

SB121_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB20-121 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 33-2-105.8 as
4 follows:

5 **33-2-105.8. Management of gray wolves - reintroduction -**
6 **approval - sustainable plan - report - legislative declaration - rules -**
7 **definitions - repeal. (1) Approval of reintroduction - legislative**
8 **declaration.** (a) IN ACCORDANCE WITH SECTION 33-2-105.5, AND
9 REGARDLESS OF WHETHER GRAY WOLVES REMAIN LISTED PURSUANT TO
10 FEDERAL LAW, THE GENERAL ASSEMBLY DETERMINES AND DECLARES
11 THAT:

12 (I) GRAY WOLVES ARE NOT, OR ARE NO LONGER, FOUND IN THE
13 STATE AS A SUSTAINABLE POPULATION AND ARE LISTED AS ENDANGERED
14 BY THE COMMISSION AND PURSUANT TO THE FEDERAL "ENDANGERED
15 SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED;

16 (II) HISTORICALLY, SMALL NUMBERS OF GRAY WOLVES HAVE
17 MIGRATED INTO COLORADO BUT UNTIL RECENTLY, MOST HAVE DIED OR
18 DISAPPEARED WITHOUT ESTABLISHING A RECOVERED POPULATION;

19 (III) RECENTLY, GRAY WOLVES HAVE NATURALLY MIGRATED INTO
20 COLORADO IN SMALL NUMBERS;

21 (IV) PRIOR TO REINTRODUCTION OR AUGMENTATION BY THE
22 DIVISION, THE REINTRODUCTION OF GRAY WOLVES REQUIRES APPROVAL BY
23 THE GENERAL ASSEMBLY; AND

24 (V) THE GENERAL ASSEMBLY APPROVES THE REINTRODUCTION OF
25 THE GRAY WOLF AS SPECIFIED IN THIS SECTION.

26 (b) **Schedule of reintroduction.** (I) EXCEPT AS SPECIFIED IN
27 SUBSECTION (1)(b)(II) OF THIS SECTION:

28 (A) BY DECEMBER 31, 2024, THE DIVISION SHALL, IN COMPLIANCE
29 WITH THE PLAN ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION
30 AND ANY RELEVANT FEDERAL REQUIREMENTS, TAKE THE STEPS
31 NECESSARY TO BEGIN THE REINTRODUCTION OF THE GRAY WOLF INTO
32 SUITABLE HABITAT SO THAT THE GRAY WOLF CAN DEVELOP A
33 SUSTAINABLE POPULATION AND RECOVER FROM ITS ENDANGERED STATUS
34 IN COLORADO;

35 (B) IF NECESSARY AFTER THE INITIAL REINTRODUCTION, THE
36 DIVISION SHALL AUGMENT THE GRAY WOLF POPULATION AS SPECIFIED IN
37 THIS SECTION TO ACHIEVE A SUSTAINABLE POPULATION.

38 (II) THE DIVISION SHALL:

39 (A) NOT PROCEED WITH REINTRODUCTION UNLESS GRAY WOLVES

1 ARE NO LONGER LISTED UNDER THE FEDERAL "ENDANGERED SPECIES ACT
2 OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED, OR A PERMIT TO
3 REINTRODUCE GRAY WOLVES IS OBTAINED FROM THE FEDERAL
4 GOVERNMENT.

5 (B) POSTPONE THE INITIAL REINTRODUCTION AND ALL
6 SUBSEQUENT RELEASES IF, AS DETERMINED BY THE COMMISSION, AN
7 ADEQUATE NEW SOURCE OF REVENUE BEYOND THOSE SOURCES AVAILABLE
8 ON THE EFFECTIVE DATE OF THIS SECTION, INCLUDING THE WILDLIFE CASH
9 FUND CREATED IN SECTION 33-1-112 (1)(a), IS NOT LEGALLY AVAILABLE
10 FOR THE FOLLOWING STATE FISCAL YEAR TO PAY FOR THAT YEAR'S COSTS
11 ASSOCIATED WITH IMPLEMENTING THE SUSTAINABLE REINTRODUCTION,
12 RECOVERY, AND MANAGEMENT OF GRAY WOLVES AUTHORIZED PURSUANT
13 TO THIS SUBSECTION (1) AND SUBSECTION (2) OF THIS SECTION AND
14 DAMAGES AS CONTEMPLATED BY SUBSECTION (3) OF THIS SECTION. NO
15 MONEY DERIVED FROM HUNTER OR ANGLER LICENSE FEES SHALL BE USED
16 TO PAY FOR COMPENSATION FOR WOLF-RELATED DAMAGES OR THE COST
17 OF WOLF REINTRODUCTIONS OR MANAGEMENT.

