

DEPARTMENT OF NATURAL RESOURCES

Colorado Parks and Wildlife

CHAPTER W-10 - NONGAME WILDLIFE

2 CCR 406-10

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

ARTICLE I - GENERAL PROVISIONS

#1000 - PROTECTED SPECIES

A. Nongame species and subspecies, including threatened or endangered wildlife are protected and their harassment, taking or possession is prohibited except as follows:

1. Under a scientific collecting license.
2. Under a rehabilitation license.
3. Under a license for zoological, educational, propagation or other special purposes.
4. Allowed species of raptors under a falconry license.
5. Bats, mice except Preble's meadow jumping mouse (*Zapus hudsonius preblei*), voles, rats, porcupines, and ground squirrels may be captured or killed when creating a nuisance or causing property damage.
6. Except as provided in #015.A. of these regulations, up to four individuals of each of the following species and/or subspecies of reptiles and amphibians may be taken annually and held in captivity, provided that no more than twelve in the aggregate may be possessed at any time:

Plains spadefoot
Woodhouse's toad
Boreal chorus frog
Painted turtle Ornate box turtle
Common sagebrush lizard
Ornate tree lizard
Common side-blotched lizard
Prairie lizard
Plateau fence lizard
Gophersnake
Terrestrial gartersnake
Plains gartersnake
Common lesser earless lizard
Tiger whiptail
North American racer
Plains hog-nosed snake

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- a. Such reptiles and amphibians and their progeny may only be disposed of by gift or as authorized by the Division of Wildlife. Further, such reptiles and amphibians may be released back into the wild provided they have not come into contact with reptiles and amphibians from other geographic areas and they are released as close as possible to, but in no event further than ten miles from, their place of origin.
 - b. Any other species of native reptiles or amphibians taken from the wild and lawfully possessed prior to July 1, 1998, may continue to be held in captivity provided that written notification of the numbers and species being held is given to the Division prior to July 1, 1998. Such notification shall be sent to the special licensing unit at 6060 Broadway, Denver, CO 80216.
 7. Threatened or endangered wildlife may be possessed if legally taken in and transported from another state or country and legally imported into the United States and Colorado.
 8. Any peregrine falcon legally held in captivity which is:
 - a. Possessed and banded in compliance with the terms of a valid permit issued by the U.S. Fish and Wildlife Service; or
 - b. Identified in the earliest applicable annual report required to be filed by a permittee under Title 50, Code of Federal Regulations, as in a permittee's possession on November 10, 1978, or as the progeny of such raptor.
 - c. Provided, however, if a peregrine falcon otherwise excepted under this paragraph 8 is intentionally returned to the wild, it shall thereafter be deemed to be wild and subject to protection as a threatened or endangered species, as if it had never been reduced to lawful possession.
 9. Greenback cutthroat trout may be taken under catch and release regulations in certain drainages within Rocky Mountain National Park, in the Cache la Poudre drainage, or in accordance with restrictions for individual waters found in #108 A.
 10. Livestock owners and their agents are authorized to use hazing techniques when necessary to prevent or reduce injury or damages to livestock and guard animals caused by gray wolves (*Canis lupus*).
 - a. "Hazing techniques" means the use of:
 - (i) Livestock guard animals,
 - (ii) Fladry or electrified fladry,
 - (iii) Cracker shells and bean bag rounds,
 - (iv) Scare devices or tactics including propane cannons, vehicles, ATVs, range riders, noisemakers, fox lights and motion- and radio-activated guard devices.
 - b. Hazing that results in the injury or death of a wolf is not permitted. Any person who injures or kills a wolf must report the same to the Division within 48 hours.
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- c. Hazing must be consistent with federal law. If gray wolves are on the list of federally endangered or threatened species, hazing is prohibited unless authorized by the United States Fish and Wildlife Service.
- d. For purposes of this rule, "livestock" is defined in § 35-1-102(6), CRS.0

#1001 - INTENTIONALLY LURING GRAY WOLVES

Unless permitted by the division, it is unlawful for any person to place any olfactory attractant with the intent to lure gray wolves (*Canis lupus*).

