

CHAPTER 127

NATURAL RESOURCES

HOUSE BILL 00-1314

BY REPRESENTATIVES Johnson, Coleman, Kaufman, Stengel, Tochtrop, and Zimmerman;
also SENATORS Wattenberg, Blickensderfer, and Chlouber.

AN ACT

CONCERNING AUTHORITY FOR THE DIVISION OF WILDLIFE TO REINTRODUCE IN COLORADO TWO ENDANGERED SPECIES THAT ARE LISTED UNDER THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", AND, IN CONNECTION THEREWITH, AUTHORIZING THE REINTRODUCTION OF THE BONYTAIL AND THE BLACK-FOOTED FERRET.

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

SECTION 1. Article 2 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-2-105.6. Reintroduction of the bonytail and the black-footed ferret. (1) IN ACCORDANCE WITH SECTION 33-2-105.5, THE GENERAL ASSEMBLY HEREBY DETERMINES THAT THE FOLLOWING SPECIES ARE NOT CURRENTLY FOUND IN THE STATE AND ARE LISTED UNDER THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED, AND THEREFORE REQUIRE APPROVAL BY THE GENERAL ASSEMBLY PRIOR TO REINTRODUCTION BY THE DIVISION. THE GENERAL ASSEMBLY HEREBY APPROVES THE REINTRODUCTION OF THE FOLLOWING SPECIES INTO THE STATE OF COLORADO:

(a) (I) THE BONYTAIL (*GILA ELEGANS*).

(II) THE REINTRODUCTION OF THE BONYTAIL SHALL BE CONDUCTED CONSISTENT WITH THE FIVE-YEAR STOCKING PLAN FOR ENDANGERED COLORADO RIVER FISH SPECIES IN COLORADO, AS APPROVED BY THE COLORADO RIVER FISHES RECOVERY PROGRAM BIOLOGY COMMITTEE ON SEPTEMBER 1, 1998, OR AS MAY BE AMENDED.

(b) (I) THE BLACK-FOOTED FERRET (*MUSTELA NIGRIPES*).

(II) THE REINTRODUCTION OF THE BLACK-FOOTED FERRET SHALL BE CONDUCTED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CONSISTENT WITH THE APPROACH DESCRIBED IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, DEVELOPED BY THE DIVISION, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND THE UNITED STATES BUREAU OF LAND MANAGEMENT. THE REINTRODUCTION PROGRAM SHALL PROVIDE FOR REGULAR UPDATES FOR THE LOCAL COMMUNITY ON THE STATUS OF THE REINTRODUCTION AND SHALL INVOLVE REPRESENTATIVES OF LOCAL GOVERNMENT AND AFFECTED INTERESTS IN RESOLVING ISSUES THAT MAY ARISE DURING THE REINTRODUCTION EFFORT.

(2) REINTRODUCTION OF THE SPECIES LISTED IN SUBSECTION (1) OF THIS SECTION SHALL COMMENCE BEFORE DECEMBER 31, 2002.

(3) THE DIVISION SHALL SUBMIT ANNUAL REPORTS, NO LATER THAN JANUARY 15 OF EACH YEAR, TO THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE ON THE STATUS OF THE REINTRODUCTION OF THE BONYTAIL AND THE BLACK-FOOTED FERRET AND THE PROGRESS TOWARDS MEETING THE GOALS OF THE RECOVERY PROGRAM AND THE REMOVAL OF THE SPECIES FROM THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED.

(4) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE REINTRODUCTION OF THE BLACK-FOOTED FERRET SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(a) EACH ANNUAL REPORT PREPARED PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL INCLUDE AN ASSESSMENT EVALUATING WHETHER THE REINTRODUCTION OF THE BLACK-FOOTED FERRET WILL IMPAIR ANY USE OF PRIVATE LAND OR BENEFICIAL USE OF WATER EXISTING AT THE TIME OF SUCH REINTRODUCTION. IF THE ASSESSMENT IN ANY ANNUAL REPORT CONCLUDES THAT ANY SUCH USE OF LAND WILL BE IMPAIRED BY REINTRODUCTION OF THE BLACK-FOOTED FERRET, THE ANNUAL REPORT SHALL ALSO DESCRIBE THE REASON FOR THE IMPACT AND POSSIBLE ACTIONS TO REDUCE SUCH IMPACT.

(b) ANY EFFORT TO REINTRODUCE THE BLACK-FOOTED FERRET IN ANY AREAS OUTSIDE THE EXPERIMENTAL POPULATION BOUNDARIES DESCRIBED IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, SHALL REQUIRE FURTHER LEGISLATIVE APPROVAL.

(c) THE STATE OF COLORADO SHALL ENSURE ENFORCEMENT OF THE PROVISIONS OF THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, UP TO AND INCLUDING LITIGATION IF THE MEMORANDUM OF UNDERSTANDING BETWEEN COLORADO AND ANY FEDERAL AGENCY IMPLEMENTING SUCH PLAN IS VIOLATED.

(d) IF REQUESTED, THE STATE OF COLORADO SHALL RELOCATE ANY BLACK-FOOTED FERRETS WITHIN THE STATE OF COLORADO THAT MOVE OUTSIDE OF THE EXPERIMENTAL POPULATION BOUNDARIES DESCRIBED IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, INTO THE AREA ORIGINALLY DESIGNATED IN THE PLAN.

(e) NOTHING IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN

DATED JUNE, 1995, SHALL AFFECT CURRENT PRAIRIE DOG MANAGEMENT EFFORTS ON PRIVATE LANDS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 18, 2000