



February 28, 2021

Senator Don Corum
200 East Colfax, Rm 346
Denver CO 80203

Representative Perry Will
200 East Colfax, Rm 307
Denver CO 80203

Re: Wolf reintroduction in Colorado
SB 21-105

Dear Senator Corum and Representative Will:

Please accept this correspondence as the vigorous support for SB 21-105 “Concerning the implementation of Proposition 114 concerning the restoration of Gray Wolves in Colorado” on behalf of the Organizations identified above. The Organizations must express our concerns around the social and economic impacts that might result from Proposition 114 without meaningful analysis of issues such as funding for the entire process and meaningfully providing management clarity for specific uses. Unintended consequences from the reintroduction must be avoided and we believe that SB21-105 would be a significant step towards reducing these consequences.

The Organizations believe it is significant for us to note clearly why we are deeply concerned on the wolf reintroduction issue. We DO NOT believe there is a general safety concern for our members pursuing their chosen recreational interests in wolf habitat, as any assertion of wolves chasing OHV riders and killing them is patently silly. Our primary concern is how is this effort going to be funded, as we are opposed to any OHV/OSV program money funding this effort. Our second concern is less direct but also more compelling and is based on the decades of experiences around ESA listed and more general species management. Our second concern involves possible impacts to recreational access that could result from the wolf reintroduction from more indirect issues, such as declining populations of ungulates and other species in areas where recreational activity occurs. Given that wolves are a primary predator of most large ungulates, this type of impact is a primary concern in the wolf reintroduction. Our apprehensions directly concern management decisions taken in response to ungulate populations decline in areas where wolves are present since population declines are already a basis to close trails. CPW expert testimony to the Commission has already established these population declines will happen as a result of the wolf reintroduction, it is just a question of how much decline in particular areas.

1. Funding from State General fund revenues.

The Organizations submit that SB21-105 provides significant clarity around the funding of the wolf reintroduction. Foundational questions, such as the current lack of general funds to support the wolf reintroduction must be addressed. We support the use of general state funds for the reintroduction of wolves for the reasoning we provide in our letter of support for HB21-1040.

2. Timing

Proposition 114 clearly identifies the mandatory end date for the wolf reintroduction efforts and the Organizations have concerns about the ability to meaningfully complete required actions by the December 31, 2023 deadline. Even when these goals and objectives are reviewed in comparative isolation, this deadline is optimistic and many efforts will have to be occurring at the same time to achieve this deadline. The Organizations can say with absolute certainty that the wolverine and lynx collaboration we have participated in took years and this occurred without a

Constitutional Proposal being passed and without much of the complexity that surrounds the wolf reintroduction in Colorado. SB21-105 takes the significant step in ensuring these issues are not overlooked in the rush to reintroduce wolves earlier or without analysis of important issues.

3. Hard wolf population goals should be provided in SB21-105.

While the Organizations support SB21-105 in its current form, the Organizations would respectfully request one amendment to SB21-105, which would be either the specification of a hard goal for population for sustainability or specify a specific process for determining a specific population goal. The Organizations also submit that SB21-105 should include a specific process for delisting under state listings and petitioning for delisting federally once this population has been achieved. Currently the concept of sustainable population is the only objective under Prop 114 and this is comically ambiguous and totally unenforceable. As seen with Gunnison Sage Grouse there is an almost religious zeal for more and more of any species that can only be addressed with hard population goals. Without these mandatory population objectives clearly laid out, we are simply not setting the wolf reintroduction up for success in the long term.

4. Engagement of US Fish and Wildlife Service and NEPA requirements are vigorously supported.

The Organizations vigorously support the specific inclusion of the US Fish and Wildlife Service in stakeholder discussions as proposed in the SB21-105, as this is consistent with the USFWS national strategy on wolf management. The service provides the following outline of this strategy:

“we described our national wolf strategy in our proposed rule to revise the List for the gray wolf in the Eastern United States (76 FR 26089–26090, May 5, 2011). This strategy was intended to: (1) Lay out a cohesive and coherent approach to addressing wolf conservation needs, including protection and management, in accordance with the Act’s statutory framework; (2) ensure that actions taken for one wolf population do not cause unintended consequences for other populations; and (3) be explicit about the role of historical range in the conservation of extant wolf populations.”