ARTICLE II - ENDANGERED WILDLIFE

#1002 - DESIGNATION OF SPECIES

A. Endangered Species Designation: The following wildlife are hereby declared endangered.

1. Fish:

Bonytail ¹
Razorback Sucker ¹
Rio Grande Sucker
Northern Redbelly Dace
Southern Redbelly Dace
Plains Minnow
Suckermouth Minnow
Lake Chub

2. Birds:

Plains Sharp-tailed Grouse
Whooping Crane ¹
Least Tern ¹
Southwestern Willow Flycatcher ¹

3. Mammals:

Kit Fox
Gray Wolf ¹
Grizzly Bear ²
Black-footed Ferret ¹
Wolverine
Lynx ²

4. Amphibians:

Boreal (Western) Toad

¹ Appears on Federal List as Endangered.

² Appears on Federal List as Threatened.

B. Take of Threatened and Endangered Species

- 1. Any person may take threatened or endangered wildlife in defense of his life or the life of others.

2. All threatened or endangered fish taken by any means shall be returned unharmed to the water immediately.
3. While conducting an otherwise lawful activity, including, but not limited to, live trapping or hunting bobcat, taking action pursuant to 33-6-207, C.R.S., to protect livestock, protection of livestock through the use of guard dogs, or taking action pursuant to 33-3-106, C.R.S., to prevent death or injury to human life or livestock, a Canada lynx is:
 - a. accidentally captured, but not injured, it shall be released immediately and the capture shall be reported to the Division of Wildlife within 24 hours;
 - b. accidentally injured, but not in the possession of the person, the injury shall be reported to the Division of Wildlife within 24 hours;
 - c. accidentally injured and in the possession of the person, the Canada lynx shall be immediately delivered to the Division of Wildlife or taken to a licensed veterinarian for appropriate care and reported to the Division of Wildlife within 24 hours;
 - d. accidentally killed, then it shall be reported to the Division of Wildlife within 24 hours and the carcass shall be delivered to the Division of Wildlife within 3 (three) days of the report.

Any failure to provide the required notice to the Division of Wildlife or to deliver the injured or dead Canada lynx to the Division of Wildlife within the time periods allowed shall be prima facie evidence of unlawful take and possession of Canada lynx.

For the purposes of this subsection, "accidental" specifically excludes any intentional, knowing or negligent action on behalf of any person or a person's agent or employee.

ARTICLE III - THREATENED WILDLIFE

#1003 - DESIGNATION OF SPECIES

- A. The following wildlife are hereby declared threatened. Any threatened fish taken by any means shall be returned unharmed to the water immediately.
 1. Fish
 - Colorado pikeminnow ¹
 - Humpback Chub ¹
 - Greenback Cutthroat Trout
 - Arkansas Darter
 - Brassy Minnow
 - Common Shiner
 2. Birds:
 - Mexican Spotted Owl ²
 - Burrowing Owl
 - Lesser Prairie Chicken
 - Piping Plover ²

3. Mammals:

Northern River Otter
Preble's meadow jumping mouse

1 Appears on Federal List as Endangered

2 Appears on Federal List as Threatened

ARTICLE IV - NONGAME WILDLIFE

#1004 - DESIGNATION OF SPECIES

A. The following wildlife are hereby declared nongame wildlife.

1. Fish:

Greenback Cutthroat Trout
Colorado pikeminnow
Humpback Chub
Bonytail
Colorado Roundtail Chub
Lake Chub
Flathead Chub
Rio Grande Chub
Plains Minnow
Suckermouth Minnow
River Shiner
Northern Redbelly Dace
Southern Redbelly Dace
Razorback Sucker
Rio Grande Sucker
Bluehead Sucker
Flannelmouth Sucker
Mountain Sucker
Arkansas Darter
Plains Orangethroat Darter
Iowa Darter
Stonecat
Plains Topminnow