18 (C) NOT PROCEED OR CONTINUE WITH THE REINTRODUCTION IF, AS
19 DETERMINED BY THE COMMISSION PURSUANT TO THE BEST AVAILABLE
20 SCIENTIFIC DATA AND AFTER CONSULTING WITH INDEPENDENT SCIENTISTS
21 WITH EXPERTISE IN WOLF POPULATION BIOLOGY, THERE ARE AT LEAST
22 FOUR PACKS AND FORTY WOLVES PRESENT IN COLORADO, AS ESTIMATED
23 BY THE DIVISION. A DETERMINATION MADE PURSUANT TO THIS
24 SUBSECTION (1)(b)(II)(C) MUST BE BASED UPON WINTER SURVEYS WITH
25 RESULTS PRESENTED BY DECEMBER 31 OF ANY PARTICULAR CALENDAR
26 YEAR FOR A REINTRODUCTION DURING THE FOLLOWING CALENDAR YEAR.
27 IN MAKING ITS DETERMINATION, THE COMMISSION SHALL CONSIDER: THE
28 GEOGRAPHICAL DISTRIBUTION OF THE GRAY WOLF IN COLORADO AND
29 ADJACENT STATES; THE DISPERSAL RANGE OF THE GRAY WOLF; AND THE
30 RECOMMENDATIONS OF THE UNITED STATES FISH AND WILDLIFE SERVICE
31 WHILE THE GRAY WOLF REMAINS LISTED UNDER THE FEDERAL
32 "ENDANGERED SPECIES ACT OF 1973", AS AMENDED, 16 U.S.C. SEC. 1531
33 ET SEQ., OR DURING ANY MONITORING PERIOD AFTER THE GRAY WOLF IS
34 DELISTED.

35 (III) EVEN IF THE COMMISSION CANCELS OR POSTPONES
36 REINTRODUCTION PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION,
37 THE COMMISSION SHALL STILL ADOPT A PLAN PURSUANT TO SUBSECTION
38 (2) OF THIS SECTION TO RECOVER AND MANAGE THE GRAY WOLF
39 POPULATION.

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

43 (I) REINTRODUCE GRAY WOLVES INTO SUITABLE HABITAT IN

1 COLORADO TO ACHIEVE A SUSTAINABLE POPULATION;
2 (II) RECOVER GRAY WOLF POPULATIONS TO ACHIEVE A
3 SUSTAINABLE POPULATION, INCLUDING PURSUANT TO THE AUTHORITIES
4 SPECIFIED IN SECTIONS 33-2-104 AND 33-2-105; AND
5 (III) MANAGE GRAY WOLVES. MANAGEMENT MAY INCLUDE ALL
6 METHODS ALLOWABLE UNDER AND CONSISTENT WITH STATE LAW,
7 INCLUDING LIVE RELEASES AS NECESSARY TO ENHANCE GENETIC
8 DIVERSITY OR ENSURE SUSTAINABILITY OF THE GRAY WOLF POPULATION
9 IN COLORADO; EXCEPT THAT MANAGEMENT AUTHORITY MUST BE
10 EXERCISED IN A MANNER CONSISTENT WITH THE FEDERAL "ENDANGERED
11 SPECIES ACT OF 1973", AS AMENDED, 16 U.S.C. SEC. 1531 ET SEQ., AND
12 OTHER GOVERNING FEDERAL LAW, AS APPLICABLE. MANAGEMENT MUST
13 BE DESIGNED TO BOTH:
14 (A) PROMOTE A SUSTAINABLE AND RECOVERED GRAY WOLF
15 POPULATION IN COLORADO; AND
16 (B) REDUCE DAMAGE TO LIVESTOCK AND ADVERSE IMPACTS ON
17 LIVESTOCK OWNERS THROUGH MEASURES TO PREVENT WOLF PREDATION
18 ON LIVESTOCK AND PROVIDE COMPENSATION FOR DAMAGES CAUSED BY
19 GRAY WOLVES.
20 (b) THE PLAN MUST:
21 (I) COMPLY WITH THE REPORTING REQUIREMENTS SPECIFIED IN
22 SECTION 33-2-105.7;
23 (II) BE DEVELOPED AFTER:
24 (A) CONDUCTING A PUBLIC PROCESS TO SOLICIT AND CONSIDER
25 PUBLIC COMMENTS, BOTH WRITTEN AND ORAL; AND
26 (B) GIVING DUE CONSIDERATION TO THE PUBLIC COMMENTS
27 RECEIVED PURSUANT TO SUBSECTION (2)(b)(II)(A) OF THIS SECTION;
28 (III) USE THE BEST SCIENTIFIC DATA AVAILABLE;
29 (IV) SPECIFY THE CRITERIA THAT THE COMMISSION WOULD
30 CONSIDER IN DETERMINING WHETHER THE GRAY WOLF WOULD BE
31 REMOVED FROM THE LIST OF ENDANGERED OR THREATENED SPECIES AS
32 PROVIDED FOR IN SECTION 33-2-105. THE COMMISSION RETAINS THE
33 ABILITY TO MAKE DETERMINATIONS REGARDING THE THREATENED OR
34 ENDANGERED STATUS OF GRAY WOLVES PURSUANT TO SECTION 33-2-105
35 (2).
36 (V) BE PERIODICALLY UPDATED, INCLUDING AFTER THE INITIAL
37 REINTRODUCTION OF GRAY WOLVES; AND
38 (VI) INCLUDE CONSIDERATION OF THE FOLLOWING FACTORS WHEN
39 IDENTIFYING SUITABLE HABITAT:
40 (A) SOCIAL TOLERANCE;
41 (B) HUMAN POPULATION DENSITY, INCLUDING HOUSING AND ROAD
42 DENSITY;
43 (C) POTENTIAL IMPACTS ON EXISTING COMMISSION-APPROVED

