

SB121\_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB20-121 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 33-2-105.8 as  
4 follows:

5 **33-2-105.8. Management of gray wolves - reintroduction -**  
6 **approval - sustainable plan - report - legislative declaration - rules -**  
7 **definitions - repeal. (1) Approval of reintroduction - legislative**  
8 **declaration.** (a) IN ACCORDANCE WITH SECTION 33-2-105.5, AND  
9 REGARDLESS OF WHETHER GRAY WOLVES REMAIN LISTED PURSUANT TO  
10 FEDERAL LAW, THE GENERAL ASSEMBLY DETERMINES AND DECLARES  
11 THAT:

12 (I) GRAY WOLVES ARE NOT, OR ARE NO LONGER, FOUND IN THE  
13 STATE AS A SUSTAINABLE POPULATION AND ARE LISTED AS ENDANGERED  
14 BY THE COMMISSION AND PURSUANT TO THE FEDERAL "ENDANGERED  
15 SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED;

16 (II) HISTORICALLY, SMALL NUMBERS OF GRAY WOLVES HAVE  
17 MIGRATED INTO COLORADO BUT UNTIL RECENTLY, MOST HAVE DIED OR  
18 DISAPPEARED WITHOUT ESTABLISHING A RECOVERED POPULATION;

19 (III) RECENTLY, GRAY WOLVES HAVE NATURALLY MIGRATED INTO  
20 COLORADO IN SMALL NUMBERS;

21 (IV) PRIOR TO REINTRODUCTION OR AUGMENTATION BY THE  
22 DIVISION, THE REINTRODUCTION OF GRAY WOLVES REQUIRES APPROVAL BY  
23 THE GENERAL ASSEMBLY; AND

24 (V) THE GENERAL ASSEMBLY APPROVES THE REINTRODUCTION OF  
25 THE GRAY WOLF AS SPECIFIED IN THIS SECTION.

26 (b) **Schedule of reintroduction.** (I) EXCEPT AS SPECIFIED IN  
27 SUBSECTION (1)(b)(II) OF THIS SECTION:

28 (A) BY DECEMBER 31, 2024, THE DIVISION SHALL, IN COMPLIANCE  
29 WITH THE PLAN ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION  
30 AND ANY RELEVANT FEDERAL REQUIREMENTS, TAKE THE STEPS  
31 NECESSARY TO BEGIN THE REINTRODUCTION OF THE GRAY WOLF INTO  
32 SUITABLE HABITAT SO THAT THE GRAY WOLF CAN DEVELOP A  
33 SUSTAINABLE POPULATION AND RECOVER FROM ITS ENDANGERED STATUS  
34 IN COLORADO;

35 (B) IF NECESSARY AFTER THE INITIAL REINTRODUCTION, THE  
36 DIVISION SHALL AUGMENT THE GRAY WOLF POPULATION AS SPECIFIED IN  
37 THIS SECTION TO ACHIEVE A SUSTAINABLE POPULATION.

38 (II) THE DIVISION SHALL:

39 (A) NOT PROCEED WITH REINTRODUCTION UNLESS GRAY WOLVES

1 ARE NO LONGER LISTED UNDER THE FEDERAL "ENDANGERED SPECIES ACT  
2 OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS AMENDED, OR A PERMIT TO  
3 REINTRODUCE GRAY WOLVES IS OBTAINED FROM THE FEDERAL  
4 GOVERNMENT.

5 (B) POSTPONE THE INITIAL REINTRODUCTION AND ALL  
6 SUBSEQUENT RELEASES IF, AS DETERMINED BY THE COMMISSION, AN  
7 ADEQUATE NEW SOURCE OF REVENUE BEYOND THOSE SOURCES AVAILABLE  
8 ON THE EFFECTIVE DATE OF THIS SECTION, INCLUDING THE WILDLIFE CASH  
9 FUND CREATED IN SECTION 33-1-112 (1)(a), IS NOT LEGALLY AVAILABLE  
10 FOR THE FOLLOWING STATE FISCAL YEAR TO PAY FOR THAT YEAR'S COSTS  
11 ASSOCIATED WITH IMPLEMENTING THE SUSTAINABLE REINTRODUCTION,  
12 RECOVERY, AND MANAGEMENT OF GRAY WOLVES AUTHORIZED PURSUANT  
13 TO THIS SUBSECTION (1) AND SUBSECTION (2) OF THIS SECTION AND  
14 DAMAGES AS CONTEMPLATED BY SUBSECTION (3) OF THIS SECTION. NO  
15 MONEY DERIVED FROM HUNTER OR ANGLER LICENSE FEES SHALL BE USED  
16 TO PAY FOR COMPENSATION FOR WOLF-RELATED DAMAGES OR THE COST  
17 OF WOLF REINTRODUCTIONS OR MANAGEMENT.

