

SB23-256: Concerning Prerequisites to the Management of Gray Wolves Prior to Reintroduction

Senators Perry Will & Dylan Roberts / Reps. Meghan Lukens & Matthew Soper

Background:

In November 2020, Colorado voters passed Proposition 114 requiring that a program reintroducing gray wolves to Western Colorado be initiated by December 31, 2023. The ballot initiative was subsequently codified as section 33-2-105.8 CRS. Then, in February 2022, wolves were placed back on the Endangered Species list, which puts them under the ordinance of USFWS and complicates CPW's ability to manage reintroduction in a way that protects livestock owners.



CPW has requested that the USFWS approve what is known as a "10J Rule," which would allow the state to cooperate with USFWS to manage wolves as an "experimental population." Granting a "10J" would provide the state more flexibility in managing reintroduction than is typically granted for other endangered species.

What would this bill do:

This bill does two things. It mandates that wolf reintroduction cannot happen until:

1. The U.S. Dept. of Interior has made a final determination in accordance with the Endangered Species Act, 16 U.S.C. section 1539(j) (*aka granted a 10J*), and
2. A complete analysis of the associated environmental impacts is completed in accordance with the National Environmental Policy Act (NEPA).

Supporters:

Boone and Crockett Club	Gunnison County Stockgrowers Association
Breen Community Building	Hay Gulch Ditch Inc.
Chamisa Ranch LLC	Highlands Unlimited Inc.
Colorado Bowhunters Association	Huntington Ranches LLC
Coloradans for Responsible Wildlife Management	Keep Routt Wild
Colorado Cattlemen's Association	Kikel Ranch LLC
Colorado Conservation Alliance	La Plata County Farm Bureau
Colorado Farm Bureau	La Plata Water Conservancy District
Colorado Independent Cattle Growers Association	Muley Fanatic Foundation
Colorado Land, Water & Food Alliance	National Wild Turkey Federation
Colorado Outfitters Association	Professional Outfitters and Guides of America
Colorado State Muzzleloaders Association	Razor Creek Ranch LLC
Colorado Trappers and Predator Hunters Association	Rocky Mountain Bighorn Society
Colorado Women Involved in Farm Economics	Rocky Mountain Elk Foundation (RMEF)
Congressional Sportsmen's Foundation	Rocky Mountain Farmers Union (RMFU)
Conservation Colorado	Safari Club International
Cranor Charolais	Slade Irrigation Company Inc.
Cranor Ranches Inc.	Southern Colorado Livestock Association
Fort Lewis Mesa Planning District	Southwestern Colorado Livestock Association
Gunnison County Farm Bureau	Wild Sheep Foundation

Frequently Asked Questions

What is a 10J Rule?

Under section 10(j), the USFWS may designate a population of a listed species as “experimental” if it will be released into suitable natural habitat outside the species’ current range. With the special allowances afforded under the 10(j) rule, state agencies can devise management programs and landowners can continue to manage their lands without concern about violating the ESA by harming the species (be it inadvertently or out of necessity.)

Why do we need a 10J Rule?

As required by the ballot initiative, CPW has engaged in a two-year stakeholder process to develop a Wolf Management Plan. As noted on page (iii) of the Draft Plan:

“The 10(j) rule provides management flexibility that is a critical component to the success of this Plan and on which other components of the Plan depend.”

I have heard that the 10J Rule would allow for wolf hunting – is that true?

No, absolutely not. If a 10J Rule is adopted then taking lethal action would only be permissible under very specific circumstances, such as preventing the imminent killing of livestock.

Will this bill cause the reintroduction of wolves to be delayed?

Possibly. The 10J Rule proposal is currently undergoing NEPA review. The USFWS has expressed its intent to complete the EIS of the 10J Rule in time to comply with the December 31, 2023 deadline. However, if the proposed rule is challenged legally, that could delay its final adoption. This legislation would delay the actual release of wolves until the 10J Rule is finally adopted and in effect.

For More Information, Please Contact:

**Kathleen Curry | 970-209-5537, kathleen@westslopestrategies.com
Senator Dylan Roberts | 970-846-3054 | SenatorDylanRoberts@gmail.com
Senator Perry Will | 970-948-8409 | Perry.Will.Senate@collegov**



Conservation Colorado

Dear Senator,

Over the next few months, the Colorado Parks and Wildlife Commission will be finalizing and approving the state's wolf management plan with reintroduction efforts slated to begin by December 31st, 2023. Concurrent to this effort and at the request of the State of Colorado, the United States Fish and Wildlife Service (USFWS) has embarked on a 10J rulemaking process, producing a Draft Environmental Impact Statement (DEIS) for public comment in February of 2023 that plays a critical role in determining the state's management authority and ability to respond to the potential impacts that western slope agricultural producers may encounter as part of the reintroduction of wolves.

Shortly, the Colorado Senate will deliberate over SB 23-256, "Management of Gray Wolves". Conservation Colorado supports this bi-partisan bill as introduced, which is sponsored by western slope legislators, and encourages you to vote "yes" on this bill.

The 10J is a valuable conservation tool that allows the state to manage wolves in cooperation with the USFWS as an "experimental population" with more flexibility than typically afforded to listed species. The 10J provides state wildlife managers with tools to address conflicts in a manner that responds to the needs of impacted communities and supports the recovery of the species. It does not alter the CPW's wolf management plan, nor does it allow for the recreational hunting of wolves; it simply provides a full suite of options that can be utilized in extraordinary events.

