

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0932.01 Sarah Lozano x3858

SENATE BILL 24-171

SENATE SPONSORSHIP

Will and Roberts,

HOUSE SPONSORSHIP

McLachlan and Mauro,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR THE RESTORATION OF THE NORTH
102 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

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.

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.

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

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

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

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

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

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

20 (g) The mission of the division of parks and wildlife includes
21 perpetuating the wildlife resources of the state, and the division of parks
22 and wildlife has the expertise to design, implement, and lead a

1 science-based North American wolverine reintroduction program in
2 Colorado;

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

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

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

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

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

19 **33-2-105.9. Reintroduction of the North American wolverine**
20 **- requirements - compensation to owners of livestock - reports - rules**
21 **- definitions - legislative declaration.** (1) AS USED IN THIS SECTION,
22 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

27 (2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE GENERAL

1 ASSEMBLY AUTHORIZES THE DIVISION TO REINTRODUCE THE NORTH
2 AMERICAN WOLVERINE IN THE STATE.

3 (3) AS LONG AS THE NORTH AMERICAN WOLVERINE REMAINS ON
4 THE LIST OF THREATENED OR ENDANGERED SPECIES PURSUANT TO THE
5 FEDERAL ACT, THE DIVISION SHALL NOT REINTRODUCE THE NORTH
6 AMERICAN WOLVERINE IN THE STATE UNTIL THE EFFECTIVE DATE OF A
7 FINAL RULE DESIGNATING THE NORTH AMERICAN WOLVERINE IN
8 COLORADO AS A NONESSENTIAL EXPERIMENTAL POPULATION PURSUANT
9 TO 16 U.S.C. SEC. 1539 (j), AS PUBLISHED IN THE FEDERAL REGISTER BY
10 THE UNITED STATES FISH AND WILDLIFE SERVICE.

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

13 (a) COMPLY WITH:

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

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

18 (III) ALL APPLICABLE FEDERAL LAWS, INCLUDING, IF APPLICABLE,
19 THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42
20 U.S.C. SEC. 4321 ET SEQ., AS AMENDED; AND

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

24 (5) IN THE EVENT THAT THE DIVISION DEVELOPS A NORTH
25 AMERICAN WOLVERINE RESTORATION PLAN PURSUANT TO SUBSECTION
26 (4)(a)(II) OF THIS SECTION, AND BEFORE THE DIVISION REINTRODUCES THE
27 NORTH AMERICAN WOLVERINE IN THE STATE, THE COMMISSION SHALL

1 ADOPT RULES PROVIDING FOR PAYMENT OF FAIR COMPENSATION TO
2 OWNERS OF LIVESTOCK FOR LOSSES OF LIVESTOCK CAUSED BY THE NORTH
3 AMERICAN WOLVERINE PURSUANT TO THE CLAIM PROCEDURES DESCRIBED
4 IN SECTIONS 33-3-107 TO 33-3-110.

5 (6) (a) BEFORE THE REINTRODUCTION OF THE NORTH AMERICAN
6 WOLVERINE IN THE STATE OCCURS, THE DEPARTMENT SHALL PREPARE A
7 REPORT IN ACCORDANCE WITH SECTION 33-2-105.7 (2). THE DEPARTMENT
8 SHALL DELIVER THE REPORT IN ACCORDANCE WITH SECTION 33-2-105.7
9 (3).

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

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

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

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

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2024 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.