

FINAL REGULATIONS - CHAPTER 10 - NONGAME WILDLIFE

ARTICLE I - GENERAL PROVISIONS

#1000 - PROTECTED SPECIES

A. Nongame species and subspecies, including threatened or endangered wildlife are protected and their harassment, taking or possession is prohibited except as follows:

1. Under a scientific collecting license.
2. Under a rehabilitation license.
3. Under a license for zoological, educational, propagation or other special purposes.
4. Allowed species of raptors under a falconry license.
5. Bats, mice except Preble's meadow jumping mouse (*Zapus hudsonius preblei*), voles, rats, porcupines, and ground squirrels may be captured or killed when creating a nuisance or causing property damage.
6. Except as provided in #020.A. of these regulations, up to four individuals of each of the following species and/or subspecies of reptiles and amphibians may be taken annually and held in captivity, provided that no more than twelve in the aggregate may be possessed at any time:

- Plains spadefoot
- Woodhouse's toad
- Boreal chorus frog
- Painted turtle Ornate box turtle
- Common sagebrush lizard
- Ornate tree lizard
- Common side-blotched lizard
- Prairie lizard
- Plateau fence lizard
- Gophersnake
- Terrestrial gartersnake
- Plains gartersnake
- Common lesser earless lizard
- Tiger whiptail
- North American racer

Plains hog-nosed snake

- a. Such reptiles and amphibians and their progeny may only be disposed of by gift or as authorized by the Division of Wildlife. Further, such reptiles and amphibians may be released back into the wild provided they have not come into contact with reptiles and amphibians from other geographic areas and they are released as close as possible to, but in no event further than ten miles from, their place of origin.
 - b. Any other species of native reptiles or amphibians taken from the wild and lawfully possessed prior to July 1, 1998, may continue to be held in captivity provided that written notification of the numbers and species being held is given to the Division prior to July 1, 1998. Such notification shall be sent to the special licensing unit at 6060 Broadway, Denver, CO 80216.
7. Threatened or endangered wildlife may be possessed if legally taken in and transported from another state or country and legally imported into the United States and Colorado.
8. Any peregrine falcon legally held in captivity which is:
- a. Possessed and banded in compliance with the terms of a valid permit issued by the U.S. Fish and Wildlife Service; or
 - b. Identified in the earliest applicable annual report required to be filed by a permittee under Title 50, Code of Federal Regulations, as in a permittee's possession on November 10, 1978, or as the progeny of such raptor.
 - c. Provided, however, if a peregrine falcon otherwise excepted under this paragraph 8 is intentionally returned to the wild, it shall thereafter be deemed to be wild and subject to protection as a threatened or endangered species, as if it had never been reduced to lawful possession.
9. Greenback cutthroat trout may be taken under catch and release regulations in certain drainages within Rocky Mountain National Park, in the Cache la Poudre drainage, or in accordance with restrictions for individual waters found in #108 A.
10. Livestock owners and their agents are authorized to use non-injurious hazing techniques when necessary to prevent or reduce injury or damages to livestock and guard animals caused by gray wolves (*Canis lupus*). For purposes of this rule, "livestock" is defined in § 35-1-102(6), CRS.
- a. "Non-injurious hazing techniques" means the use of:
 - (i) Livestock herding or guard animals,
 - (ii) Fladry or electrified fladry,
 - (iii) Cracker shells,
 - (iv) Scare devices or tactics including propane cannons, vehicles, ATVs, range riders, noisemakers, fox lights and motion- and radio-activated guard devices.

- b. Hazing must be consistent with federal law. If gray wolves are on the list of federally endangered or threatened species, hazing that creates a likelihood of injury or actually injures or kills wolves is prohibited unless authorized by the Division or by the U.S. Fish and Wildlife Service or its agents.

- 11. The Division may issue permits to livestock owners for intentionally injurious, non-lethal hazing of gray wolves after confirming gray wolf activity on a specific parcel of private land owned by the applicant or private or public land leased by the applicant for livestock production. The permit authorizing such activities is valid for not longer than one year and will contain additional terms and conditions, including a description of where such activities may occur. Any person who injures or kills a gray wolf must report the injury or death to the Division within 24 hours, unless impracticable, but in no event later than 72 hours. Fatal injury to wolves resulting from non-lethal hazing is prohibited.

B. Take of Nongame, Threatened or Endangered Species

- 1. Any person may take nongame, threatened or endangered wildlife in defense of their life or the life of other people. Any person who takes such action must report the same to the Division within 24 hours, unless impracticable, but in no event later than 72 hours.
- 2. All threatened or endangered fish taken by any means shall be returned unharmed to the water immediately.
- 3. While conducting an otherwise lawful activity, including, but not limited to, live trapping or hunting bobcat, taking action pursuant to 33-6-207, C.R.S., to protect livestock, protection of livestock through the use of guard dogs, or taking action pursuant to 33-3-106, C.R.S., to prevent death or injury to human life or livestock, a Canada lynx is:
 - a. accidentally captured, but not injured, it shall be released immediately and the capture shall be reported to the Division within 24 hours;
 - b. accidentally injured, but not in the possession of the person, the injury shall be reported to the Division within 24 hours;
 - c. accidentally injured and in the possession of the person, the Canada lynx shall be immediately delivered to the Division or taken to a licensed veterinarian for appropriate care and reported to the Division within 24 hours;
 - d. accidentally killed, then it shall be reported to the Division within 24 hours and the carcass shall be delivered to the Division within 3 (three) days of the report.

