



COLORADO

Parks and Wildlife

Department of Natural Resources

Director's Office
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To: Colorado Parks and Wildlife Commission

From: Dan Prenzlöw, Director

Date: November 4, 2021

Re: Division recommendation to deny the petition to reclassify bison as big game

In August 2021, the Colorado Prairie Initiative (CPI) petitioned the Parks and Wildlife Commission to amend its regulations to (a) classify only privately-owned bison and hybrids as “domestic animals” and (b) classify plains bison as “big game.” The Division of Parks and Wildlife believes the petition is premature and recommends denying it for two reasons.

First, there isn't enough information in the petition for the Commission to determine whether rulemaking is warranted. For example, it's not clear how many bison have dispersed into Colorado, whether and how that number varies seasonally, and whether bison are affecting the landscape in a meaningful way.

It's also unclear whether CPI has consulted with key stakeholders. For example, the Colorado Department of Agriculture regulates livestock, which includes at least some bison. See § 35-50-103(7), C.R.S. But CPI doesn't explain whether it has consulted with the Department and, if so, whether the Department supports CPI's request. Similarly, CPI claims bison are dispersing onto property managed by the Bureau of Land Management but doesn't say whether it has consulted with the Bureau and, if so, whether the Bureau believes CPW should regulate bison as wildlife.

Second, removing non-privately owned bison from the list of domestic animals would bring them within the definition of “wildlife” in § 33-1-102(51), C.R.S., and may trigger resource-intensive regulation and management responsibilities for CPW. Pressing regulatory priorities preclude the Commission from doing so now.

For example, the Commission and Division are devoting significant resources to developing a timely wolf restoration and management plan, launching the Keep Colorado Wild Pass, and exploring changes to the distribution of big game licenses. These priorities must take precedence over CPI's petition, particularly when so many questions about the necessity of and stakeholder support for the proposed rulemaking remain unanswered.

For these reasons, the Division recommends denying CPI's petition. But the petition raises issues that may warrant rulemaking in the future, so the Division urges CPI to consider the comments in this memo and consult key stakeholders before repeting the Commission. These stakeholders include the Colorado Department of Agriculture, the Bureau of Land Management, local landowners, the local agricultural community, and the general public.