18 (C) NOT PROCEED OR CONTINUE WITH THE REINTRODUCTION IF, AS  
19 DETERMINED BY THE COMMISSION PURSUANT TO THE BEST AVAILABLE  
20 SCIENTIFIC DATA AND AFTER CONSULTING WITH INDEPENDENT SCIENTISTS  
21 WITH EXPERTISE IN WOLF POPULATION BIOLOGY, THERE ARE AT LEAST  
22 FOUR PACKS AND FORTY WOLVES PRESENT IN COLORADO, AS ESTIMATED  
23 BY THE DIVISION. A DETERMINATION MADE PURSUANT TO THIS  
24 SUBSECTION (1)(b)(II)(C) MUST BE BASED UPON WINTER SURVEYS WITH  
25 RESULTS PRESENTED BY DECEMBER 31 OF ANY PARTICULAR CALENDAR  
26 YEAR FOR A REINTRODUCTION DURING THE FOLLOWING CALENDAR YEAR.  
27 IN MAKING ITS DETERMINATION, THE COMMISSION SHALL CONSIDER: THE  
28 GEOGRAPHICAL DISTRIBUTION OF THE GRAY WOLF IN COLORADO AND  
29 ADJACENT STATES; THE DISPERSAL RANGE OF THE GRAY WOLF; AND THE  
30 RECOMMENDATIONS OF THE UNITED STATES FISH AND WILDLIFE SERVICE  
31 WHILE THE GRAY WOLF REMAINS LISTED UNDER THE FEDERAL  
32 "ENDANGERED SPECIES ACT OF 1973", AS AMENDED, 16 U.S.C. SEC. 1531  
33 ET SEQ., OR DURING ANY MONITORING PERIOD AFTER THE GRAY WOLF IS  
34 DELISTED.

35 (III) EVEN IF THE COMMISSION CANCELS OR POSTPONES  
36 REINTRODUCTION PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION,  
37 THE COMMISSION SHALL STILL ADOPT A PLAN PURSUANT TO SUBSECTION  
38 (2) OF THIS SECTION TO RECOVER AND MANAGE THE GRAY WOLF  
39 POPULATION.

40 (2) **Sustainable reintroduction, recovery, and management**  
41 **plan.** (a) THE COMMISSION SHALL ADOPT AND PERIODICALLY UPDATE A  
42 PLAN TO SUSTAINABLY:

43 (I) REINTRODUCE GRAY WOLVES INTO SUITABLE HABITAT IN

1 COLORADO TO ACHIEVE A SUSTAINABLE POPULATION;  
2 (II) RECOVER GRAY WOLF POPULATIONS TO ACHIEVE A  
3 SUSTAINABLE POPULATION, INCLUDING PURSUANT TO THE AUTHORITIES  
4 SPECIFIED IN SECTIONS 33-2-104 AND 33-2-105; AND  
5 (III) MANAGE GRAY WOLVES. MANAGEMENT MAY INCLUDE ALL  
6 METHODS ALLOWABLE UNDER AND CONSISTENT WITH STATE LAW,  
7 INCLUDING LIVE RELEASES AS NECESSARY TO ENHANCE GENETIC  
8 DIVERSITY OR ENSURE SUSTAINABILITY OF THE GRAY WOLF POPULATION  
9 IN COLORADO; EXCEPT THAT MANAGEMENT AUTHORITY MUST BE  
10 EXERCISED IN A MANNER CONSISTENT WITH THE FEDERAL "ENDANGERED  
11 SPECIES ACT OF 1973", AS AMENDED, 16 U.S.C. SEC. 1531 ET SEQ., AND  
12 OTHER GOVERNING FEDERAL LAW, AS APPLICABLE. MANAGEMENT MUST  
13 BE DESIGNED TO BOTH:  
14 (A) PROMOTE A SUSTAINABLE AND RECOVERED GRAY WOLF  
15 POPULATION IN COLORADO; AND  
16 (B) REDUCE DAMAGE TO LIVESTOCK AND ADVERSE IMPACTS ON  
17 LIVESTOCK OWNERS THROUGH MEASURES TO PREVENT WOLF PREDATION  
18 ON LIVESTOCK AND PROVIDE COMPENSATION FOR DAMAGES CAUSED BY  
19 GRAY WOLVES.  
20 (b) THE PLAN MUST:  
21 (I) COMPLY WITH THE REPORTING REQUIREMENTS SPECIFIED IN  
22 SECTION 33-2-105.7;  
23 (II) BE DEVELOPED AFTER:  
24 (A) CONDUCTING A PUBLIC PROCESS TO SOLICIT AND CONSIDER  
25 PUBLIC COMMENTS, BOTH WRITTEN AND ORAL; AND  
26 (B) GIVING DUE CONSIDERATION TO THE PUBLIC COMMENTS  
27 RECEIVED PURSUANT TO SUBSECTION (2)(b)(II)(A) OF THIS SECTION;  
28 (III) USE THE BEST SCIENTIFIC DATA AVAILABLE;  
29 (IV) SPECIFY THE CRITERIA THAT THE COMMISSION WOULD  
30 CONSIDER IN DETERMINING WHETHER THE GRAY WOLF WOULD BE  
31 REMOVED FROM THE LIST OF ENDANGERED OR THREATENED SPECIES AS  
32 PROVIDED FOR IN SECTION 33-2-105. THE COMMISSION RETAINS THE  
33 ABILITY TO MAKE DETERMINATIONS REGARDING THE THREATENED OR  
34 ENDANGERED STATUS OF GRAY WOLVES PURSUANT TO SECTION 33-2-105  
35 (2).  
36 (V) BE PERIODICALLY UPDATED, INCLUDING AFTER THE INITIAL  
37 REINTRODUCTION OF GRAY WOLVES; AND  
38 (VI) INCLUDE CONSIDERATION OF THE FOLLOWING FACTORS WHEN  
39 IDENTIFYING SUITABLE HABITAT:  
40 (A) SOCIAL TOLERANCE;  
41 (B) HUMAN POPULATION DENSITY, INCLUDING HOUSING AND ROAD  
42 DENSITY;  
43 (C) POTENTIAL IMPACTS ON EXISTING COMMISSION-APPROVED