You have an opportunity to play a key role in supporting impacted western slope communities, wildlife managers, and aiding in recovery efforts of gray wolves by supporting this bill. As such, Conservation Colorado urges a "yes" vote on SB 23-256.

Sincerely,

Kelly Nordini
Chief Executive Officer
Conservation Colorado

Ditmer et al., (2022), areas in green indicate high ecological suitability and low modeled conflict risk. Areas that are pink are high conflict risk and low ecological suitability. Areas that are white are low for both ecological suitability and conflict risk (these are high elevation areas as depicted in the winter time map (Figure 3)).

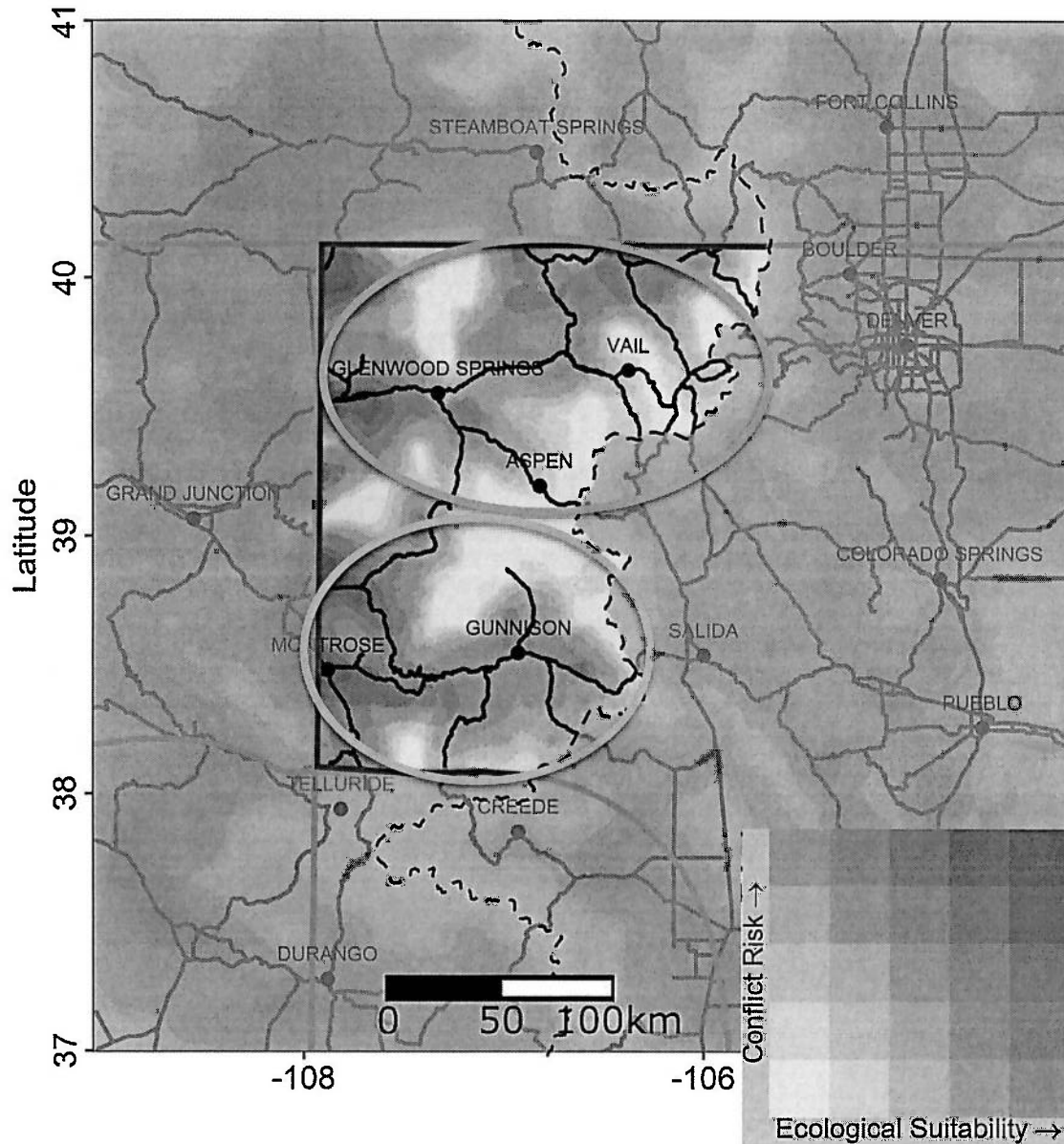


Figure 4. Area for consideration for wintertime releases of wolves. 60-mile buffers from neighboring states and tribal lands, and areas west of the Continental Divide are depicted.

With the previously stated geographic restrictions in mind, two large areas become apparent for consideration as wintertime release sites in western Colorado. The northern area (generally depicted in green) is along the I-70 corridor between Glenwood Springs and Vail, and extends down the Roaring Fork Valley. The second, southern area (generally depicted in yellow) is along the Highway 50 corridor between Monarch Pass (east of Gunnison) and Montrose. Based on the on-going evaluation of geographic mandates and constraints, relative conflict risk, and ecological suitability, and barring the