed. All wildlife sanctuary licenses shall require proof of licensing by the USDA.
 9. Submission of a proposed contingency plan and financial assurance if the applicant proposed to possess animals in the families *Canidae*, *Felidae* or *Ursidae*.
- B. Within 30 days of the receipt of an application and facility plan, the Division will review the application and either
1. Notify the applicant in writing that the facility plan is acceptable and to proceed with facilities construction, or
 2. Notify the applicant of the Division's concerns regarding the proposed facility in writing. The Division will meet with the applicant to discuss the concerns and any modifications or corrections needed to comply with applicable laws and regulations. If the applicant and the Division reach agreement on the needed facility modifications, the Division will notify the applicant in writing to proceed with facility construction.
 3. If such agreement cannot be reached, the Division will deny the application as submitted.

Once facilities construction is completed, the Division will inspect the facilities, and if all facilities requirements and other applicable laws and regulations requirements have been met, the license will be approved. Denial will be based on failure to comply with all applicable requirements. Written notification of the approval and issuance of the license or denial including reasons for the denial will be provided.

C. Review of a denial of a license shall be in accordance with Section 24-4-104 C.R.S.

#1106 - RECORD REQUIREMENTS

- A. A person licensed under this chapter shall maintain records on forms or ledgers provided by the Division or on forms which are mutually acceptable to the Division and the licensee. Such forms or ledgers shall be filled out completely and accurately. The forms or ledgers will include dates of purchase, birth, barter, trade or other form of acquisition; date of sale, death or other form of disposition of each animal. Each animal, except fish, non-migratory birds, amphibians and reptiles, must be marked with "official eartags"/tags, and where required, tattooed. No unmarked animals, except fish, non-migratory birds, amphibians, and reptiles may be sold or otherwise transferred from the facility. Individual USDA tag/tag, tattoo numbers will be recorded with the sex and age of each animal in the ledger. Dates and types of disease testing and vaccination will be recorded in the ledger. All records will be retained for the period of ownership of the animal and for three (3) years after disposition.
1. Except as otherwise provided in these regulations, all licensees shall notify the Division in writing within ten (10) days of all transfers, trades, sales, purchases, and deaths of any wildlife (except birds and fish) licensed under this chapter on forms provided by the Division. All ungulates will be reported by eartag and tattoo numbers.
 2. All original records must be kept at the same location where the animals are kept or at the instate home of record.
 3. All cervids, except those held in big game hunting parks, must be inspected for inventory purposes within 90 days before the renewal of any license, or when change of ownership occurs. A facilities license can be extended for 30 days if necessary to ensure that animals can be inspected.
 4. Any cervid imported into the state must be inspected upon arrival at the facility.
 5. Any movement of cervids outside of the perimeter fence requires inspection.
- B. When captive wildlife or eggs are sold, traded, taken, or otherwise disposed of from a commercial or non-commercial wildlife park, the licensee, or operator, shall, at the time of transfer of possession, give an invoice provided by the Division to the person receiving such wildlife or eggs. Such invoice shall be signed by the licensee, or operator, and such invoice shall show the name and address of the recipient, the number or designation of the lake or park license of the buyer and seller, date of delivery, kind, number, sex, age or weight, and condition of the wildlife or eggs. All available tags and tattoos will be recorded.

#1107 - EXPIRATION AND RENEWAL OF LICENSES

- A. Licenses are nontransferable and, with the exception of Non-commercial Wildlife Park Licenses, shall expire December 31 of each year. Licenses may be renewed upon written request and payment of the required fee without submitting a new application. All record keeping and reporting requirements must be met prior to license renewal. If the license is not renewed by December 31, the licensee may not buy, purchase, sell, trade, broker, barter, transport or participate in any activity authorized by the license until it is renewed. Wildlife

held pursuant to the license must be lawfully disposed of within 60 days of expiration if the license is not renewed.

- B. All licensees required to renew their licenses annually must submit an annual report prior to license renewal that identifies all animals by species on the facility by species, number, and sex; and any required USDA or DOW tag number or tattoo.
- C. All facilities authorized to possess animals from the families *Canidae*, *Felidae* or *Ursidae* must submit an updated facility contingency plan as required in #1102. The contingency plan shall be reviewed upon renewal of a license and updated as necessary, including but not limited to, the current number of animals held from these three families.
- D. A renewal application submitted by any facility authorized to possess animals from the families *Canidae*, *Felidae* or *Ursidae* will not be approved unless the financial assurance requirements in #1102 remain in effect.
- E. All commercial park licensees must certify that they maintain their commercial status based on the criteria listed in #1105.
- F. All Wildlife Sanctuary licensees must certify that they maintain their nonprofit status as specified in #1105.
- G. Non-compliance with the provisions of applicable statutes and these regulations is subject to revocation of the license in accordance with provisions of 24-4-104 C.R.S. and 33-6-106 C.R.S. If the license is revoked, the owner or his agent shall lawfully dispose of all wildlife held pursuant to the license within 60 days of license revocation. If a licensee is convicted of cruelty to/neglect of animals, the license shall be revoked.
- H. Renewal of a license is contingent upon the licensee's compliance with relevant state statutes, federal regulations, and the provisions of these regulations.

