

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0440.01 Thomas Morris x4218

SENATE BILL 20-121

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture & Natural Resources

House Committees

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
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.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 33-2-105.8 as

3 follows:

4 **33-2-105.8. Management of gray wolves - reintroduction -**

5 **approval - sustainable plan - report - legislative declaration - rules -**

6 **definitions - repeal. (1) Approval of reintroduction - legislative**

7 **declaration. (a) IN ACCORDANCE WITH SECTION 33-2-105.5, THE**

8 **GENERAL ASSEMBLY DETERMINES AND DECLARES THAT:**

9 **(I) GRAY WOLVES ARE NOT, OR ARE NO LONGER, FOUND IN THE**

10 **STATE AS A SUSTAINABLE POPULATION AND ARE LISTED AS ENDANGERED**

1 BY THE COMMISSION AND PURSUANT TO THE FEDERAL "ENDANGERED
2 SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED;

3 (II) PRIOR TO REINTRODUCTION BY THE DIVISION, THE
4 REINTRODUCTION OF GRAY WOLVES REQUIRES APPROVAL BY THE GENERAL
5 ASSEMBLY; AND

6 (III) THE GENERAL ASSEMBLY APPROVES THE REINTRODUCTION OF
7 THE GRAY WOLF AS SPECIFIED IN THIS SECTION.

8 (b) **Schedule of reintroduction.** (I) EXCEPT AS SPECIFIED IN
9 SUBSECTION (1)(b)(II) OF THIS SECTION, BY DECEMBER 31, 2025, THE
10 DIVISION SHALL, IN COMPLIANCE WITH THE PLAN ADOPTED PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION, TAKE THE STEPS NECESSARY TO BEGIN
12 THE REINTRODUCTION OF THE GRAY WOLF INTO SUITABLE HABITAT SO
13 THAT THE GRAY WOLF CAN DEVELOP A SELF-SUSTAINING POPULATION AND
14 FULLY RECOVER FROM ITS ENDANGERED STATUS IN COLORADO.

15 (II) THE DIVISION SHALL:

16 (A) POSTPONE THE REINTRODUCTION UNTIL, AS DETERMINED BY
17 THE COMMISSION, AN ADEQUATE NEW SOURCE OF REVENUE BEYOND
18 THOSE SOURCES AVAILABLE ON THE EFFECTIVE DATE OF THIS SECTION IS
19 LEGALLY AVAILABLE TO PAY FOR DAMAGES AUTHORIZED PURSUANT TO
20 SUBSECTION (3) OF THIS SECTION; AND

21 (B) NOT PROCEED OR CONTINUE WITH THE REINTRODUCTION IF, AS
22 DETERMINED BY THE COMMISSION, THE GRAY WOLF HAS MIGRATED INTO
23 COLORADO IN SUFFICIENT NUMBERS TO HAVE A SELF-SUSTAINING
24 POPULATION AND FULLY RECOVER FROM ITS ENDANGERED STATUS IN
25 COLORADO.

26 (III) EVEN IF THE COMMISSION CANCELS REINTRODUCTION
27 PURSUANT TO SUBSECTION (1)(b)(II)(B) OF THIS SECTION, THE

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

6 (2) **Sustainable reintroduction, recovery, and management**
7 **plan.** (a) THE COMMISSION SHALL ADOPT AND PERIODICALLY UPDATE A
8 PLAN TO SUSTAINABLY:

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

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

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

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

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

24 (b) THE PLAN MUST:

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

27 (II) BE DEVELOPED AFTER:

1 (A) CONDUCTING A PUBLIC PROCESS TO SOLICIT AND CONSIDER
2 PUBLIC COMMENTS, BOTH WRITTEN AND ORAL; AND

3 (B) GIVING DUE CONSIDERATION TO THE PUBLIC COMMENTS
4 RECEIVED PURSUANT TO SUBSECTION (2)(b)(II)(A) OF THIS SECTION;

5 (III) USE THE BEST SCIENTIFIC DATA AVAILABLE;

6 (IV) SPECIFY THE CRITERIA PURSUANT TO WHICH THE GRAY WOLF
7 WOULD BE REMOVED FROM THE LIST OF ENDANGERED OR THREATENED
8 SPECIES AS PROVIDED FOR IN SECTION 33-2-105 (2); AND

9 (V) BE PERIODICALLY UPDATED, INCLUDING AFTER THE INITIAL
10 REINTRODUCTION OF GRAY WOLVES.

