

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0795.01 Jery Payne x2157

SENATE BILL 23-256

SENATE SPONSORSHIP

Will and Roberts, Baisley, Hinrichsen, Marchman, Mullica, Pelton B., Pelton R., Priola, Rich, Simpson

HOUSE SPONSORSHIP

Lukens and Soper, Catlin, Holtorf, Martinez, McCluskie, McLachlan, Taggart, Velasco, Winter T.

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING PREREQUISITES TO THE MANAGEMENT OF GRAY WOLVES**
102 **PRIOR TO THE WOLVES BEING REINTRODUCED.**

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 prohibits the introduction of gray wolves into an area if:

- The United States secretary of the interior has not made a final determination as to whether the gray wolf population in the area is experimental, which gives the state greater flexibility to manage the wolves; or
- The United States secretary of the interior or the United

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

States department of agriculture has not completed an environmental impact study under federal law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The citizens of Colorado passed Proposition 114 in the
5 November 2020 election;

6 (b) Proposition 114 is codified as section 33-2-105.8, Colorado
7 Revised Statutes, which mandates that the parks and wildlife commission
8 restore the gray wolf to the state;

9 (c) Fifteen months after the adoption of Proposition 114, on
10 February 10, 2022, wolves in Colorado were listed as endangered under
11 the federal "Endangered Species Act of 1973";

12 (d) The passage of Proposition 114 requires that the parks and
13 wildlife commission, after holding statewide hearings and using scientific
14 data, implement a plan to restore and manage gray wolves;

15 (e) The primary goal of the planning process is to recover and
16 maintain a viable, self-sustaining gray wolf population in Colorado, while
17 concurrently working to minimize wolf-related conflicts with domestic
18 animals, other wildlife, and people;

19 (f) Concurrent with this planning process, the United States fish
20 and wildlife service has embarked on a rule-making designed to provide
21 management flexibility by designating Colorado's wolves as a
22 nonessential experimental population under 16 U.S.C. sec. 1539 (j);

23 (g) The United States fish and wildlife service seeks to complete
24 this rule-making prior to the reintroduction of gray wolves into the state,
25 as was done when wolves were reintroduced into Yellowstone National

1 Park in 1995;

2 (h) A determination made under 16 U.S.C. sec. 1539 (j) would
3 provide management flexibility, which is a critical component to
4 successful management of gray wolves in accordance with the planning
5 required by section 33-2-105.8 (2)(a), Colorado Revised Statutes;

6 (i) In accordance with the planning conducted by the parks and
7 wildlife commission, wolf releases will occur on state or private lands,
8 and releasing wolves on federal land is not currently contemplated
9 because the Colorado division of parks and wildlife does not have the
10 staffing or financial resources to undertake the analysis required by the
11 federal "National Environmental Policy Act of 1969", Pub.L. 91-190, for
12 the release;

13 (j) Based on gray wolf travel patterns after their release in
14 Yellowstone National Park, when wolves traveled an average distance of
15 approximately fifty miles, with actual travel distances ranging from
16 approximately twenty-two to one hundred forty miles from the release
17 sites, the Colorado division of parks and wildlife anticipates that gray
18 wolves will travel substantial distances in the months immediately after
19 their release in Colorado; and

20 (k) Because of gray wolf mobility, it is anticipated that wolves
21 will occupy federal land areas after they are released.

22 (2) Therefore, it is critical that, before gray wolves are
23 reintroduced in Colorado, a determination is made under 16 U.S.C. sec.
24 1539 (j) and that the analysis required by the federal "National
25 Environmental Policy Act of 1969", Pub.L. 91-190, for the release of gray
26 wolves is completed in order to enable the Colorado division of parks and
27 wildlife to implement best management practices in light of the

1 endangered species status of the gray wolf.

2 **SECTION 2.** In Colorado Revised Statutes, 33-1-102, **add** (6.7)
3 as follows:

4 **33-1-102. Definitions.** As used in this title 33, unless the context
5 otherwise requires:

6 (6.7) "DATA ANALYSIS UNIT" MEANS THE GEOGRAPHIC AREA THAT
7 REPRESENTS THE YEAR-AROUND RANGE OF A BIG GAME HERD AND
8 INCLUDES ALL OF THE SEASONAL RANGES OF THE HERD.

9 **SECTION 3.** In Colorado Revised Statutes, 33-2-105.8, **add** (3.5)
10 as follows:

11 **33-2-105.8. Reintroduction of gray wolves on designated lands**
12 **west of the continental divide - public input in commission**
13 **development of restoration plan - limits on release - compensation to**
14 **owners of livestock - definitions.** (3.5) (a) NOTWITHSTANDING ANY
15 OTHER PROVISION OF THIS SECTION, THE COMMISSION SHALL NOT
16 AUTHORIZE THE RESTORATION OF, AND THE DEPARTMENT SHALL NOT
17 RESTORE, GRAY WOLVES INTO A DATA ANALYSIS UNIT IF:

18 (I) THE UNITED STATES SECRETARY OF THE INTERIOR HAS NOT
19 MADE A FINAL DETERMINATION THAT THE GRAY WOLF POPULATION IN THE
20 DATA ANALYSIS UNIT IS A NONESSENTIAL EXPERIMENTAL POPULATION IN
21 ACCORDANCE WITH 16 U.S.C. SEC. 1539 (j); OR

22 (II) THE UNITED STATES SECRETARY OF THE INTERIOR OR THE
23 UNITED STATES DEPARTMENT OF AGRICULTURE HAS NOT COMPLETED THE
24 REQUIRED FINAL ANALYSIS UNDER THE FEDERAL "NATIONAL
25 ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SEC. 4321 ET SEQ., FOR
26 THE REINTRODUCTION OF GRAY WOLVES.

27 (b) FOR THE PURPOSES OF SUBSECTION (3.5)(a)(I) OF THIS SECTION,

1 THE SECRETARY OF THE INTERIOR HAS MADE A FINAL DETERMINATION
2 WHEN:

3 (I) THE DETERMINATION HAS TAKEN EFFECT UNDER THE TERMS OF
4 THE DETERMINATION; AND

5 (II) THE TIME FOR AN APPEAL OR REVIEW HAS PASSED WITHOUT AN
6 APPEAL OR REVIEW BEING FILED OR THE DETERMINATION HAS BEEN
7 FINALLY AFFIRMED WITH ALL APPELLATE REMEDIES HAVING BEEN
8 EXHAUSTED.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.