SENATE BILL

Donovan,

HOUSE SPONSORSHIP

(None),

BILL TOPIC: "Manage Gray Wolves In Colorado"

DEADLINES: Finalize by: JAN 22, 2020 File by: JAN 24, 2020

A BILL FOR AN ACT

101 CONCERNING THE MANAGEMENT OF GRAY WOLVES IN COLORADO,

102 AND, IN CONNECTION THEREWITH, AUTHORIZING THE

103 REINTRODUCTION OF GRAY WOLVES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill authorizes the management and, if necessary, the reintroduction of the gray wolf in Colorado pursuant to a plan adopted by the parks and wildlife commission (commission). The reintroduction is to begin by December 31, 2025, but the reintroduction is:

- Postponed until a new source of revenue becomes available

Capital letters or bold & italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
to pay for damages caused by gray wolves; and

- Canceled if the gray wolf already has a self-sustaining population in Colorado.

The commission is directed to adopt and periodically update a plan to reintroduce, recover, and manage gray wolves. The plan must:

- Use the best scientific data available;
- Be developed after conducting a public process to solicit and consider public comments; and
- Not impose any land-, water-, or resource-use restrictions on private landowners.

Commercial livestock owners will be entitled to the payment of damages caused by gray wolves. The commission shall authorize and finance programs to educate livestock owners regarding the avoidance and mitigation of damages potentially caused by gray wolves.

In consultation with the department of agriculture, the commission and division of parks and wildlife shall convene a study group to consider:

- How to verify and estimate damages caused by gray wolves, specifically considering the maintenance of baseline production records for a period before gray wolf reintroduction and the use of brand inspectors to verify and estimate the damages; and
- How to finance the payment of damages caused by gray wolves, including specifically one or more new sources of revenue to pay the damages.

The commission shall submit a report to the general assembly concerning the results of the study group process by January 1, 2022.

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1 Be it enacted by the General Assembly of the State of Colorado:
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3 SECTION 1. In Colorado Revised Statutes, add 33-2-105.8 as follows:
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5 33-2-105.8. Management of gray wolves - reintroduction - approval - sustainable plan - report - legislative declaration - rules - definitions - repeal. (1) Approval of reintroduction - legislative declaration. (a) In accordance with section 33-2-105.5, the general assembly determines and declares that:
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7   (I) Gray wolves are not, or are no longer, found in the state as a sustainable population and are listed as endangered
BY THE COMMISSION AND PURSUANT TO THE FEDERAL "ENDANGERED


(II) PRIOR TO REINTRODUCTION BY THE DIVISION, THE

REINTRODUCTION OF GRAY WOLVES REQUIRES APPROVAL BY THE GENERAL

ASSEMBLY; AND

(III) THE GENERAL ASSEMBLY APPROVES THE REINTRODUCTION OF

THE GRAY WOLF AS SPECIFIED IN THIS SECTION.

(b) Schedule of reintroduction. (I) EXCEPT AS SPECIFIED IN

SUBSECTION (1)(b)(II) OF THIS SECTION, BY DECEMBER 31, 2025, THE

DIVISION SHALL, IN COMPLIANCE WITH THE PLAN ADOPTED PURSUANT TO

SUBSECTION (2) OF THIS SECTION, TAKE THE STEPS NECESSARY TO BEGIN

THE REINTRODUCTION OF THE GRAY WOLF INTO SUITABLE HABITAT SO

THAT THE GRAY WOLF CAN DEVELOP A SELF-SUSTAINING POPULATION AND

FULLY RECOVER FROM ITS ENDANGERED STATUS IN COLORADO.

(II) THE DIVISION SHALL:

(A) POSTPONE THE REINTRODUCTION UNTIL, AS DETERMINED BY

THE COMMISSION, AN ADEQUATE NEW SOURCE OF REVENUE BEYOND

 THOSE SOURCES AVAILABLE ON THE EFFECTIVE DATE OF THIS SECTION IS

LEGALLY AVAILABLE TO PAY FOR DAMAGES AUTHORIZED PURSUANT TO

SUBSECTION (3) OF THIS SECTION; AND

(B) NOT PROCEED OR CONTINUE WITH THE REINTRODUCTION IF, AS

DETERMINED BY THE COMMISSION, THE GRAY WOLF HAS MIGRATED INTO

COLORADO IN SUFFICIENT NUMBERS TO HAVE A SELF-SUSTAINING

POPULATION AND FULLY RECOVER FROM ITS ENDANGERED STATUS IN

COLORADO.

