

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0932.01 Sarah Lozano x3858

SENATE BILL 24-171

SENATE SPONSORSHIP

Will and Roberts, Bridges, Cutter, Exum, Fenberg, Gonzales, Hansen, Jaquez Lewis, Liston, Marchman, Michaelson Jenet, Mullica, Priola, Sullivan

HOUSE SPONSORSHIP

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Agriculture, Water & Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE RESTORATION OF THE NORTH**
102 **AMERICAN WOLVERINE IN THE STATE, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.*

HOUSE
2nd Reading Unamended
May 2, 2024

SENATE
3rd Reading Unamended
April 17, 2024

SENATE
Amended 2nd Reading
April 16, 2024

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.

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) Given the North American wolverine's status as federally
13 threatened, the division of parks and wildlife will be requesting that the
14 United States fish and wildlife service adopt a final rule pursuant to 16
15 U.S.C. sec. 1539(j), which would designate the reintroduced North
16 American wolverine population in Colorado as a nonessential
17 experimental population. Through the final rule, the United States fish
18 and wildlife service would devise management programs and special
19 regulations for the North American wolverine to help relieve landowner
20 and permittee concerns that reintroduction of the North American
21 wolverine in Colorado may result in restrictions on the use of private,
22 tribal, or public land; ensure adequate management flexibility; and

1 minimize the impact of the reintroduction on land use activities, including
2 big game habitat management projects.

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

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

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

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

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

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

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

27 (l) Reintroduction of a species requires authorization by the

1 general assembly pursuant to section 33-2-105.5 (2), Colorado Revised
2 Statutes.

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

5 **33-2-105.9. Reintroduction of the North American wolverine**
6 **- requirements - compensation to owners of livestock - reports - rules**
7 **- definitions - legislative declaration.** (1) AS USED IN THIS SECTION,
8 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

11 (b) "LIVESTOCK" HAS THE MEANING SET FORTH IN SECTION
12 33-2-105.8 (5).

13 (c) "NORTH AMERICAN WOLVERINE" MEANS THE SPECIES GULO
14 GULO LUSCUS.

15 (2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE
16 GENERAL ASSEMBLY AUTHORIZES THE DIVISION TO REINTRODUCE THE
17 NORTH AMERICAN WOLVERINE IN THE STATE.

18 (3) AS LONG AS THE NORTH AMERICAN WOLVERINE REMAINS ON
19 THE LIST OF THREATENED OR ENDANGERED SPECIES PURSUANT TO THE
20 FEDERAL ACT, THE DIVISION SHALL NOT REINTRODUCE THE NORTH
21 AMERICAN WOLVERINE IN THE STATE UNTIL THE EFFECTIVE DATE OF A
22 FINAL RULE DESIGNATING THE NORTH AMERICAN WOLVERINE IN
23 COLORADO AS A NONESSENTIAL EXPERIMENTAL POPULATION PURSUANT
24 TO 16 U.S.C. SEC. 1539 (j), AS PUBLISHED IN THE FEDERAL REGISTER BY
25 THE UNITED STATES FISH AND WILDLIFE SERVICE.

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

1 (a) COMPLY WITH:

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

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

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

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

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

20 (6) (a) BEFORE THE REINTRODUCTION OF THE NORTH AMERICAN
21 WOLVERINE IN THE STATE OCCURS, THE DEPARTMENT SHALL:

22 (I) PREPARE A REPORT IN ACCORDANCE WITH SECTION 33-2-105.7
23 (2) AND DELIVER THE REPORT IN ACCORDANCE WITH SECTION 33-2-105.7
24 (3); AND

25 (II) DEVELOP A COMMUNICATIONS PLAN THAT OUTLINES THE
26 DIVISION'S PLANNED COMMUNICATIONS FOR PROPOSED RELEASES OF THE
27 NORTH AMERICAN WOLVERINE. THE COMMUNICATIONS PLAN MUST

1 INCLUDE A DESCRIPTION OF HOW THE DIVISION WILL COMMUNICATE WITH
2 STAKEHOLDERS AND BOARDS OF COUNTY COMMISSIONERS IN GENERAL
3 LOCATIONS OF PROPOSED RELEASES OF THE NORTH AMERICAN
4 WOLVERINE.

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

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

17 (8) THE GENERAL ASSEMBLY DEEMS THE RECOMMENDED
18 EXPENDITURE DESCRIBED IN THIS SUBSECTION (8) TO BE IN THE INTEREST
19 OF THE PEOPLE OF THE STATE. PURSUANT TO SECTION 24-33-111 (3), THE
20 EXECUTIVE DIRECTOR IS AUTHORIZED TO OBLIGATE AND EXPEND SEVEN
21 HUNDRED FIFTY THOUSAND DOLLARS FROM THE SPECIES CONSERVATION
22 TRUST FUND CREATED IN SECTION 24-33-111 (2)(a) FOR THE PURPOSES OF
23 IMPLEMENTING AND ADMINISTERING THIS SECTION, EXCEPT AS SET FORTH
24 IN SUBSECTION (7) OF THIS SECTION. THE MONEY DESCRIBED IN THIS
25 SUBSECTION (8) IS AVAILABLE IN STATE FISCAL YEAR 2024-25 AND
26 REMAINS AVAILABLE FOR THE AUTHORIZED PURPOSES UNTIL THE MONEY
27 IS FULLY EXPENDED.

1 **SECTION 3. Appropriation.** For the 2024-25 state fiscal year,
2 \$102,808 is appropriated to the department of natural resources for use
3 by the division of parks and wildlife. This appropriation is from the
4 wildlife cash fund created in section 33-1-112 (1) (a), C.R.S., and is based
5 on an assumption that the division will require an additional 0.8 FTE. To
6 implement this act, the division may use this appropriation for wildlife
7 operations.

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.