11 (c) THE COMMISSION AND DIVISION SHALL NOT AND THE PLAN
12 MUST NOT IMPOSE ANY LAND-, WATER-, OR RESOURCE-USE RESTRICTIONS
13 ON PRIVATE LANDOWNERS PURSUANT TO THE IMPLEMENTATION OF THIS
14 SECTION.

15 (3) **Damages - compensation.** (a) THE COMMISSION SHALL
16 AUTHORIZE AND FINANCE PROGRAMS TO EDUCATE LIVESTOCK OWNERS
17 REGARDING THE AVOIDANCE AND MITIGATION OF DAMAGES POTENTIALLY
18 CAUSED BY GRAY WOLVES.

19 (b) NOTWITHSTANDING THAT GRAY WOLVES ARE NOT A GAME
20 ANIMAL, FOR THE SOLE PURPOSE OF PROVIDING COMPENSATION PURSUANT
21 TO ARTICLE 3 OF THIS TITLE 33 TO LIVESTOCK OWNERS FOR DAMAGES
22 CAUSED BY GRAY WOLVES, GRAY WOLVES SHALL BE DEEMED TO BE BIG
23 GAME; EXCEPT THAT COMPENSATION IS AVAILABLE ONLY TO COMMERCIAL
24 OWNERS OF LIVESTOCK AS DEFINED BY THE COMMISSION BY RULE.

25 (c) (I) IN CONSULTATION WITH THE DEPARTMENT OF
26 AGRICULTURE, THE COMMISSION AND DIVISION SHALL CONVENE A STUDY
27 GROUP.

1 (II) THE STUDY GROUP SHALL CONSIDER:

2 (A) HOW TO VERIFY AND ESTIMATE DAMAGES CAUSED BY GRAY
3 WOLVES, INCLUDING DIRECT LIVESTOCK LOSSES THROUGH DEATH AND
4 INJURY, INDIRECT PRODUCTION LOSSES, AND REASONABLY RELIABLE AND
5 PRACTICABLE MEANS TO DEMONSTRATE THE LOSSES, SPECIFICALLY
6 CONSIDERING THE MAINTENANCE OF BASELINE PRODUCTION RECORDS FOR
7 A PERIOD OF YEARS BEFORE THE REINTRODUCTION OF GRAY WOLVES AND
8 THE USE OF BRAND INSPECTORS EMPLOYED PURSUANT TO PART 2 OF
9 ARTICLE 43 OF TITLE 35 TO VERIFY AND ESTIMATE THE DAMAGES; AND

10 (B) HOW TO FINANCE THE PAYMENT OF DAMAGES CAUSED BY
11 GRAY WOLVES PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION,
12 INCLUDING SPECIFICALLY ONE OR MORE NEW SOURCES OF REVENUE
13 BEYOND THOSE SOURCES AVAILABLE ON THE EFFECTIVE DATE OF THIS
14 SECTION.

15 (III) BY JANUARY 1, 2022, THE COMMISSION SHALL SUBMIT A
16 REPORT TO THE LEGISLATIVE COMMITTEES OF THE GENERAL ASSEMBLY
17 THAT HAVE JURISDICTION OVER WILDLIFE AND AGRICULTURE ISSUES
18 CONCERNING THE RESULTS OF THE STUDY GROUP PROCESS.

19 (IV) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE SEPTEMBER
20 1, 2023.

21 (4) **Rules.** THE COMMISSION MAY PROMULGATE RULES AS
22 NECESSARY TO IMPLEMENT THIS SECTION.

23 (5) **Definitions.** AS USED IN THIS SECTION:

24 (a) "GRAY WOLF" MEANS NONGAME WILDLIFE OF THE SPECIES
25 CANIS LUPUS.

26 (b) "LIVESTOCK" MEANS ALPACAS, BISON, BURROS, CATTLE,
27 DONKEYS, GOATS, HORSES, LLAMAS, MULES, SHEEP, OR SWINE.

1 (c) "SUITABLE HABITAT" MEANS LAND IN COLORADO THAT THE
2 COMMISSION DETERMINES IS CONSISTENT WITH ITS PLAN TO SUSTAINABLY
3 REINTRODUCE, RECOVER, AND MANAGE GRAY WOLVES.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2020 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.