The recognition of this strategy by SB21-105 would provide significant clarity and additional resources for wolf management. This involvement would also facilitate resolution of cross boundary management issues such as compensation for herd damage claims in neighboring states that result from wolves CPW has reintroduced.

USFWS involvement also provides significant additional resources and management expertise to the wolf reintroduction. This is exemplified by the fact that USFWS already theorizes that the wolf population in Colorado is sustainable

“Post-delisting and subsequent monitoring, and the expansion of the NRM population into western Washington, western Oregon, northern California, and, likely, Colorado (USFWS 2020, pp. 15–19, 28; see also *Current Distribution and Abundance*), indicate that the wolf population in the NRM DPS remains well above minimum recovery levels (see *Current Distribution and Abundance*).”

In addition to the legal complexities that surround national wolf management there have been numerous other legal developments that will clearly impact the Proposition 114 efforts and create additional need for provisions such as those in SB21-105. The 2018 unanimous *Weyerhaeuser* decision of US Supreme Court¹ requiring a definition of habitat be created by the US Fish and Wildlife service, which would clearly impact the identification of designated lands as the Wolf is already listed in Colorado for protection and that protection relies on federal definitions. Even with the temporary removal of the wolf from the federal list, the relationship of the state listing in Colorado and how the USFWS defines habitat will impact wolf processes in Colorado. Clearly designated lands in Colorado must

¹ See, *Weyerhaeuser v. US Fish and Wildlife Service*; US Supreme Court; No. 17–71. Argued October 1, 2018—Decided November 27, 2018

in some way align with federal definitions of habitat areas for all wildlife. Again SB21-105 recognition of this situation is highly valued and will improve the quality of the wolf reintroduction.

The Organizations vigorously support the application of NEPA processes and review to the reintroduction as such analysis is commonplace in management of species listed under the ESA. The Organizations are aware of landscape level NEPA for management of the lynx in the Northern Rockies and Southern Rockies, Greater and Gunnison Sage Grouse and numerous other species. This type of management is critical in obtaining consistent and clear species management across management boundaries. Without this NEPA analysis, management is often highly variable from site to site, poorly scientifically based and immobile in terms of updating. NEPA also allows funding to be focused on areas where research is actually needed to develop management clarity on issues such as possible management standards and concerns. These impacts must be avoided and we vigorously support this provision of SB21-105 for this reason.

5. What is an economically and socially sustainable Wolf population?

The previous concerns around social and economic issues raised in these comments only address a tiny portion of the social and economic concerns that are present around Proposition 114. The Organizations are doubtful that any State general fund money will become available to support this effort, given the drastically reduced tax revenues that are present in the state due to COVID restrictions, without the mandate of SB21-105. The Organizations are also aware that any wolf reintroduction costs mandated under Proposition 114 are basically entirely new costs to be assumed by CPW in an environment where there are numerous other statutory mandates that must be complied with beyond Proposition 114, such as those provided in the Future Generations Legislation. **Until significant clarity on basic questions such as those can be resolved the Organizations submit that only two wolves should be reintroduced as this is all we can afford and there is significant credible science that indicates the existing populations of wolves in Colorado may be sustaining already.**

Please feel free to contact Scott Jones, Esq. at 518-281-5810 or via email at scott.jones46@yahoo.com or via USPS mail at 508 Ashford Drive, Longmont, CO 80504 for copies of any documentation that is relied on in this document or if you should wish to discuss any of the concerns raised further.

Respectfully Submitted,



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CSA Executive Director
TPA Authorized Representative
COHVCO Vice President



D.E. Riggle
Director of Operations
Trails Preservation Alliance

CC: Senator Jerry Sonnenberg; Senator Bob Rankin