

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0660.01 Thomas Morris x4218

SENATE BILL 21-105

SENATE SPONSORSHIP

Coram, Rankin, Sonnenberg

HOUSE SPONSORSHIP

Will,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF PROPOSITION 114**
102 **CONCERNING THE RESTORATION OF GRAY WOLVES IN**
103 **COLORADO.**

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>.)

At the November 2020 general election, the voters approved proposition 114, which:

- Approved the reintroduction of gray wolves on designated lands in Colorado west of the continental divide beginning no later than December 31, 2023; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- Acknowledged that the general assembly may adopt implementing legislation to facilitate the restoration of gray wolves to Colorado.

The bill:

- Specifies the process that the parks and wildlife commission (commission) must follow in soliciting and considering public input regarding a draft of the gray wolf reintroduction and management plan, including when the commission periodically updates the plan;
- Requires the commission to submit:
 - To the general assembly the plan and specified recommendations regarding how to finance the reintroduction and management of gray wolves; and
 - A request to the United States fish and wildlife service to conduct an environmental impact analysis pursuant to the federal "National Environmental Policy Act of 1969" before the reintroduction of gray wolves on designated lands that are owned and managed by the United States; and
- Requires the commission to initiate the process to remove the gray wolf from the state list of endangered or threatened species as soon as any litigation contesting the validity of the federal delisting of gray wolves has been finally resolved.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-2-105.8, **amend**
 3 (2)(a), (2)(b), (2)(c), (3)(a)(III), (3)(a)(IV), and (4)(a); and **add** (1.5),
 4 (3)(a)(V), (3.4), and (3.7) as follows:

5 **33-2-105.8. Reintroduction of gray wolves on designated lands**
 6 **west of the continental divide - public input in commission**
 7 **development of restoration plan - compensation to owners of**
 8 **livestock - legislative declaration - definitions.** (1.5) THE GENERAL
 9 ASSEMBLY:

10 (a) FINDS THAT:

11 (I) PROPOSITION 114, WHICH CREATED THIS SECTION, PASSED IN

1 THE 2020 GENERAL ELECTION BY A MARGIN OF LESS THAN TWO PERCENT:
2 FIFTY-SIX THOUSAND NINE HUNDRED SIXTY-TWO VOTES OUT OF MORE
3 THAN THREE MILLION ONE HUNDRED THOUSAND VOTES CAST;

4 (II) WHILE PROPOSITION 114 WAS APPROVED BY VOTERS, MANY
5 LEGITIMATE CONCERNS REGARDING ITS IMPLEMENTATION WERE RAISED
6 DURING THE PROPOSITION'S CAMPAIGN; AND

7 (III) PROPOSITION 114 REQUIRES THE COMMISSION TO HOLD
8 STATEWIDE HEARINGS TO ACQUIRE INFORMATION IN DEVELOPING A
9 REINTRODUCTION AND MANAGEMENT PLAN, INCLUDING SCIENTIFIC,
10 ECONOMIC, AND SOCIAL CONSIDERATIONS PERTAINING TO
11 REINTRODUCTION, WHICH MUST BEGIN NO LATER THAN DECEMBER 31,
12 2023;

13 (b) DETERMINES THAT:

14 (I) THE GENERAL ASSEMBLY INTENDS THAT PROPOSITION 114 BE
15 IMPLEMENTED IN A MANNER THAT ACKNOWLEDGES THE SIGNIFICANT
16 CHALLENGES THAT WILL ACCOMPANY THE REINTRODUCTION OF GRAY
17 WOLVES;

18 (II) THE PROPOSITION'S DIRECTIVE TO HOLD STATEWIDE HEARINGS
19 SHOULD BE CLARIFIED TO ENSURE THAT THE PROCESS IS TRANSPARENT,
20 OPEN, AND INCLUSIVE OF ALL PARTIES, INCLUDING INDIVIDUALS WHO LIVE
21 CLOSEST TO AREAS OF RELOCATION OR REINTRODUCTION AND WHO WILL
22 BE THE MOST AFFECTED;

23 (III) PROPOSITION 114 ITSELF ACKNOWLEDGES THAT:

24 (A) THE REINTRODUCTION OF GRAY WOLVES WILL LEAD TO
25 CONFLICTS WITH PERSONS ENGAGED IN RANCHING AND FARMING, AMONG
26 OTHERS; AND

27 (B) THE GENERAL ASSEMBLY MAY ADOPT "SUCH OTHER

1 LEGISLATION AS WILL FACILITATE THE IMPLEMENTATION OF THE
2 RESTORATION OF GRAY WOLVES TO COLORADO"; AND

3 (c) DECLARES THAT:

4 (I) IN CONDUCTING PUBLIC OUTREACH AND HOLDING PUBLIC
5 HEARINGS, THE COMMISSION SHOULD ENGAGE LOCAL ELECTED OFFICIALS,
6 INDUSTRY TRADE ASSOCIATIONS, AND OTHER MEMBER-BASED
7 ORGANIZATIONS TO ENCOURAGE PUBLIC INVOLVEMENT; AND

8 (II) BECAUSE PROPOSITION 114 DOES NOT IDENTIFY A RELIABLE,
9 LONG-TERM FUNDING SOURCE TO SUPPORT REINTRODUCTION AND
10 MANAGEMENT OF GRAY WOLVES, IT IS THE RESPONSIBILITY OF THE
11 GENERAL ASSEMBLY TO ENSURE THAT THERE IS ADEQUATE FUNDING TO
12 IMPLEMENT PROPOSITION 114 AND ITS SPECIFIC PROVISIONS FOR
13 PREVENTING CONFLICT AND COMPENSATING FOR LOSS.