1 WILDLIFE POPULATION AND MANAGEMENT OBJECTIVES;

2 (D) THE POTENTIAL FOR WOLVES TO CONTRIBUTE BENEFICIAL
3 ECOLOGICAL EFFECTS, INCLUDING THE SUPPRESSION OF CHRONIC WASTING
4 DISEASE IN UNGULATE POPULATIONS; AND

5 (E) ANY IMPACT THAT THE REINTRODUCTION OF GRAY WOLVES IN
6 COLORADO MIGHT HAVE ON MEXICAN WOLF POPULATIONS.

7 (c) THE COMMISSION AND DIVISION SHALL NOT AND THE PLAN
8 MUST NOT IMPOSE ANY LAND-, WATER-, OR RESOURCE-USE RESTRICTIONS
9 ON PRIVATE LANDOWNERS PURSUANT TO THE IMPLEMENTATION OF THIS
10 SECTION.

11 (3) **Damages - education.** THE STATE AGRICULTURAL
12 COMMISSION CREATED IN SECTION 35-1-105 (1)(a) SHALL ESTABLISH A
13 PROCESS TO EDUCATE LIVESTOCK OWNERS REGARDING THE AVOIDANCE
14 AND MITIGATION OF DAMAGES POTENTIALLY CAUSED BY GRAY WOLVES.

15 (4) **Study group.** (a) IN CONSULTATION WITH THE DIVISION, THE
16 COMMISSION AND THE STATE AGRICULTURAL COMMISSION SHALL JOINTLY
17 CONVENE A STUDY GROUP.

18 (b) THE STUDY GROUP SHALL CONSIDER:

19 (I) HOW TO VERIFY AND ESTIMATE DAMAGES CAUSED BY GRAY
20 WOLVES, INCLUDING DIRECT LIVESTOCK LOSSES THROUGH DEATH AND
21 INJURY AND REASONABLY RELIABLE AND PRACTICABLE MEANS TO
22 DEMONSTRATE THE LOSSES, SPECIFICALLY CONSIDERING:

23 (A) THE MAINTENANCE OF BASELINE PRODUCTION RECORDS FOR
24 A PERIOD OF YEARS BEFORE THE REINTRODUCTION OF GRAY WOLVES; AND

25 (B) THE USE OF DIVISION GAME DAMAGE INSPECTORS OR FEDERAL
26 OR OTHER STATE EMPLOYEES, INCLUDING BRAND INSPECTORS EMPLOYED
27 PURSUANT TO PART 2 OF ARTICLE 43 OF TITLE 35, TO VERIFY AND
28 ESTIMATE THE DAMAGES;

29 (C) WHETHER REASONABLY RELIABLE AND PRACTICABLE MEANS
30 CAN BE DEvised TO DEMONSTRATE INDIRECT PRODUCTION LOSSES,
31 INCLUDING CONSIDERATION OF THE DISCLOSURE AND PROTECTION OF
32 PROPRIETARY DATA; AND