2. Amphibians:

Plains Spadefoot Couch's Spadefoot
Great Basin Spadefoot
Mexican Spadefoot
Boreal (Western) Toad
Great Plains Toad
Green Toad
Red-spotted Toad
Woodhouse's Toad
Northern Cricket Frog
Canyon Treefrog
Boreal Chorus Frog
Plains Leopard Frog
Northern Leopard Frog
Wood Frog

Western Narrow-mouthed Toad

3. Reptiles:

Yellow Mud Turtle
Painted Turtle
Ornate Box Turtle
Spiny Softshell
Eastern Collared Lizard
Long-nosed Leopard Lizard
Common Lesser Earless Lizard
Texas Horned Lizard
Hernandez's Short-horned Lizard
Round-tailed horned Lizard
Common Sagebrush Lizard
Desert Spiny Lizard
Prairie Lizard
Plateau Fence Lizard
Ornate Tree Lizard
Common Side-blotched Lizard
Many-lined Skink
Great Plains Skink
Six-lined Racerunner
Common Checkered Whiptail
Colorado Checkered Whiptail
Tiger Whiptail
Plateau Striped Whiptail
Texas Threadsnake
Glossy Snake
North American Racer
Ring-necked Snake
Great Plains Ratsnake
Plains Hog-nosed Snake
Chihuahuan Nightsnake
Desert Nightsnake
Common Kingsnake
Milksnake
Coachwhip
Striped Whipsnake
Northern Watersnake
Smooth Greensnake
Gophersnake
Long-nosed Snake
Western Groundsnake
Plains Black-headed Snake
Smith's Black-headed Snake
Western Ribbonsnake
Black-necked Gartersnake
Terrestrial Gartersnake
Plains Gartersnake
Common Gartersnake
Lined Snake
Midget Faded (Western) Rattlesnake
Massasauga

4. Mollusks:

Mossy Valvata
Quilted Melania
Prairie Fossaria
Cockerell Lymnaea
Carib Fossaria
Wrinkled Marshsnail
Marsh Pondsnaill
Rock Fossaria
Golden Fossaria
Pygmy Fossaria
Swamp Lymnaea
Lance Aplexa
Pewter Physa
Ashy Physa
Glass Physa
Utah Physa
Tadpole Physa
Protean Physa
Mimic Lymnaea
Disc Gyro
Ash Gyro
Mesa Rams-horn
Marsh Rams-horn
Two-ridge Rams-horn
Sharp Sprite
Umbilicate Sprite
Rocky Mountain Capshell
Fragile Ancyliid
Creeping Ancyliid
Cloche Ancyliid
Giant Floater
Cylindrical Papershell
Pondhorn
Lake Fingernailclam
Long Fingernailclam
Striated Fingernailclam
Ubiquitous Peaclam
Ridgebeak Peaclam
Quadrangular Pillclam
Shiny Peaclam
Triangular Peaclam
Glossy Pillar
Costate Vallonia
Multirib Vallonia
Lovely Vallonia
Rocky Mountain Column
Widespread Column
White-lip Dagger
Rocky Mountain Dagger
Armed Snaggletooth
Erie Snaggletooth
Lambda Snaggletooth
Slim Snaggletooth
Comb Snaggletooth

White Snaggletooth
Variable Vertigo
Cross Vertigo
Ovate Vertigo
Five-tooth Vertigo
Toothless Column
Suboval Ambersnail
Niobrara Ambersnail
Blunt Ambersnail
(NCN) Ambersnail
Forest Disc
Compound Coil
Smooth Coil
Meadow Slug
One-ridge Fieldslug
Amber Glass
Wild Hive
Brown Hive
Quick Gloss
Spruce Snail
Rocky Mountainsnail
Lyrate Mountainsnail

