

CHAPTER 213

NATURAL RESOURCES

SENATE BILL 24-171

BY SENATOR(S) Will and Roberts, Bridges, Cutter, Exum, Gonzales, Hansen, Jaquez Lewis, Liston, Marchman, Michaelson Jenet, Mullica, Priola, Sullivan, Fenberg;
also REPRESENTATIVE(S) McLachlan and Mauro, Amabile, Brown, Duran, Epps, Froelich, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, McCormick, Ortiz, Parenti, Rutinel, Sirota, Story, Valdez, Vigil, Woodrow, McCluskie.

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

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

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.

flexibility; and minimize the impact of the reintroduction on land use activities, including big game habitat management projects.

(e) 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;

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

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

(h) 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;

(i) 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;

(j) 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;

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

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

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

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

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

(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

(III) ALL APPLICABLE FEDERAL LAWS, INCLUDING, IF APPLICABLE, THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SEC. 4321 ET SEQ., AS AMENDED; 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) THE DIVISION SHALL DEVELOP 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:

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

(II) DEVELOP A COMMUNICATIONS PLAN THAT OUTLINES THE DIVISION'S PLANNED COMMUNICATIONS FOR PROPOSED RELEASES OF THE NORTH AMERICAN WOLVERINE. THE COMMUNICATIONS PLAN MUST INCLUDE A DESCRIPTION OF HOW THE DIVISION WILL COMMUNICATE WITH STAKEHOLDERS AND BOARDS OF COUNTY COMMISSIONERS IN GENERAL LOCATIONS OF PROPOSED RELEASES OF THE NORTH AMERICAN WOLVERINE.

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

SECTION 4. 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.

Approved: May 20, 2024