(III) EVEN IF THE COMMISSION CANCELS REINTRODUCTION

PURSUANT TO SUBSECTION (1)(b)(II)(B) OF THIS SECTION, THE
COMMISSION SHALL STILL ADOPT A PLAN PURSUANT TO SUBSECTION (2) OF THIS SECTION TO RECOVER AND MANAGE GRAY WOLVES, AUTHORIZE EDUCATION PROGRAMS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, AND CONVENE A STUDY GROUP PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION.

(2) **Sustainable reintroduction, recovery, and management plan.** (a) The commission shall adopt and periodically update a plan to sustainably:

(I) REINTRODUCE GRAY WOLVES INTO SUITABLE HABITAT IN COLORADO IN ONE OR MORE POPULATIONS;

(II) RECOVER GRAY WOLF POPULATIONS IN THEIR REINTRODUCED HABITAT, INCLUDING PURSUANT TO THE AUTHORITIES SPECIFIED IN SECTIONS 33-2-104 AND 33-2-105; AND

(III) MANAGE GRAY WOLVES. MANAGEMENT MAY INCLUDE METHODS OTHER THAN THE ISSUANCE OF HUNTING LICENSES FOR EXPERIMENTAL POPULATIONS AS DEFINED IN 16 U.S.C. SEC. 1539(j) AND AS AUTHORIZED BY THE COMMISSION, ONCE A SUSTAINABLE POPULATION HAS BEEN ESTABLISHED. MANAGEMENT MUST BE DESIGNED TO BOTH:

(A) PROMOTE A SUSTAINABLE GRAY WOLF POPULATION IN COLORADO; AND

(B) MINIMIZE DAMAGE TO LIVESTOCK AND ADVERSE IMPACTS ON LIVESTOCK OWNERS AND PROVIDE COMPENSATION FOR DAMAGES CAUSED BY GRAY WOLVES.

(b) The plan must:

(I) COMPLY WITH THE REPORTING REQUIREMENTS SPECIFIED IN SECTION 33-2-105.7;

(II) BE DEVELOPED AFTER:
(A) Conducting a public process to solicit and consider public comments, both written and oral; and

(B) Giving due consideration to the public comments received pursuant to subsection (2)(b)(II)(A) of this section;

(III) Use the best scientific data available;

(IV) Specify the criteria pursuant to which the gray wolf would be removed from the list of endangered or threatened species as provided for in section 33-2-105 (2); and

(V) Be periodically updated, including after the initial reintroduction of gray wolves.

(c) The commission and division shall not and the plan must not impose any land-, water-, or resource-use restrictions on private landowners pursuant to the implementation of this section.

(3) Damages - compensation. (a) The commission shall authorize and finance programs to educate livestock owners regarding the avoidance and mitigation of damages potentially caused by gray wolves.

(b) Notwithstanding that gray wolves are not a game animal, for the sole purpose of providing compensation pursuant to article 3 of this title 33 to livestock owners for damages caused by gray wolves, gray wolves shall be deemed to be big game; except that compensation is available only to commercial owners of livestock as defined by the commission by rule.

(c) (I) In consultation with the department of agriculture, the commission and division shall convene a study group.
(II) The study group shall consider:

(A) How to verify and estimate damages caused by gray wolves, including direct livestock losses through death and injury, indirect production losses, and reasonably reliable and practicable means to demonstrate the losses, specifically considering the maintenance of baseline production records for a period of years before the reintroduction of gray wolves and the use of brand inspectors employed pursuant to Part 2 of Article 43 of Title 35 to verify and estimate the damages; and

(B) How to finance the payment of damages caused by gray wolves pursuant to subsection (3)(b) of this section, including specifically one or more new sources of revenue beyond those sources available on the effective date of this section;

(III) By January 1, 2022, the commission shall submit a report to the legislative committees of the general assembly that have jurisdiction over wildlife and agriculture issues concerning the results of the study group process.

(IV) This subsection (3)(c) is repealed, effective September 1, 2023.

(4) Rules. The commission may promulgate rules as necessary to implement this section.

(5) Definitions. As used in this section:

(a) "Gray wolf" means nongame wildlife of the species Canis lupus.

(b) "Livestock" means alpacas, bison, burros, cattle, donkeys, goats, horses, llamas, mules, sheep, or swine.
(c) "Suitable habitat" means land in Colorado that the commission determines is consistent with its plan to sustainably reintroduce, recover, and manage gray wolves.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.