5. Birds:

Red-throated Loon
Pacific Loon
Common Loon
Yellow-billed Loon
Pied-billed Grebe
Horned Grebe
Red-necked Grebe
Eared Grebe
Western Grebe
Clark's Grebe
American White Pelican
Brown Pelican
Double-crested Cormorant
Neotropic Cormorant
American Bittern
Least Bittern
White Ibis
Glossy Ibis
Great Blue Heron
Great Egret
Snowy Egret
Little Blue Heron
Tricolored Heron
Cattle Egret
Green Heron
Black-crowned Night-Heron
Yellow-crowned Night-Heron
White-faced Ibis
Tundra Swan
Trumpeter Swan
Turkey Vulture

Osprey
Mississippi Kite
Bald Eagle
Northern Harrier
Sharp-shinned Hawk
Cooper's Hawk
Northern Goshawk
Red-shouldered Hawk
Broad-winged Hawk
Swainson's Hawk
Red-tailed Hawk
Ferruginous Hawk
Rough-legged Hawk
Golden Eagle
American Kestrel
Merlin
American Peregrine Falcon
Gyr Falcon
Prairie Falcon
Arctic Peregrine Falcon
Lesser Prairie-Chicken
Plains Sharp-tailed Grouse
Whooping Crane
Black-bellied Plover
American Golden-Plover
Western Snowy Plover
Semipalmated Plover
Piping Plover
Killdeer
Mountain Plover
Black-necked Stilt
American Avocet
Greater Yellowlegs
Lesser Yellowlegs
Solitary Sandpiper
Willet
Spotted Sandpiper
Upland Sandpiper
Whimbrel
Long-billed Curlew
Hudsonian Godwit
Marbled Godwit
Ruddy Turnstone
Red Knot
Sanderling
Semipalmated Sandpiper
Western Sandpiper
Least Sandpiper
White-rumped Sandpiper
Baird's Sandpiper
Pectoral Sandpiper
Sharp-tailed Sandpiper
Dunlin
Stilt Sandpiper
Buff-breasted Sandpiper
Ruff

Short-billed Dowitcher
Long-billed Dowitcher
Wilson's Phalarope
Red-necked Phalarope
Red Phalarope
Pomarine Jaeger
Parasitic Jaeger
Long-tailed Jaeger
Laughing Gull
Franklin's Gull
Little Gull
Bonaparte's Gull
Mew Gull
Ring-billed Gull
California Gull
Herring Gull
Thayer's Gull
Lesser Black-backed Gull
Glaucous-winged Gull
Glaucous Gull
Great Black-backed Gull
Black-legged Kittiwake
Sabine's Gull
Caspian Tern
Common Tern
Arctic Tern
Forster's Tern
Least Tern
Black Tern
Marbled Murrelet
Ancient Murrelet
Black-billed Cuckoo
Western Yellow-billed Cuckoo
Greater Roadrunner
Groove-billed Ani
Barn Owl
Flammulated Owl
Eastern Screech-owl
Western Screech-owl
Great Horned Owl
Snowy Owl
Northern Pygmy-Owl
Burrowing Owl
Mexican Spotted Owl
Long-eared Owl
Short-eared Owl
Boreal Owl
Northern Saw-whet Owl
Lesser Nighthawk
Common Nighthawk
Common Poorwill
Whip-poor-will
Black Swift
Chimney Swift
White-throated Swift
Blue-throated Hummingbird

Magnificent Hummingbird
Black-chinned Hummingbird
Anna's Hummingbird
Calliope Hummingbird
Broad-tailed Hummingbird
Rufous Hummingbird
Belted Kingfisher
Lewis's Woodpecker
Red-headed Woodpecker
Red-bellied Woodpecker
Red-naped Sapsucker
Yellow-bellied Sapsucker
Williamson's Sapsucker
Ladder-backed Woodpecker
Downy Woodpecker
Hairy Woodpecker
American Three-toed Woodpecker
Northern Flicker
Olive-sided Flycatcher
Western Wood-Pewee
Eastern Wood-Pewee
Alder Flycatcher
Willow Flycatcher
Least Flycatcher
Hammond's Flycatcher
Dusky Flycatcher
Gray Flycatcher
Cordilleran Flycatcher
Black Phoebe
Eastern Phoebe
Say's Phoebe
Vermilion Flycatcher
Ash-throated Flycatcher
Great Crested Flycatcher
Cassin's Kingbird
Western Kingbird
Eastern Kingbird
Scissor-tailed Flycatcher
Horned Lark
Purple Martin
Tree Swallow
Violet-green Swallow
Northern Rough-winged Swallow
Bank Swallow
Cliff Swallow
Barn Swallow
Gray Jay
Steller's Jay
Blue Jay
Western Scrub-Jay
Pinyon Jay
Clark's Nutcracker
Chihuahuan Raven
Common Raven
Black-capped Chickadee
Mountain Chickadee