ARTICLE III - FACILITY REQUIREMENTS, FACILITY/RECORD INSPECTIONS, TAGGING

#1108 – WILDLIFE PARK FACILITY REQUIREMENTS

- A. All parks shall have isolation facilities designed to prevent intermixing of captive wildlife with other captive wildlife and free-ranging wildlife during periods of isolation.
- B. All parks licensed for captive ungulates except Big Game Hunting Parks shall have the capability to handle and mark ungulates without relying solely on the use of drugs.
- C. All facilities licensed for the holding of captive ungulates shall have perimeter fences designed and maintained to meet the following minimum requirements:
 - 1. Fences shall extend a minimum of eight (8) feet above ground level with at least six (6) feet of mesh (maximum mesh size shall be 12-1/2" X 7"). The remaining two (2) feet may be smooth, barbed or woven wire with strands spaced not more than ten (10) inches apart. Construction shall begin no more than 2 inches above the ground, with the mesh portion of the fence beginning no more than 4 inches above the ground.
 - 2. A second such fence (double fencing) is required for all members of the family *Cervidae* in any existing facility in which CWD, in either a wild or captive cervid, has been detected, where there is reason to suspect CWD, or if the Division and the Dept of Agriculture determine that there is a substantial risk of CWD, to prevent the ingress of native big game and the egress of privately held cervids and shall be installed at the owner's

expense no later than September 2003. Second fences required after September 2003 shall be installed in a timeframe set by the Division and the Dept of Agriculture. The two fences shall be of adequate separation to provide for ease of maintenance of the space between them. In addition, vegetation should be controlled by whatever means is practicable so that it does not serve as an attraction to wild or captive cervids. A second barrier, in lieu of a second fence, may be used if the Department of Agriculture and the Division agree that the second barrier is as effective as a second fence in preventing ingress and egress. If the Division and the Dept of Agriculture agree that substantial risk of CWD exists and the facility does not have a double fence, then movement of cervids from the facility requires the approval of the Division and the Dept of Agriculture.

3. All fences shall be maintained at all times such that their ability to prevent ingress/egress is not impaired. Any failure to do so is grounds for and shall result in the revocation of the park's license unless the Division and the Dept of Agriculture agree otherwise. Ingress of native big game or egress of private held cervids shall be considered presumptive evidence of a failure to adequately construct and maintain the fence.
 4. Minimum wire gauges - 12-1/2 gauge - conventional fence, 14-1/2 gauge - woven hi-tensile.
 5. All gates entering animal holding facilities which are holding animals shall be locked, or consecutive (double), or self-closing gates.
 6. Posts - four (4) inch minimum diameter wooden or equivalent. Spaced no more than 50 feet apart (60 foot spacing is allowed if there are at least two (2) steel posts between the wood posts). There shall be a post or stay (wood or steel) every 20 feet. Posts must be at least 8 feet above ground level. Corners shall be braced wood or equivalent material.
 7. Existing hi-tensile smooth wire fences shall be modified with stays spaced at minimum intervals of 8 feet.
 8. All facilities must be inspected by the Division within 90 days before the renewal or issuance of any license.
- D. Except as provided in subsection E, all facilities licensed to hold captive *Canidae* (wolves), *Felidae* (cats) or *Ursidae* (bears) shall be designed and maintained to meet the following requirements:
1. The minimum height above ground shall be 8 feet with a top cover over the entire enclosure or 10 feet with an inward cantilever having two 16 gauge electrified wires on top. Walls shall extend three feet below ground if woven wire or chain link. Solid concrete walls shall extend at least one foot below ground. If the substrate will not permit sub-surface construction, 9 gauge chain link shall extend 3 feet inside on the surface. This surface wire shall be securely anchored.
 - a. Except that facilities that only contain members of the family *Canidae* may have a minimum height of eight (8) feet, provided there are two electrified wires - one on the top and one at the bottom.
 - b. Nine gauge or heavier chain link must be used for fencing construction below the 8 foot level if electrified wire is not used and for top cover construction. The 11 ½ gauge or lighter wire may only be used in conjunction with 2 electrified wires.
 2. The following minimum guidelines will be used for cage (enclosure) sizes:
 - a. Small canids (foxes)

