

CHAPTER 13 – POSSESSION OF WILDLIFE, SCIENTIFIC COLLECTING AND SPECIAL LICENSES**Index****Date Last Updated:****#1315 – 05/03/2007****Entire Chapter - 05/06/2004**

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FINAL REGULATIONS - CHAPTER 13 – POSSESSION OF WILDLIFE, SCIENTIFIC COLLECTING, AND SPECIAL LICENSES

ARTICLE I - GENERAL PROVISIONS

#1300 - DEFINITIONS

- A. "Bona fide scientific research" means: systematic investigative or experimental activities which are carried out for the purpose of acquiring new and relevant knowledge pertaining to wildlife biology, ecology or management, or the revision of accepted conclusions, theories, or laws in the light of newly discovered facts, and which are conducted in a humane fashion by qualified personnel, and the results of which would meet the accepted standards for publication in a refereed scientific journal.
- B. "Scientific Collections" means: temporary or permanent possession of wildlife for inventory purposes, to estimate population size or ascertain distribution, taxonomic classification or for environmental assessment.

#1301 - POSSESSION

- A. No person shall, at any time, have in possession or under control any wildlife caught, taken or killed outside of this state which were caught, taken or killed at a time, in a manner, or for a purpose, or in any other respect which is prohibited by the laws of the state, territory or country in which the same were caught, taken or killed; or which were shipped out of said state, territory or country in violation of the laws thereof.

ARTICLE II - SCIENTIFIC COLLECTING

#1315 - PURPOSE

- A. A Scientific Collecting License may be issued for the purpose of importing, marking or banding or temporary or permanent possession of wildlife and collection of wildlife specimens for the purpose of scientific collections or bona fide scientific research.
- B. A scientific collecting license may be issued for the purpose of possession of birds, fish, mollusks and crustaceans for educational purposes.
- C. A Scientific Collecting License may be issued for the purpose of conducting bona fide scientific research consistent with the definition of bona fide scientific research in #1300(A).
- D. A scientific collecting license may be issued for the purpose of teaching survey techniques in a post-secondary educational setting. Permits granted under this subpart B are valid only for Rodentia, Insectivora, Chiroptera, long-tailed weasel (Mustela frenata), short-tailed weasel or ermine (Mustela erminea). Animals captured under this subpart B must be released immediately at the capture site after identification and necessary handling and/or marking has taken place.
- E. Any trapped mortalities resulting from activities authorized by this section shall be prepared and deposited in an established collection at a recognized museum, contingent on Division approval.
- F. At least thirty (30) days prior to the anticipated need for such a license, applicants must apply on forms provided by the Division. Such application shall be accompanied by a certified check or money order in the amount of the license fee established in 33-4-102(1) C.R.S.
- G. Manner of take will be specified in the license. Only licenses authorizing bona fide scientific

research may be authorized to use the methods of take set forth in 33-6-206(1) C.R.S.

#1316 - LICENSE REQUIREMENTS

A. Application Procedures

1. Applications for scientific collections, educational purposes or for teaching survey techniques will include a detailed description of: project objectives, sampling methodologies, detailed sampling sites and quantity of wildlife to be taken, reasons why the collection is not possible during an open season or why collections would exceed the established bag limits and a description of the ultimate disposition of the collected wildlife.
2. Applications for the purpose of conducting bona fide scientific research must include a detailed study plan which contains the following elements: a statement of the need for the study and expected management application and benefit to the state; a description of study area(s), data collection and analytical methodologies which demonstrate ability to meet study objectives; and a description of financial and other resources which demonstrate ability to meet study objectives.
3. All applications shall be approved by the appropriate Regional Manager, or their designee, with consideration given for potential impacts on state wildlife resources. Applications for the purpose of conducting bona fide scientific research must also be approved by the appropriate Terrestrial or Aquatic Section manager or their designee.
4. Employees of the Division, federal or state agencies applying for a job-related Scientific Collecting License shall be exempt from remitting the license fee but must comply with all other provisions of this chapter. The license fee will be required for projects outside normal agency duties. Temporary employees of the Division who are working under the supervision of a permanent employee who are in possession of a Scientific Collecting License shall not be required to obtain a Scientific Collecting License.
5. Persons applying for a scientific collecting license to band migratory birds must have a valid bird banding permit issued by the U.S. Fish and Wildlife Service prior to submitting an application to the Division.
6. If an application is denied the applicant shall be notified in writing of the reasons therefore. Applications may be denied for the following reasons:
 - a. The collections are not for a scientific or educational purpose, or it is determined by the Division that the proposed research does not constitute bona fide scientific research.
 - b. The collecting could be conducted during an established season with an appropriate hunting, fishing or trapping license.
 - c. It is determined by the Division that collecting the requested species would be detrimental to the species or its habitat.
 - d. The application is incomplete.
 - e. The application fee is not included.
 - f. Information being sought by the study is already available, as determined by the Division.
 - g. Reporting and notification requirements for previous permits issued to the applicant have not been met.
 - h. Applicant has failed to show compliance with all other applicable local, state or federal law.

7. Applicants must comply with all other applicable local, state and federal laws, including but not limited to requirements set forth in the federal Animal Welfare Act.
8. Applicants denied a license may reapply by re-submitting a corrected or new application or providing additional evidence that addresses the reasons for denial.
9. The license may be suspended for any of the reasons stated in paragraph 6 above or for violation of conditions of the license or of any applicable wildlife statutes or regulations.
10. Licenses issued for educational purposes shall not allow the take of live wildlife from the wild.

B. Licensing

1. The license shall be issued for the minimum time necessary to accomplish the desired study objectives as determined by the Division.
2. The Licensee shall notify the local District Wildlife Manager(s) of his anticipated activity in the area(s) he intends to collect specimens prior to any collecting or banding.
3. If a license has been suspended for any reason the licensee may apply for reinstatement by submitting a new application.

C. Reporting

1. The Licensee shall provide the Division with a report within thirty (30) days of the expiration date of his license or upon request by the Division. Such report shall include all information and findings as required by the Division using appropriate forms supplied by the Division.
2. Failure to submit a complete report within thirty (30) days of license expiration or upon request by the Division, shall result in denial of future licenses for up to three (3) years.

#1317 - SPECIAL PROVISIONS

- A. Students enrolled in a university or college and under the supervision of an instructor who is in possession of a valid scientific collecting license shall not be required to obtain a scientific collecting license provided such license authorizes the holder thereof to utilize such assistants, and describes the collecting activities to be performed. Students shall carry a copy of the license while engaged in field work.

05/03/2007

Basis and Purpose

Chapter 13 - Scientific Collecting and Special Licenses

Basis and Purpose:

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Wildlife, Office of the Regulations Manager, Public Involvement Section, 6060 Broadway, Denver, CO 80216.

The 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: §§ 33-1-101, 102, 104, 105, 106-108, 115, and 121; §§ 33-2-104, 105, 106, and 107; § 33-3-104; §§ 33-4-101, 102, 102.5, 103, 116, 116.5, 117, and 119; § 33-5.5-102; and §§ 33-6-107, 109, 112, 113, 113.5, 114, 114.5, 117, 119, 120, 121, 124, 127, 128, 129, 131, 205, 206, 207, and 208.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JULY 1, 2007 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 3rd DAY OF MAY, 2007.

**APPROVED:
Thomas M. Burke
Chairman**

**ATTEST:
Robert W. Bray
Secretary**