Juniper Titmouse
Bushtit
Red-breasted Nuthatch
White-breasted Nuthatch
Pygmy Nuthatch
Brown Creeper
Rock Wren
Canyon Wren
Carolina Wren
Bewick's Wren
House Wren
Winter Wren
Sedge Wren
Marsh Wren
American Dipper
Golden-crowned Kinglet
Ruby-crowned Kinglet
Blue-gray Gnatcatcher
Eastern Bluebird
Western Bluebird
Mountain Bluebird
Townsend's Solitaire
Veery
Gray-cheeked Thrush
Swainson's Thrush
Hermit Thrush
Wood Thrush
American Robin
Varied Thrush
Gray Catbird
Northern Mockingbird Sage Thrasher
Brown Thrasher
Bendire's Thrasher
Curve-billed Thrasher
American Pipit
Sprague's Pipit
Bohemian Waxwing
Cedar Waxwing
Phainopepla
Northern Shrike
Loggerhead Shrike
White-eyed Vireo
Bell's Vireo
Gray Vireo
Plumbeous Vireo
Yellow-throated Vireo
Warbling Vireo
Philadelphia Vireo
Red-eyed Vireo
Blue-winged Warbler
Golden-winged Warbler
Tennessee Warbler
Orange-crowned Warbler
Nashville Warbler
Virginia's Warbler
Lucy's Warbler

Northern Parula
Yellow Warbler
Chestnut-sided Warbler
Magnolia Warbler
Cape May Warbler
Black-throated Blue Warbler
Yellow-rumped Warbler
Black-throated Gray Warbler
Townsend's Warbler
Hermit Warbler
Black-throated Green Warbler
Blackburnian Warbler
Yellow-throated Warbler
Grace's Warbler
Pine Warbler
Prairie Warbler
Palm Warbler
Bay-breasted Warbler
Blackpoll Warbler
Black-and-white Warbler
American Redstart
Prothonotary Warbler
Worm-eating Warbler
Swainson's Warbler
Ovenbird
Northern Waterthrush
Louisiana Waterthrush
Kentucky Warbler
Connecticut Warbler
Mourning Warbler
MacGillivray's Warbler
Common Yellowthroat
Hooded Warbler
Wilson's Warbler
Canada Warbler
Painted Redstart
Yellow-breasted Chat
Hepatic Tanager
Summer Tanager
Scarlet Tanager
Western Tanager
Northern Cardinal
Rose-breasted Grosbeak
Black-headed Grosbeak
Blue Grosbeak
Lazuli Bunting
Indigo Bunting
Painted Bunting
Dickcissel
Green-tailed Towhee
Eastern Towhee
Spotted Towhee
Canyon Towhee
Cassin's Sparrow
Rufous-crowned Sparrow
American Tree Sparrow