1. 1-2 Individuals: 6.5 x 6.5 feet
 2. 3 Individuals: 10 x 10 feet
 3. 3-5 Individuals: 13 x 13 feet
- b. Large canids (wolves, coyotes)
1. 1 Individual: 10x15 feet, with a 50% increase for each additional animal
- c. Bears
1. Black Bears: 1-2 Individuals- 15x20 feet or 300 square feet, with a 50% increase for each additional animal.
 2. Brown/Grizzly Bears: 1-2 Individuals- 20x20 feet or 400 square feet, with a 50% increase for each additional animal
- d. Small Felids (Bobcat, lynx)
1. 1-2 Individuals: 20x20 feet or 400 square feet, with 13x6.5 feet for each additional animal
- e. Large Felids (tigers, lions, mountain lions)
1. 1 Individual: 15x20 feet or 300 square feet, with a 50% Increase for each additional animal
3. A minimum of 2 consecutive, self closing, locked gates.
 4. Posts or stays every 10 feet, if less than 8 inches in diameter or 20 feet if greater than 8 inches in diameter.
 5. Shade shelters for each individual animal.
 6. Dens for each individual animal.
- E. Facilities with separate enclosures of five (5) acres and larger may request a variance from the facility requirements set forth in subsection D. Any requested variance must comply with the following requirements:
1. The proposed enclosure must, as determined by the Division be as effective as the facilities required in subsection D at preventing the ingress of wild animals and the egress of the animals authorized for the enclosure. Numerous factors, including but not limited to topography, fencing material, the potential for violent weather events and any other relevant factor, may be considered in determining whether a proposed facility plan is adequate.
 2. The request for a variance shall be accompanied by facility plans of sufficient detail to allow the Division to determine whether the proposed enclosure meets the standards set forth in this rule.
- F. All facilities for small mammals, amphibians, reptiles, and birds must be designed constructed and maintained to provide:
1. Safety and protection for wildlife and people.
 - a. Holding facilities and outdoor cages must be locked.

- b. Holding facilities must ensure containment for wildlife being held and exclusion of other wild and domestic animals.
- G. All commercial park licensees holding ungulates are required to notify the Division within 24 hours upon discovery of any native ungulate species, which enter a commercial facility. The Division will direct or approve the removal of all native ungulates that have entered these facilities.

#1109 – WILDLIFE SANCTUARY FACILITY REQUIREMENTS

Except as provided in #1104.C.4, all wildlife sanctuaries must meet and comply with the facility requirements necessary to maintain their AZA accreditation or certification as a “related facility” or their GFAS accreditation or verification.

#1110 - FACILITY, WILDLIFE AND RECORD INSPECTION

- A. The licensee must allow the inspection of captive wildlife, facilities, and records by representatives of the Division or other persons authorized to enforce these regulations at any reasonable time.
- B. Copies of all invoices shall be maintained by the licensee for the current and three previous years. These invoices shall be available for inspection during normal business hours by representatives of the Division or other persons authorized to enforce these regulations.
- C. Upon observing or having reason to believe that captive wildlife are diseased or have been exposed to an infectious disease, a Division or Department of Agriculture representative may request inspection of the facility's animals by an accredited veterinarian. Such inspections will be at the licensee's expense. A written report regarding health and welfare of captive wildlife inspected under this provision will be submitted to the Division and the State Veterinarian's Office. Any diseased captive wildlife that pose a significant threat to other wildlife, may be disposed of in accordance with statutes and regulations (as per regulation #008).
- D. All animals in the family *Cervidae* 12 months of age or older, ~~except fallow deer~~, shall be tested for CWD upon death, regardless of the cause of death, at the expense of the owner. Brain tissue, retropharyngeal lymph nodes, and any other tissue or other appropriate sample must be submitted for testing to a laboratory designated by the Division within 5 days after death or the discovery thereof. All sample results, regardless of result, must be reported to the Division. ~~The heads of such animals shall be submitted to any Division CWD submission site within 5 days after death or the discovery thereof. Heads should be kept cold, but not frozen. Antlers and capes may be removed before submitting heads for testing.~~ The owner shall notify the Division's designated wildlife veterinarian of any non-hunting mortality within 24 hours of discovery.
- E. The Division will provide annual documentation of the Chronic Wasting Disease status of the licensed facility to license holders participating in the above-mentioned surveillance program.

