A BILL FOR AN ACT

CONCERNING AUTHORIZATION FOR THE RESTORATION OF THE NORTH AMERICAN WOLVERINE IN THE STATE.

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 reintroduction of the North American wolverine in the state by the division of parks and wildlife (division). As long as the North American wolverine remains on the list of threatened or endangered species pursuant to applicable federal law, the division shall not reintroduce the North American wolverine in the state until a final rule designating the North American wolverine in Colorado as a
nonessential experimental population pursuant to applicable federal law has taken effect.

The bill also creates certain requirements for the reintroduction of the North American wolverine. The parks and wildlife commission must adopt rules for the compensation of owners of livestock for losses caused by the North American wolverine.

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 North American wolverine, whose scientific name is Gulo gulo luscus, is the largest terrestrial species of weasel in the world;

(b) There are approximately three hundred to four hundred North American wolverines in the lower forty-eight states;

(c) The North American wolverine was listed in November 2023 as threatened pursuant to the federal "Endangered Species Act of 1973", and therefore requires legislative authorization before reintroduction can occur;

(d) The North American wolverine requires a high-elevation habitat with persistent, deep snowpack, and Colorado has some of the best remaining unoccupied wolverine habitat in the lower forty-eight states;

(e) The North American wolverine eats small animals, carrion, and other native prey, and conflicts with livestock are extremely rare;

(f) The North American wolverine is no longer found in Colorado as it was extirpated in the early 1900s;

(g) The mission of the division of parks and wildlife includes perpetuating the wildlife resources of the state, and the division of parks and wildlife has the expertise to design, implement, and lead a
science-based North American wolverine reintroduction program in Colorado;

(h) The department of natural resources has been working toward restoration of the North American wolverine in Colorado since the division of parks and wildlife first published a "Draft Strategy for the Conservation and Reestablishment of Lynx and Wolverine in the Southern Rocky Mountains" in 1998;

(i) Colorado's alpine habitats can accommodate as many as one hundred to one hundred eighty wolverines, which would substantially contribute to the recovery of the North American wolverine in the lower forty-eight states;

(j) Restoring native species to the state plays an important part in protecting and enhancing biodiversity; and

(k) Reintroduction of a species requires authorization by the general assembly pursuant to section 33-2-105.5 (2), Colorado Revised Statutes.

SECTION 2. In Colorado Revised Statutes, add 33-2-105.9 as follows:

33-2-105.9. Reintroduction of the North American wolverine - requirements - compensation to owners of livestock - reports - rules - definitions - legislative declaration. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FEDERAL ACT" MEANS THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED.

(b) "NORTH AMERICAN WOLVERINE" MEANS THE SPECIES GULO GULO LUSCUS.

(2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE GENERAL
ASSEMBLY AUTHORIZES THE DIVISION TO REINTRODUCE THE NORTH AMERICAN WOLVERINE IN THE STATE.


(4) IN CONDUCTING THE REINTRODUCTION OF THE NORTH AMERICAN WOLVERINE IN THE STATE, THE DIVISION SHALL:

(a) COMPLY WITH:

(I) THE FINAL RULE DESCRIBED IN SUBSECTION (3) OF THIS SECTION;

(II) THE APPROACH DESCRIBED IN A NORTH AMERICAN WOLVERINE RESTORATION PLAN DEVELOPED BY THE DIVISION; AND


(b) WORK COOPERATIVELY WITH FEDERAL LAND MANAGEMENT AGENCIES THAT HAVE JURISDICTION OVER FEDERAL PUBLIC LANDS WHERE NORTH AMERICAN WOLVERINES MAY BE RELEASED IN COLORADO.

(5) IN THE EVENT THAT THE DIVISION DEVELOPS A NORTH AMERICAN WOLVERINE RESTORATION PLAN PURSUANT TO SUBSECTION (4)(a)(II) OF THIS SECTION, AND BEFORE THE DIVISION REINTRODUCES THE NORTH AMERICAN WOLVERINE IN THE STATE, THE COMMISSION SHALL
ADOPT RULES PROVIDING FOR PAYMENT OF FAIR COMPENSATION TO
OWNERS OF LIVESTOCK FOR LOSSES OF LIVESTOCK CAUSED BY THE NORTH
AMERICAN WOLVERINE PURSUANT TO THE CLAIM PROCEDURES DESCRIBED
IN SECTIONS 33-3-107 TO 33-3-110.

(6) (a) BEFORE THE REINTRODUCTION OF THE NORTH AMERICAN
WOLVERINE IN THE STATE OCCURS, THE DEPARTMENT SHALL PREPARE A
REPORT IN ACCORDANCE WITH SECTION 33-2-105.7 (2). THE DEPARTMENT
SHALL DELIVER THE REPORT IN ACCORDANCE WITH SECTION 33-2-105.7
(3).

(b) THE DEPARTMENT SHALL PREPARE A REPORT IN ACCORDANCE
WITH SECTION 33-2-105.7 (4) FOR EACH OF THE FIVE YEARS AFTER THE
REINTRODUCTION OF THE NORTH AMERICAN WOLVERINE OCCURS.
NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
THE DEPARTMENT SHALL DELIVER THE REPORT IN ACCORDANCE WITH
SECTION 33-2-105.7 (3).

(7) THE DIVISION MAY COMPENSATE OWNERS OF LIVESTOCK
PURSUANT TO SUBSECTION (5) OF THIS SECTION FROM THE WILDLIFE CASH
FUND CREATED IN SECTION 33-1-112 (1); EXCEPT THAT THE DIVISION
SHALL NOT USE MONEY WITHIN THE WILDLIFE CASH FUND THAT IS
GENERATED FROM THE SALE OF HUNTING AND FISHING LICENSES OR FROM
ASSOCIATED FEDERAL GRANTS TO IMPLEMENT THIS SUBSECTION (7).

(8) THE GENERAL ASSEMBLY DEEMS THE RECOMMENDED
EXPENDITURE DESCRIBED IN THIS SUBSECTION (8) TO BE IN THE INTEREST
OF THE PEOPLE OF THE STATE. PURSUANT TO SECTION 24-33-111 (3), THE
EXECUTIVE DIRECTOR IS AUTHORIZED TO OBLIGATE AND EXPEND SEVEN
HUNDRED FIFTY THOUSAND DOLLARS FROM THE SPECIES CONSERVATION
TRUST FUND CREATED IN SECTION 24-33-111 (2)(a) FOR THE PURPOSES OF

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IMPLEMENTING AND ADMINISTERING THIS SECTION, EXCEPT AS SET FORTH IN SUBSECTION (7) OF THIS SECTION. THE MONEY DESCRIBED IN THIS SUBSECTION (8) IS AVAILABLE IN STATE FISCAL YEAR 2024-25 AND REMAINS AVAILABLE FOR THE AUTHORIZED PURPOSES UNTIL THE MONEY IS FULLY EXPENDED.

SECTION 3. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.