

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

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

#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 USDA official metal eartags and/or eartags provided or approved by the Division. All alternative livestock (fallow deer and elk) released into the park must be tattooed as provided by State Board of Livestock Inspection Commission regulations.
 - 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 ~~\$156.02~~\$100 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.

Chapter W-11 - Wildlife Parks and Unregulated Wildlife

Basis and Purpose:

Following the passage of the Hunting, Fishing, and Parks for Future Generations Act (SB 18-143), the Colorado Parks and Wildlife Commission has the authority to adjust most wildlife licenses annually with the Consumer Price Index (CPI).

Consumer Price Indices for the Denver-Aurora-Lakewood metropolitan statistical area (successor to the Denver-Boulder-Greeley statistical area) are compiled by the United States Bureau of Labor Statistics. CPI figures are reported bimonthly, in addition to the average CPI for the first half of the calendar year, the average CPI for the second half of the calendar year, and the average CPI for the entire calendar year. The chart below shows the average CPI for the first half of each year.

Consumer Price Index - All Urban Consumers			
Denver-Aurora-Lakewood Metropolitan Area			
First Half 2018			260.790
First Half 2019			264.147
First Half 2020			271.264
Annual Percentage Change (2019 Base Year)			2.7%
Cumulative Percentage Change (Rounded) (2018 Base Year)			4.0%

The CPI calculation above yields the following fees as adjusted in regulation. The fees shown in the highlighted column are the statutory caps for each license fee. The Parks and Wildlife Commission may reduce these as appropriate through the rule-making process.

License Type	Residency	2018	2019	2020	2020	2021	2021
		Statutory Price C.R.S. 33-4-102	Actual Price*	CPI Adjusted Statutory Lid**	Actual Price*	CPI Adjusted Statutory Lid	Actual Price*
Zoological park license	N/A	\$150.00	\$150.00	\$151.93	\$150.00	\$156.02	\$156.02

*excludes additional surcharges and fees

**2018 base year

Note: While the zoological park license fee in 2020 was \$150 in accordance with C.R.S., 33-4-102 and as reflected in Chapter W-0 Appendix F, the price reflected in Chapter W-11 #1004.A was listed as \$100 in error.

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. The statements of basis and purpose are not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JANUARY 1, 2021 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 19TH DAY OF NOVEMBER, 2020.

**APPROVED:
Marvin McDaniel
Chair**

**ATTEST:
Marie Haskett
Secretary**