#1111 - TAGGING REQUIREMENTS

- A. All wildlife, except birds, amphibians, and reptiles, ~~and the progeny of lawfully possessed big game held under the authority of a big game hunting park license~~, shall be permanently marked with eartags or PIT tags and, when required by these regulations, tattooed. USDA "Official eartags", with visible eartags/neckbands supplied or approved by the Division, or with PIT tags supplied by the Division. Eartags shall be at least 1 inch wide by 1 inch long and neckbands shall be at least 1 inch wide.; ~~or in the case of carnivores (Ursids, felids and canids) and all cervids, with accompanying photograph (front and side view of head).~~

Additionally, all cervids must be identified with a USDA official identification device pursuant to 9 C.F.R. § 77.33 (effective July 29, 2014) and permanently tattooed. The tattoo number shall be established as follows: CO-License #-Individual ID Number (no less than 4 digits in any alphanumeric combination list number of letters/digits to be used). -Tattoos shall be placed on the left ~~hindquarter~~ in the hairless area under the tail, with the individual ID beneath the park number or in either ear if both numbers are placed in the same ear, or in both ears if the park number is placed in the right ear and the individual ID is placed in the left ear. -Each alphanumeric character must be at least 3/8 inch high. -No tattoo number shall be used on more than one animal of the same species, and no animal shall have more than one assigned tattoo number. -Young of the year must be tattooed by December 31 of the birth year; and all adult animals shall be tattooed within 72 hours of acquisition. -Unmarked animals shall not be mixed with marked animals with the exception of calves before they are required to be marked. -Lost tags or neckbands shall be replaced at the earliest opportunity. ~~Tags shall be issued to breeders on an annual basis.~~ -No tags may be transferred or removed, except that tags shall be removed from dead animals. -The use, removal or loss of tags will be reported to the Division within ten (10) days of such use or discovery of loss on forms provided by the Division. -Unused, removed and damaged tags shall be returned with the license renewal application at the end of the year. 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.

1. All progeny of such wildlife must be tagged, as provided above, by December 31 of the year of birth or prior to leaving the facility, whichever is earlier.

B. Migratory birds shall be marked or banded in accordance with Federal law.

#1112 - VACANT

ARTICLE IV - SPECIAL RESTRICTIONS

#1113 - ESCAPE OF CAPTIVE WILDLIFE

A. Wildlife which are illegally possessed or have escaped the owner's control, including any breach of a fenced enclosure on the facility (either from a temporary holding enclosure or a primary enclosure), and which are determined by the Division to be detrimental to native wildlife, habitat or other wildlife resources by threat of predation, the spread of disease, habitat competition, interbreeding with native wildlife, or other significant damage, may be seized, captured or, where necessary, destroyed by the Division or any peace officer for the purpose of protecting and preserving Colorado's wildlife and their environment. The Division shall consider such wildlife to be a public nuisance and seek to hold the owner thereof responsible for any costs incurred in recovering, maintaining, or disposing of such wildlife in accordance with 33-1-106(3)(c), as well as any damages to the State's wildlife resources under appropriate statutory and common law. Escapes, which includes any breach of a fenced enclosure on the facility (either from a temporary holding enclosure, a primary enclosure or cage during transport), of native big game animals, felines, canids, or any exotic wildlife shall be reported to the Division and the local law enforcement agency within 24 hours of discovery of the loss.

B. Most Restrictive Federal or State Law - In all cases of licensing, taking, possession, importation, exportation, release, marking and sale of wildlife, the most restrictive state or federal law shall apply.

#1114 - Unregulated Wildlife Listing or Delisting

- A. Persons desiring to place additional species of wildlife on the unregulated list or remove any species of wildlife from the unregulated wildlife list may petition for such amendment pursuant to subsection 24-4-103(7), C.R.S. The petitioner shall have the burden of proof to demonstrate that the amendment should be adopted by the Commission. The petition shall be in writing, shall contain a concise statement of the basis and purpose behind the requested amendment, and a written response to each of the criteria listed below. Each request shall include appropriate additional evidence in support thereof. The petition shall include documentation that the proposed species would or would not have detrimental effects on native wildlife. Such documentation should include, but is not limited to, the following specific information on each species being requested for consideration:
1. The scientific and common name or names including subspecies.
 2. Habitat requirements and limitations, including an assessment of its survivability in Colorado's native habitats.
 3. The potential of the species to negatively impact or destroy native vegetation.
 4. All known associated diseases, including zoonotic diseases and parasites.
 5. Predatory behavior, including assessment of the anticipated effect predation by the species would have on native wildlife and domestic animals.
 6. An assessment of the potential of the species to damage or destroy agricultural crops or rangeland.
 7. An assessment of the ability of the species to breed with native wildlife and domestic animals.
 8. Fecundity and reproductive behavior.
 9. Assessment of the competition this species would have with native wildlife and domestic animals for food, water, and space.
 10. Information about the regulatory status of the species in Arizona, Nevada, Utah, Wyoming, Nebraska, Kansas, Oklahoma, New Mexico, Idaho, and Montana.
 11. Information about the regulatory prohibitions of the species in any city or county within Colorado.
 12. Assessment of the "weediness" of the animal. The "weediness" of an animal shall be defined and assessed by the following criteria: 1) Characterization of the aggressiveness of the animal, 2) its ability to thrive in Colorado, 3) its ability to disperse widely or pioneer, 4) its reproductive potential, and 5) its ability to adapt to other food sources (opportunistic feeding ability).
 13. Cite whether the species is listed by the Convention of International Trade in Endangered Species (CITES), and if so, on which appendix.
 14. An assessment of the potential for illegal trafficking of the species within the United States and internationally.
 15. An assessment of the impacts to wild populations of the species if legal possession and trade were allowed.
 16. An assessment of the care and welfare requirements of the species.

