

Nuisance Wildlife Laws in Colorado



Following are summaries of the most common regulations and statutes pertaining to nuisance wildlife. Again, these are *summaries* ... you can receive full copies of individual statutes and regulations upon request. State laws are also available on the web at www.Colorado.gov/ by following the link to "government." Keep in mind that these laws note what is restricted by state statutes and permitted by Colorado Division of Wildlife (CDOW) regulations; however, local laws and ordinances may be more specific about what is allowed at a certain location. It is your responsibility to determine whether it is legal to use a particular method of take in your city or county. *The CDOW does not require nor request the removal of wildlife deemed a nuisance; the determination that a species has become a nuisance and should be removed is the prerogative of the landowner. There are many non-lethal methods for discouraging the presence of wildlife. For information about co-existing with wildlife, please call CDOW at 303/291-7227.*

1.) WHAT CAN I DO IF WILDLIFE IS CAUSING DAMAGE ON MY PROPERTY?

Statute 33-6-107 (9), Wildlife Commission Regulation (WCR) 305(A), WCR 1000(A), WCR 312 and WCR 325

If wildlife is causing damage to crops, real or personal property, or livestock - a person (or any employee or agent of the landowner) may hunt, trap, or take the following wildlife on lands owned or leased by the person without securing a license to do so:

- Black-billed magpies, common crows, starlings, English or house sparrows, common pigeons, coyotes, bobcats, red foxes, raccoons, jackrabbits, badgers, marmots, prairie dogs, pocket gophers, Richardson's ground squirrels, rock squirrels, thirteen-lined ground squirrel, porcupines, crayfish, tiger salamanders, muskrats, beavers, exotic wildlife, and common snapping turtles.
- Additional species include: tree squirrels, cottontail rabbits, marmots, porcupines, bats, mice (except Preble's meadow jumping mouse), opossums, voles, rats, and ground squirrels.
- Any person may kill skunks or rattlesnakes when necessary to protect life or property.
- The pelts or hides of any mammal taken under these provisions may be transferred, possessed, traded, bartered, or sold by any person who holds an appropriate small game or furbearer license. (For information on the possession and/or disposal of pelts and hides of animals NOT listed above, including bear and lion, please contact the CDOW for permission.)

2.) WHAT METHODS CAN I USE TO TAKE WILDLIFE WHEN THEY ARE CAUSING DAMAGE ON MY PROPERTY?

WCR 302(A)(3), WCR 302 (B) and WCR 303 (F)

Trapping and or shooting are the most common methods.

- If using firearms, check with your local authorities on the laws that apply to discharging a firearm.
- If trapping, the ONLY types of traps that may be used are LIVE (cage or box traps). (See #5 for exceptions.)
- Small game and furbearers captured in live traps cannot be moved from the capture site and must be killed or released on site when the trap is checked. (See #3 and #4 following for exceptions.)

3.) WHICH WILDLIFE SPECIES CAN I RELOCATE WITHOUT A PERMIT?

WCR 302 (A)(3)

Tree squirrels, cottontail rabbits and raccoons can be relocated without a permit, provided that:

- The CDOW has been notified in advance.
- The relocation site is appropriate habitat for the species.
- Permission has been obtained from the landowner or managing agency where the animal will be released.
- The relocation must occur within 10 miles of the capture site.

4.) WHAT IF I WANT TO RELOCATE AN ANIMAL OTHER THAN TREE SQUIRRELS, COTTONTAIL RABBITS OR RACCOONS? WCR 302(A)(3), WCR 303(F)

If you want to relocate any other species, you must first obtain a Relocation Permit from the CDOW.

5.) WHEN CAN I USE BODY-GRIPPING/DEATH TRAPS?

Amend.14, Statute 33-6-203, Statute 33-6-204, Statute 33-6-207, Statute 33-6-208 and WCR 302(A)(2)

In November 1996, Amendment 14 was passed by ballot initiative. "This banned use of traps such as snares, Conibears, leghold traps, etc. for the recreational take of wildlife".