1 WILDLIFE POPULATION AND MANAGEMENT OBJECTIVES;

2 (D) THE POTENTIAL FOR WOLVES TO CONTRIBUTE BENEFICIAL  
3 ECOLOGICAL EFFECTS, INCLUDING THE SUPPRESSION OF CHRONIC WASTING  
4 DISEASE IN UNGULATE POPULATIONS; AND

5 (E) ANY IMPACT THAT THE REINTRODUCTION OF GRAY WOLVES IN  
6 COLORADO MIGHT HAVE ON MEXICAN WOLF POPULATIONS.

7 (c) THE COMMISSION AND DIVISION SHALL NOT AND THE PLAN  
8 MUST NOT IMPOSE ANY LAND-, WATER-, OR RESOURCE-USE RESTRICTIONS  
9 ON PRIVATE LANDOWNERS PURSUANT TO THE IMPLEMENTATION OF THIS  
10 SECTION.

11 (3) **Damages - education.** THE STATE AGRICULTURAL  
12 COMMISSION CREATED IN SECTION 35-1-105 (1)(a) SHALL ESTABLISH A  
13 PROCESS TO EDUCATE LIVESTOCK OWNERS REGARDING THE AVOIDANCE  
14 AND MITIGATION OF DAMAGES POTENTIALLY CAUSED BY GRAY WOLVES.

15 (4) **Study group.** (a) IN CONSULTATION WITH THE DIVISION, THE  
16 COMMISSION AND THE STATE AGRICULTURAL COMMISSION SHALL JOINTLY  
17 CONVENE A STUDY GROUP.

18 (b) THE STUDY GROUP SHALL CONSIDER:

19 (I) HOW TO VERIFY AND ESTIMATE DAMAGES CAUSED BY GRAY  
20 WOLVES, INCLUDING DIRECT LIVESTOCK LOSSES THROUGH DEATH AND  
21 INJURY AND REASONABLY RELIABLE AND PRACTICABLE MEANS TO  
22 DEMONSTRATE THE LOSSES, SPECIFICALLY CONSIDERING:

23 (A) THE MAINTENANCE OF BASELINE PRODUCTION RECORDS FOR  
24 A PERIOD OF YEARS BEFORE THE REINTRODUCTION OF GRAY WOLVES; AND

25 (B) THE USE OF DIVISION GAME DAMAGE INSPECTORS OR FEDERAL  
26 OR OTHER STATE EMPLOYEES, INCLUDING BRAND INSPECTORS EMPLOYED  
27 PURSUANT TO PART 2 OF ARTICLE 43 OF TITLE 35, TO VERIFY AND  
28 ESTIMATE THE DAMAGES;

29 (C) WHETHER REASONABLY RELIABLE AND PRACTICABLE MEANS  
30 CAN BE DEvised TO DEMONSTRATE INDIRECT PRODUCTION LOSSES,  
31 INCLUDING CONSIDERATION OF THE DISCLOSURE AND PROTECTION OF  
32 PROPRIETARY DATA; AND