17. Assessment of the danger this animal poses to humans if it were to escape.
 18. Bibliography of reference materials.
- B. In evaluating petitions, a risk averse precautionary approach to wildlife management will be applied. If the impacts from the species are unknown, petitions to add the species to the unregulated list will be denied. Only where there is compelling scientific consensus that the species will not threaten public health, safety or welfare, or native wildlife, ecosystems, agricultural operations or wild populations of the species in question may a petition to add a species to the unregulated list be granted.
 - C. Requested amendments to the unregulated wildlife list must be received prior to October 1st of each calendar year. Such properly completed requests will be reviewed annually by the Commission at their January and March meetings of the following calendar year. The Division will provide a summary of this information to the Departments of Health and Agriculture for their review.
 - D. Citizen petitions that are denied by the Commission may not be re-submitted for further consideration until after at least one full calendar year after Commission action and then only if new and substantial information has been developed and added to the petition. Re-submitted petitions must also comply with the timelines of Commission Regulation #1114(C).

#1115 - RED DEER HYBRIDIZATION TESTING AND DOCUMENTATION

- A. All elk (*Cervus elaphus canadensis*, *roosevelti*, *manitobensis*, *nannodes* and *nelsoni*) imported into Colorado must be tested for hybridization with red deer (*Cervus elaphus*) as provided in Section # 007(B), or must have proof of individual animal registration at the gold or silver level with the North American Elk Breeders Association, as identified by the animal's USDA #, as defined in the Rules and Regulations for Registering Elk under North American Elk Breeders Association (NAEBA) Registration Programs, 1999; 1708 N Prairie View Rd, PO Box 1640, Platte City MO 64079. This document, but not later amendments or editions, have been incorporated by reference and can be viewed and copies obtained at the Division as set forth in the "Incorporated References" section of Chapter 0 of these regulations. Such tests will be conducted by a laboratory approved by the Division. Blood shall be drawn and submitted by an accredited veterinarian. Individual test results and/or NAEBA registration shall accompany all elk whenever being imported or transported within the state. Written documentation for each animal, by USDA Tag and/or Division tag, must be provided to the Division showing that each animal has been tested or is the offspring of pure parents.

#1116 MULE DEER COMPENSATION PROGRAM

- A. Compensation Program
 1. Subject to approval of spending authority by the General Assembly, compensation at fair market value shall be offered to any commercial wildlife park for its mule deer. Participation in the program shall be voluntary. Producers who elect to participate in the program may sell the animals out of state, sell them at slaughter, or have them removed through hunting. Any deer not disposed of by December 31, 2003 must be killed.
 2. Licensees shall notify the Division of their intent to participate in the compensation program on forms provided by the Division, no later than May 1, 2003.
 3. The licensee shall prepare a disposition plan, which shall be approved by the Division before claiming any compensation under this program no later than July 31, 2003.

4. All compensation shall be paid at fair market value (FMV). The Division will reimburse owners for transportation costs incurred and also for the difference between the sale price and the FMV, if the sale price is less. Written documentation in the form of sale receipts and shipping invoices would be required for reimbursement.
5. Re-population shall not be allowed on any facility which has elected to participate in the compensation program.

AS APPROVED - 07/21/2022
Basis and Purpose
Chapter W-11 - Wildlife Parks and Unregulated Wildlife

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 primary statutory authority for these regulations can be found in 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 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
DEPARTMENT OF LAW

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Office of the Attorney General

Tracking Number: 2022-00253

**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 406-11
CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE**

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 14:55:57 MST

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

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