14 (2) Notwithstanding any provision of state law to the contrary,
15 including section 33-2-105.5 (2), and in order to restore gray wolves to
16 the state, the commission shall:

17 (a) Develop a plan PURSUANT TO SUBSECTION (3) OF THIS SECTION
18 to restore and manage gray wolves in Colorado, using the best scientific
19 data available;

20 (b) Hold statewide hearings PURSUANT TO SUBSECTION (3.4) OF
21 THIS SECTION to acquire information to be considered in developing ~~such~~
22 THE plan, including scientific, economic, and social considerations
23 pertaining to ~~such~~ THE restoration;

24 (c) Periodically obtain public input to update ~~such~~ THE plan
25 PURSUANT TO SUBSECTION (3.7) OF THIS SECTION;

26 (3) (a) The commission's plan must comply with section
27 33-2-105.7 (2), (3), and (4) and must include:

1 (III) Details for the restoration and management of gray wolves,
2 including actions necessary or beneficial for establishing and maintaining
3 a self-sustaining population, as authorized by section 33-2-104; and

4 (IV) Methodologies for determining:

5 (A) When the gray wolf population is sustaining itself
6 successfully; and

7 (B) When to remove the gray wolf from the list of endangered or
8 threatened species, as provided for in section 33-2-105 (2), WHICH
9 PROCESS MUST BE INITIATED AS SOON AS PRACTICABLE PENDING
10 RESOLUTION OF ANY STAY IN LITIGATION CONTESTING THE VALIDITY OF
11 THE FEDERAL DELISTING OF GRAY WOLVES; AND

12 (V) A REQUEST TO THE UNITED STATES FISH AND WILDLIFE
13 SERVICE TO CONDUCT AN ENVIRONMENTAL IMPACT ANALYSIS PURSUANT
14 TO THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42
15 U.S.C. SEC. 4321 ET SEQ., AS AMENDED, BEFORE THE REINTRODUCTION OF
16 GRAY WOLVES ON DESIGNATED LANDS THAT ARE OWNED AND MANAGED
17 BY THE UNITED STATES.

18 (3.4) (a) IN DEVELOPING A DRAFT PLAN, THE COMMISSION SHALL:

19 (I) REQUIRE AT LEAST ONE PUBLIC HEARING IN EACH OF THE
20 STATE'S CONGRESSIONAL DISTRICTS AS THOSE DISTRICTS EXISTED BEFORE
21 REDISTRICTING PURSUANT TO THE 2020 CENSUS; EXCEPT THAT THERE
22 MUST BE AT LEAST THREE PUBLIC HEARINGS IN CONGRESSIONAL DISTRICT
23 3. EACH OF THE HEARINGS WEST OF THE CONTINENTAL DIVIDE MUST BE
24 LOCATED IN CLOSE PROXIMITY TO THE LOCATIONS PROPOSED FOR INITIAL
25 REINTRODUCTION OF GRAY WOLVES.

26 (II) FOLLOWING COMPLETION OF THE PUBLIC HEARINGS REQUIRED
27 BY SUBSECTION (3.4)(a)(I) OF THIS SECTION AND COMPLETION OF THE

1 DRAFT PLAN , HOLD ADDITIONAL PUBLIC HEARINGS IN LOCATIONS IN CLOSE
2 PROXIMITY TO EACH OF THE LOCATIONS IDENTIFIED FOR REINTRODUCTION
3 OF GRAY WOLVES TO PRESENT THE DRAFT PLAN AND PROVIDE
4 OPPORTUNITIES FOR PUBLIC TESTIMONY AND WRITTEN COMMENT; AND

5 (III) FOLLOWING COMPLETION OF THE PUBLIC HEARINGS REQUIRED
6 BY SUBSECTION (3.4)(a)(II) OF THIS SECTION AND BEFORE ANY ACTION TO
7 REINTRODUCE GRAY WOLVES, FINALIZE THE PLAN AND PRESENT THE PLAN
8 DURING THE 2023 REGULAR SESSION TO THE HOUSE OF REPRESENTATIVES
9 AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE AND THE SENATE
10 AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR
11 COMMITTEES.

