

# An Act

SENATE BILL 23-256

BY SENATOR(S) Will and Roberts, Baisley, Hinrichsen, Marchman, Mullica, Pelton B., Pelton R., Rich, Simpson, Gardner, Ginal, Kirkmeyer, Liston, Lundeen, Smallwood, Van Winkle;  
also REPRESENTATIVE(S) Lukens and Soper, Catlin, Holtorf, Martinez, McCluskie, McLachlan, Taggart, Velasco, Winter T., Bird, Bockenfeld, Bradley, Duran, Evans, Hartsook, Joseph, McCormick, Pugliese, Snyder, Weinberg, Wilson.

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

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

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

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

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

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

(f) The United States fish and wildlife service seeks to complete this rule-making prior to the reintroduction of gray wolves into the state, as was done when wolves were reintroduced into Yellowstone National Park in 1995;

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

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

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

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

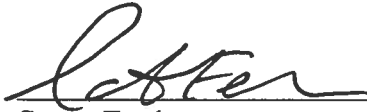
(2) Therefore, it is critical that, before gray wolves are reintroduced in Colorado, a determination is made under 16 U.S.C. sec. 1539 (j) and that the analysis required by the federal "National Environmental Policy Act of 1969", Pub.L. 91-190, for the release of gray wolves is completed in order to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

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

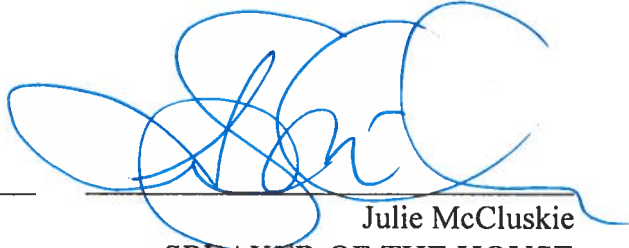
**33-2-105.8. Reintroduction of gray wolves on designated lands west of the continental divide - public input in commission development of restoration plan - limits on release - compensation to owners of livestock - definitions.** (3.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSION SHALL NOT AUTHORIZE THE RELEASE OF, AND THE DEPARTMENT SHALL NOT RELEASE, FEDERALLY ENDANGERED GRAY WOLVES INTO DESIGNATED LANDS PRIOR TO THE EFFECTIVE DATE OF A FINAL RULE, PUBLISHED IN THE FEDERAL REGISTER, THAT DEEMS THE GRAY WOLF POPULATION IN THE DESIGNATED LANDS A NONESSENTIAL EXPERIMENTAL POPULATION IN ACCORDANCE WITH 16 U.S.C. SEC. 1539 (j).

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



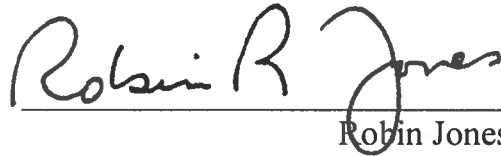
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

**VETO**

DIS APPROVED & VETOED Tuesday May 16<sup>th</sup> 2023 at 1:32 pm  
(Date and Time)

**VETO**



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO