

ARTICLE I - GENERAL PROVISIONS

#209 - SPECIAL RESTRICTIONS

G. Chronic Wasting Disease (CWD) Testing Requirements

1. Moose

Any licensee who harvests a moose shall submit the head to the Division for CWD testing within 5 days after harvest, at any CWD testing site designated for moose. Hunters must provide any harvest information requested at the time the head is submitted. Antlers and capes from harvested moose may be removed by hunters before submitting heads for testing.

~~2. Deer in the Gunnison Basin~~

~~Hunters harvesting a deer in the Gunnison Basin (GMUs 54, 55, 551, 66, 67) shall be required to submit the head for CWD testing. Hunters will not be required to pay the testing fee. Such mandatory CWD submission will end when the Division obtains a statistically valid sample size for deer.~~

2. Mandatory CWD Sample Submissions

The Director of the Division of Wildlife may establish and enforce mandatory CWD submission areas for species known to contract CWD. Such submission areas may be established and enforced where necessary to meet sampling requirements, and mandatory submittal shall end when the Division achieves sampling goals, as stipulated by Division staff prior to enacting any such mandatory submission requirement. At such time that mandatory submission areas are established public notice shall be given, including posting of mandatory submission requirements in applicable Division offices and license agents, and when possible inclusion of such requirements in Division publications. Upon establishment of mandatory CWD submission requirements, it shall be unlawful to fail to submit CWD samples for the designated species harvested in designated mandatory submission areas.

**Basis and Purpose**

A regulation has been added allowing the Director of the Division to impose mandatory CWD testing for hunter-killed animals as necessary to reach sampling objectives within the parameters of necessity and due public notice. The Wildlife Commission policy on Chronic Wasting Disease (CWD) directs the Division “to be diligent in its efforts to find CWD wherever it may exist in wild cervid populations in Colorado...using appropriate methods to monitor the occurrence and distribution of CWD based on a prioritized assessment of risk and available resources.” In 2002, Division staff committed to a three-year effort to reliably determine CWD distribution statewide. As of February 2005, however, over half of the deer and elk Data Analysis Units (DAUs) in Colorado had not been adequately sampled. Despite a renewed commitment to adequately sample 10 of the highest risk deer DAUs during the 2005-06 hunting season, sample goals were reached in only two of the 10 high priority DAUs; submissions in these two DAUs (D21, D22), along with a third (D25), were required during 2005-06. The recent discovery of the infectious agent for CWD in muscle tissue of late stage, CWD-infected deer may increase hunter interest in knowing with statistical reliability which DAUs do not have the disease.

Based on 2005-06 data and the strong tendency in harvest submissions for CWD testing to come primarily from DAUs where the disease is already known to occur, it has been determined that mandatory sample submissions are an effective way to assure that sample goals are reached in high-risk DAUs. As sampling objectives have been met in the Gunnison Basin, the regulation requiring submissions in Game Management Units 54, 55, 551, 66 and 67 has been stricken. However, establishing mandatory submission regulations in other DAUs for 2006 will likely help advance the long-term goal of a complete and timely statewide survey for CWD. The highest risk (and consequently highest surveillance priority) DAUs have been noted as D23, D24 and D32, and D34; the second priority tier includes D20, D39, and D40. Other inadequately sampled DAUs are tertiary priorities. It has been the practice of the Division to not charge a fee to the hunter for mandatory CWD tests. This practice is intended to continue in the foreseeable future.

**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 SEPTEMBER 1, 2006 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 13<sup>th</sup> DAY OF JULY, 2006.**

**Approved:  
Jeffrey A. Crawford  
Chairman**

**Attest:  
Claire O’Neal  
Secretary**