33 (D) MEANS TO EXPEDITE DAMAGE PAYMENTS; AND

34 (II) HOW TO FINANCE THE PREVENTION, MITIGATION, AND  
35 PAYMENT OF DAMAGES CAUSED BY GRAY WOLVES AND THE  
36 REINTRODUCTION AND MANAGEMENT OF GRAY WOLVES PURSUANT TO  
37 SUBSECTIONS (1) AND (2) OF THIS SECTION, INCLUDING SPECIFICALLY ONE  
38 OR MORE NEW SOURCES OF REVENUE BEYOND THOSE SOURCES AVAILABLE  
39 ON THE EFFECTIVE DATE OF THIS SECTION, SUCH AS:

40 (A) A WOLF STAMP PROGRAM, WHICH COULD BE MODELED AFTER  
41 THE COLORADO WILDLIFE HABITAT STAMP AUTHORIZED BY SECTION  
42 33-4-102.7, AND INCLUDE PURCHASES OF THE STAMP BY MEMBERS OF THE  
43 GENERAL PUBLIC;

1 (B) THE GENERAL FUND;  
2 (C) TOURISM DOLLARS;  
3 (D) SPECIAL LICENSE PLATES;  
4 (E) AVAILABLE FEDERAL REVENUES, NOT TO INCLUDE REVENUES  
5 AVAILABLE PURSUANT TO THE FEDERAL "PITTMAN-ROBERTSON WILDLIFE  
6 RESTORATION ACT", 16 U.S.C. SEC. 669-669i; AND  
7 (F) THE ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS;  
8 (III) THE IMPACTS OF ADDITIONAL REVENUES ON THE DIVISION'S  
9 ENTERPRISE STATUS; AND  
10 (IV) OTHER STATES' AND THE FEDERAL APPROACHES IN MANAGING  
11 GRAY WOLVES, INCLUDING METHODS OF REINTRODUCING WOLVES AND  
12 WAYS TO ESTIMATE, PROVE, AND PAY FOR DAMAGES CAUSED BY GRAY  
13 WOLVES; AND  
14 (V) ANY IMPACT THAT THE REINTRODUCTION OF GRAY WOLVES IN  
15 COLORADO MIGHT HAVE ON MEXICAN WOLF POPULATIONS.  
16 (c) BY JANUARY 1, 2022, THE COMMISSION AND THE STATE  
17 AGRICULTURAL COMMISSION SHALL SUBMIT A REPORT TO THE  
18 LEGISLATIVE COMMITTEES OF THE GENERAL ASSEMBLY THAT HAVE  
19 JURISDICTION OVER WILDLIFE AND AGRICULTURE ISSUES CONCERNING THE  
20 RESULTS OF THE STUDY GROUP PROCESS.  
21 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
22 2023.  
23 (5) **Rules.** THE COMMISSION MAY PROMULGATE RULES AS  
24 NECESSARY TO IMPLEMENT THIS SECTION.  
25 (6) **Definitions.** AS USED IN THIS SECTION:  
26 (a) "GRAY WOLF" MEANS NONGAME WILDLIFE OF THE SPECIES  
27 CANIS LUPUS EXCEPT FOR THE MEXICAN WOLF, CANIS LUPUS BAILEYI.  
28 (b) "LIVESTOCK" MEANS THE FOLLOWING THAT ARE NOT A PET:  
29 ALPACAS, BISON, BURROS, CATTLE, DONKEYS, GOATS, HORSES, LLAMAS,  
30 MULES, SHEEP, OR SWINE.  
31 (c) "PACK" MEANS AT LEAST ONE ADULT MALE WOLF, AT LEAST  
32 ONE ADULT FEMALE WOLF, AND THEIR OFFSPRING.  
33 (d) "RECOVER" OR "RECOVERED" MEANS ACHIEVING A  
34 SUSTAINABLE POPULATION.  
35 (e) "REINTRODUCE" INCLUDES AUGMENTING AN EXISTING  
36 POPULATION.  
37 (f) "SUSTAINABLE POPULATION" MEANS A POPULATION OF WOLVES  
38 WITH A SUFFICIENT NUMBER OF BREEDING PAIRS TO ENSURE LONG-TERM  
39 VIABILITY.  
40 (g) "SUITABLE HABITAT" MEANS LAND IN COLORADO THAT THE  
41 COMMISSION DETERMINES, BASED ON BEST AVAILABLE SCIENCE, IS  
42 CONSISTENT WITH ITS PLAN TO SUSTAINABLY REINTRODUCE, RECOVER,  
43 AND MANAGE GRAY WOLVES.

1           **SECTION 2. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly; except  
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
5 of the state constitution against this act or an item, section, or part of this  
6 act within such period, then the act, item, section, or part will not take  
7 effect unless approved by the people at the general election to be held in  
8 November 2022 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor."

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