33 (D) MEANS TO EXPEDITE DAMAGE PAYMENTS; AND

34 (II) HOW TO FINANCE THE PREVENTION, MITIGATION, AND
35 PAYMENT OF DAMAGES CAUSED BY GRAY WOLVES AND THE
36 REINTRODUCTION AND MANAGEMENT OF GRAY WOLVES PURSUANT TO
37 SUBSECTIONS (1) AND (2) OF THIS SECTION, INCLUDING SPECIFICALLY ONE
38 OR MORE NEW SOURCES OF REVENUE BEYOND THOSE SOURCES AVAILABLE
39 ON THE EFFECTIVE DATE OF THIS SECTION, SUCH AS:

40 (A) A WOLF STAMP PROGRAM, WHICH COULD BE MODELED AFTER
41 THE COLORADO WILDLIFE HABITAT STAMP AUTHORIZED BY SECTION
42 33-4-102.7, AND INCLUDE PURCHASES OF THE STAMP BY MEMBERS OF THE
43 GENERAL PUBLIC;

1 (B) THE GENERAL FUND;
2 (C) TOURISM DOLLARS;
3 (D) SPECIAL LICENSE PLATES;
4 (E) AVAILABLE FEDERAL REVENUES, NOT TO INCLUDE REVENUES
5 AVAILABLE PURSUANT TO THE FEDERAL "PITTMAN-ROBERTSON WILDLIFE
6 RESTORATION ACT", 16 U.S.C. SEC. 669-669i; AND
7 (F) THE ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS;
8 (III) THE IMPACTS OF ADDITIONAL REVENUES ON THE DIVISION'S
9 ENTERPRISE STATUS; AND
10 (IV) OTHER STATES' AND THE FEDERAL APPROACHES IN MANAGING
11 GRAY WOLVES, INCLUDING METHODS OF REINTRODUCING WOLVES AND
12 WAYS TO ESTIMATE, PROVE, AND PAY FOR DAMAGES CAUSED BY GRAY
13 WOLVES; AND
14 (V) ANY IMPACT THAT THE REINTRODUCTION OF GRAY WOLVES IN
15 COLORADO MIGHT HAVE ON MEXICAN WOLF POPULATIONS.
16 (c) BY JANUARY 1, 2022, THE COMMISSION AND THE STATE
17 AGRICULTURAL COMMISSION SHALL SUBMIT A REPORT TO THE
18 LEGISLATIVE COMMITTEES OF THE GENERAL ASSEMBLY THAT HAVE
19 JURISDICTION OVER WILDLIFE AND AGRICULTURE ISSUES CONCERNING THE
20 RESULTS OF THE STUDY GROUP PROCESS.
21 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
22 2023.
23 (5) **Rules.** THE COMMISSION MAY PROMULGATE RULES AS
24 NECESSARY TO IMPLEMENT THIS SECTION.
25 (6) **Definitions.** AS USED IN THIS SECTION:
26 (a) "GRAY WOLF" MEANS NONGAME WILDLIFE OF THE SPECIES
27 CANIS LUPUS EXCEPT FOR THE MEXICAN WOLF, CANIS LUPUS BAILEYI.
28 (b) "LIVESTOCK" MEANS THE FOLLOWING THAT ARE NOT A PET:
29 ALPACAS, BISON, BURROS, CATTLE, DONKEYS, GOATS, HORSES, LLAMAS,
30 MULES, SHEEP, OR SWINE.
31 (c) "PACK" MEANS AT LEAST ONE ADULT MALE WOLF, AT LEAST
32 ONE ADULT FEMALE WOLF, AND THEIR OFFSPRING.
33 (d) "RECOVER" OR "RECOVERED" MEANS ACHIEVING A
34 SUSTAINABLE POPULATION.
35 (e) "REINTRODUCE" INCLUDES AUGMENTING AN EXISTING
36 POPULATION.
37 (f) "SUSTAINABLE POPULATION" MEANS A POPULATION OF WOLVES
38 WITH A SUFFICIENT NUMBER OF BREEDING PAIRS TO ENSURE LONG-TERM
39 VIABILITY.
40 (g) "SUITABLE HABITAT" MEANS LAND IN COLORADO THAT THE
41 COMMISSION DETERMINES, BASED ON BEST AVAILABLE SCIENCE, IS
42 CONSISTENT WITH ITS PLAN TO SUSTAINABLY REINTRODUCE, RECOVER,
43 AND MANAGE GRAY WOLVES.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor."

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