- You can use body-gripping/ death traps for mice and rats without a permit (as listed in #1).

- Landowners, and others authorized by statute, may be eligible for a 30-day trapping permit where certain body-gripping/death traps can be used in order to protect commercial livestock and/or commercial crop production.
- Specifications on traps are found under WCR 302 (E).

6.) WHAT HOURS CAN I TRAP AND WHEN MUST I INSPECT THE TRAPS?

WCR 301(B), Department of Agriculture (DOA) Statutes Title 35 and DOA regulations.

The following information below applies to anyone who is trapping (whether they are permitted to use body-gripping traps or live traps):

- Small game (except game birds), game reptiles and furbearers may be trapped day or night.
- All traps and snares **MUST** be visually checked **AT LEAST ONCE EVERY DAY**.
- Under 30 day exemption-regulations could vary. Persons can consult DOA statutes and regulations.

7.) CAN I KEEP ANY OF THE WILDLIFE THAT I CAPTURE?

WCR 009 (A), WCR 015(A) & (B), WCR. 107 (A) (j) & (l) and WCR 1000(A)

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:

- Woodhouse's toad, plains spadefoot, western chorus frog, painted turtle, western box turtle, sagebrush lizard, tree lizard, side-blotched lizard, prairie & plateau lizards, bullsnake, western terrestrial garter snake, lesser earless lizard, western whiptail, racer and western hognose snake.
- Snapping turtles may also be taken. Bullfrogs and aquatic salamanders (less than 5 inches) may be taken year round if the person possesses a valid fishing license.
- If these species have not been in contact with species from other geographic areas, they may be returned to the wild but shall not be returned in a distance over 10 miles from where they were captured.
- No other live wildlife may be held in captivity unless you are authorized/licensed by the CDOW to do so.

8.) CAN I EVER USE TOXICANTS/POISONS ON WILDLIFE?

Statute 33-6-130, Statute 33-6-209, WCR 303 (B).

Some toxicants are legal for Richardson's ground squirrel, rock squirrel, thirteen-lined ground squirrel, pocket gopher, marmots, black-tailed, white-tailed, and Gunnison prairie dogs when causing damage on private property. Most rats and mice also fall under this category. **Some poisons are available over the counter. You must follow label instructions. Poisons may only be used for species indicated on the box, and application directions must be followed in order for poison to be lawful. Regardless of whether a poison or toxicant is legal by statute, it is your responsibility to check with local authorities about restrictions on specific poisons and toxicants at your location.**

9.) CAN I SHOOT A BLACK BEAR OR MOUNTAIN LION IF IT IS ATTACKING MY DOG OR MY LIVESTOCK? Statute 33-3-106

- Black bears and mountain lions **CAN NOT** be destroyed when they are causing damage to **personal property**, including pets.
- Black bears and mountain lions **CAN be killed** when it is **NECESSARY** to prevent them from inflicting death or injury to **LIVESTOCK, HUMAN LIFE**, real property, or a motor vehicle. Any wildlife killed shall remain the property of the state, and such killing shall be reported to the division within five days. "Real property" means land and generally whatever is erected or growing upon or affixed to land. (Note: "Personal Property" means everything that is subject to ownership, other than real estate. Personal property includes moveable and tangible things, such as animals, furniture and merchandise.)

10.) DOES THE CDOW MANAGE DOMESTIC "WILDLIFE?"

Statute 33-1-102 (51), WCR 1103(A)

The CDOW does not manage domestic species of ducks, geese, rats, mice, European ferrets, pigeons, guinea fowl or peafowl. Check with your county or city's municipal code for restrictions on domestic "wildlife."

For more information on Colorado's wildlife, contact the Colorado Division of Wildlife at (303) 297-1192 or on the web at www.wildlife.state.co.us.

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