12 (b) THE COMMISSION:

13 (I) SHALL:

14 (A) PROVIDE AT LEAST THIRTY DAYS' NOTICE BEFORE EACH PUBLIC
15 HEARING REQUIRED BY THIS SUBSECTION (3.4);

16 (B) SCHEDULE EACH PUBLIC HEARING AT LEAST SIXTY DAYS
17 APART;

18 (C) ALLOW TESTIMONY FROM THE PUBLIC;

19 (D) CONSULT WITH AND MAY HEAR TESTIMONY FROM LOCAL
20 ELECTED OFFICIALS;

21 (E) ENSURE THAT EACH PUBLIC HEARING IS OF SUFFICIENT LENGTH
22 SO AS TO NOT UNNECESSARILY LIMIT TESTIMONY BY INTERESTED PARTIES;

23 (F) CREATE AN ONLINE PORTAL TO RECEIVE WRITTEN COMMENT
24 FROM THE PUBLIC AND ACCEPT WRITTEN PUBLIC COMMENT ON THE DRAFT
25 PLAN UNTIL JANUARY 31, 2023; AND

26 (G) COLLECT AND REPORT TO THE PUBLIC DATA ON GRAY WOLVES
27 THAT ARE ALREADY ESTABLISHED IN COLORADO; AND

1 (II) MAY SOLICIT AND HEAR TESTIMONY FROM EXPERT WITNESSES.

2 (3.7) IN PERIODICALLY UPDATING THE PLAN, THE COMMISSION
3 SHALL:

4 (a) EACH YEAR FOR THE TEN YEARS AFTER IMPLEMENTATION OF
5 THE PLAN AND INITIAL REINTRODUCTION, HOLD AT LEAST THREE PUBLIC
6 HEARINGS, AT LEAST TWO OF WHICH SHALL BE HELD WEST OF THE
7 CONTINENTAL DIVIDE AND IN LOCATIONS IN CLOSE PROXIMITY TO AREAS
8 WHERE GRAY WOLVES HAVE BEEN REINTRODUCED;

9 (b) PROVIDE AT LEAST THIRTY DAYS' NOTICE BEFORE EACH PUBLIC
10 HEARING;

11 (c) ACCEPT PUBLIC COMMENT FOR AT LEAST NINETY DAYS
12 FOLLOWING EACH PUBLIC HEARING; AND

13 (d) COLLECT AND REPORT TO THE PUBLIC DATA ON GRAY WOLVES
14 THAT ARE ALREADY ESTABLISHED IN COLORADO AS WELL AS GRAY
15 WOLVES THAT HAVE BEEN REINTRODUCED IN THE STATE.

16 (4) In furtherance of this section and the expressed intent of
17 voters, the general assembly:

18 (a) (I) Shall make such appropriations as are necessary to fund the
19 programs authorized and obligations, including fair compensation for
20 livestock losses that are authorized by this section but cannot be paid
21 from ~~moneys~~ MONEY in the wildlife cash fund, imposed by this section.
22 ~~and~~

23 (II) TO FACILITATE THE GENERAL ASSEMBLY'S CONSIDERATION OF
24 HOW TO STRUCTURE AND FINANCE THE NECESSARY APPROPRIATIONS, THE
25 COMMISSION SHALL DEVELOP A PROPOSAL TO PRESENT TO THE GENERAL
26 ASSEMBLY TO FULLY FINANCE THE REINTRODUCTION AND MANAGEMENT
27 OF GRAY WOLVES, INCLUDING DAMAGE COMPENSATION FOR

1 AGRICULTURAL PRODUCERS AND OTHER IMPACTED PARTIES. THE
2 COMMISSION SHALL USE THE PUBLIC HEARING AND PUBLIC COMMENT
3 PROCESS SPECIFIED IN SUBSECTION (3.4) OF THIS SECTION TO DEVELOP THE
4 PROPOSAL. THE COMMISSION SHALL PRESENT THE PROPOSAL TO THE
5 HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER AND
6 FINANCE COMMITTEES AND THE SENATE AGRICULTURE AND NATURAL
7 RESOURCES AND FINANCE COMMITTEES, OR ANY SUCCESSOR COMMITTEES,
8 AND THE JOINT BUDGET COMMITTEE BEFORE THE INITIAL REINTRODUCTION
9 OF GRAY WOLVES. THE PROPOSAL MUST INCLUDE:

10 (A) WAYS TO PROVIDE MONEY TO ASSIST LIVESTOCK OWNERS IN
11 PREVENTING AND RESOLVING CONFLICTS BETWEEN GRAY WOLVES AND
12 LIVESTOCK;

13 (B) WAYS TO PROVIDE COMPENSATION FOR DIRECT AND INDIRECT
14 LOSS, INCLUDING LOSS DUE TO DECREASED RATE OF GAIN, REDUCED
15 PREGNANCY RATES, REDUCED BIRTHING RATES, LOSS OF GRAZING LAND
16 USE, LOSS OF WORKING DOGS, AND OTHER LOSSES DIRECTLY RELATED TO
17 THE PRESENCE OF GRAY WOLVES; AND

18 (C) CONSIDERATION OF WAYS TO PROVIDE COMPENSATION TO
19 OWNERS FOR LOSS OF POULTRY AND ALTERNATIVE LIVESTOCK AS DEFINED
20 IN SECTION 35-41.5-102 (1).

21 **SECTION 2. Applicability.** This act applies to conduct occurring
22 on or after the effective date of this act.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.