Chipping Sparrow
Clay-colored Sparrow
Brewer's Sparrow
Field Sparrow
Vesper Sparrow
Lark Sparrow
Black-throated Sparrow
Sage Sparrow
Lark Bunting
Savannah Sparrow
Baird's Sparrow
Grasshopper Sparrow
Henslow's Sparrow
Le Conte's Sparrow
Nelson's Sharp-tailed Sparrow
Fox Sparrow
Song Sparrow
Lincoln's Sparrow
Swamp Sparrow
White-throated Sparrow
Golden-crowned Sparrow
White-crowned Sparrow
Harris's Sparrow
Dark-eyed Junco
McCown's Longspur
Lapland Longspur
Chestnut-collared Longspur
Snow Bunting
Bobolink
Red-winged Blackbird
Eastern Meadowlark
Western Meadowlark
Yellow-headed Blackbird
Rusty Blackbird
Brewer's Blackbird
Great-tailed Grackle
Common Grackle
Brown-headed Cowbird
Orchard Oriole
Baltimore Oriole
Bullock's Oriole
Scott's Oriole
Gray-crowned Rosy-Finch
Black Rosy-Finch
Brown-capped Rosy-Finch
Brambling
Pine Grosbeak
Purple Finch
Cassin's Finch
House Finch
Red Crossbill
White-winged Crossbill
Common Redpoll
Pine Siskin
Lesser Goldfinch
American Goldfinch

Evening Grosbeak

6. Mammals:

Masked Shrew
Montane Shrew
Dwarf Shrew
Water Shrew
Merriam's Shrew
Pygmy Shrew
Elliot's Short-tailed Shrew
Least Shrew
Crawford's Desert Shrew
Eastern Mole
California Myotis
Western small-footed Myotis
Long-eared Myotis
Little Brown Myotis
Fringed Myotis
Long-legged Myotis
Yuma Myotis
Eastern Red Bat
Hoary Bat
Silver-haired Bat
Western Pipistrelle
Big Brown Bat
Spotted Bat
Townsend's Big-eared Bat
Eastern Pipistrelle
Pallid Bat
Brazilian Free-tailed Bat
Big Free-tailed Bat
Nine-Banded Armadillo
American Pika
Least Chipmunk
Cliff Chipmunk
Colorado Chipmunk
Uinta Chipmunk
White-tailed Antelope Squirrel
Spotted Ground Squirrel
Golden-mantled Ground Squirrel
Botta's pocket gopher
Northern pocket gopher
Olive-backed Pocket Mouse
Plains Pocket Mouse
Silky Pocket Mouse
Great Basin Pocket Mouse
Hispid Pocket Mouse
Ord's Kangaroo Rat
Plains Harvest Mouse
Western Harvest Mouse
Deer Mouse
White-footed Mouse
Canyon Mouse
Brush Mouse
Pinyon Mouse

Northern Rock Mouse
Northern Grasshopper Mouse
Hispid Cotton Rat
Eastern Woodrat
Southern Plains Woodrat
Western White-throated Woodrat
Eastern White-throated Woodrat
Desert Woodrat
Mexican Woodrat
Bushy-tailed Woodrat
Southern Red-backed Vole
Western Heather Vole
Meadow Vole
Montane Vole
Long-tailed Vole
Mogollon Vole
Prairie Vole
Sagebrush Vole
Preble's Meadow Jumping Mouse
Meadow Jumping Mouse
Western Jumping Mouse
North American Porcupine
Gray Wolf
Kit Fox
Grizzly Bear
Black-footed Ferret
Wolverine
Eastern Spotted Skunk
Common Hog-nosed Skunk
Northern River Otter
Lynx

Editor's Notes

History

Rules #1670, 1671 eff. 07/01/2007.

Chapter 16 recodified as 2 CCR 406-16 on 04/01/2009.

Chapter 10 recodified as 2 CCR 406-10 on 04/01/2009; for history and versions prior to 04/01/2009, see 2 CCR 406-8.

Entire rule eff. 05/01/2009.

Rule #1000 A.1-1000 A.5, 1004 A.6 eff. 09/01/2009.

Rule #1004 A.5 eff. 09/01/2012.

Rule #1000 A.5 eff. 09/01/2015.

Rule #1005 emer. rule eff. 01/12/2022.

Rules #1000 A.10, 1001 eff. 03/02/2022.

Rule #1005 emer. rule eff. 05/04/2022; expired 09/01/2022.

Rules #1000 A.10.a.(iii), 1003 A.1, 1004 A.1 eff. 07/01/2022.