Any failure to provide the required notice to the Division or to deliver the injured or dead Canada lynx to the Division within the time periods allowed shall be prima facie evidence of unlawful take and possession of Canada lynx.

For the purposes of this subsection, "accidental" specifically excludes any intentional, knowing or negligent action on behalf of any person or a person's agent or employee.

- 4. The Division may capture, remove, transport, release, or destroy gray wolves where necessary to protect human health or safety.

C. Intentionally Luring Gray Wolves

Unless permitted by the Division, it is unlawful for any person to use an electronic call device or place any olfactory attractant with the intent to lure gray wolves (*Canis lupus*).

- D. As used in this Chapter, the following definitions apply unless the context requires otherwise:
1. Conflict minimization measures means lawful, nonlethal materials and techniques used by owners of livestock for purposes of avoiding, minimizing, or mitigating gray wolf damage to livestock. Conflict minimization measures include hazing techniques authorized in this Chapter.
 2. In the act of attacking means the actual biting, wounding, grasping, or killing of livestock or working dogs, or chasing, molesting or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock is likely to occur at any moment.
 3. Livestock means cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, ~~and~~ goats and domestic bison, including hybrids with domestic cattle.
 4. Livestock owner means owners of livestock, their immediate family members, agents, employees, contractors, or volunteers. A livestock owner may be an owner or lessee of private land where livestock are legally grazed or a lessee of or permittee on public land for the purposes of grazing and raising livestock.
 5. Working dogs means dogs regularly used for herding or guarding livestock.

#1001 - AUTHORIZATION FOR REMOVAL, CAPTURE OR DESTRUCTION OF ENDANGERED, THREATENED, OR NONGAME GRAY WOLVES

- A. Colorado Division of Parks and Wildlife Employees and Agents
1. Capture and relocation of nongame, endangered, or threatened gray wolves is prohibited except as carried out by the Division or its agents or by the U.S. Fish and Wildlife Service or its agents.
- B. Injurious and Lethal Take of Wolves In the Act of Attacking Livestock or Working Dogs
1. Injurious and lethal take of gray wolves by livestock owners is permitted when a wolf is observed in the act of attacking livestock or working dogs, but only in accordance with these regulations.
 2. A permit is required for livestock owners to engage in injurious or lethal control of gray wolves caught in the act of attacking livestock or working dogs. (“In The Act Permits”). Take of wolves attacking a pet or hunting dog is not authorized.
 3. The Division will issue a permit to a livestock owner (Permit Applicant) retroactively authorizing take of gray wolves observed in the act of attacking livestock or working dogs, provided the following conditions are met.
 - a. The attack on livestock or working dogs must have taken place on the Permit Applicant’s private property or on private, state, or federal lands leased for livestock grazing or production under a valid lease held by the Permit Applicant.

- b. The Permit Applicant must preserve and provide evidence that the gray wolves were in the act of attacking livestock or working dogs at the time the wolves were injured or killed.
 - i. The carcass of the wolf or wolves and of any animals the wolves were attacking, as well as the surrounding area, must not be disturbed in order to preserve the requisite physical evidence. Where no carcass is present, acceptable physical evidence includes but is not limited to photographs or video with GPS coordinates attached.
 - 4. In order to obtain a retroactive permit from the Division, the Permit Applicant must notify the Division of injury or death to gray wolves within 24 hours of such injury or death unless impracticable, but in no event later than 72 hours after such injury or death. Wolves injured or killed under these permits will remain the property of the state.
 - 5. The Division shall not issue any permit under this subsection #1001.B (In The Act Permits) unless the U.S. Fish and Wildlife Service has adopted a rule under section 10(j) of the Endangered Species Act designating and providing management flexibility for a non-essential experimental population of wolves in Colorado *and* that rule is effective at the time of the issuance of any In The Act Permit. Further, the Division shall not issue an In the Act Permit for any act that injured or killed a wolf in violation of the Endangered Species Act and its regulations in place at the time of the act.
- C. Injurious and Lethal Take of Chronically Depredating Gray Wolves
- 1. The Division will make the determination as to whether a situation qualifies for a Chronic Depredation Permit after considering the following factors:
 - a. Documented repeated depredation and harassment of the Permit Applicant's livestock or working dogs caused by the wolf, wolves, or pack targeted;
 - b. Use of a variety of nonlethal conflict minimization materials and techniques;
 - c. Likelihood that additional and continued wolf-related depredation would continue if lethal control is or is not implemented;
 - d. Unintentional or intentional use of attractants that may be luring or baiting wolves to the location.
 - 2. Consistent with state and federal law, injurious or lethal control of wolves that have engaged in confirmed depredation(s) of livestock will be conducted by state or federal agents if the Division determines lethal control of the identified wolves is appropriate under the circumstances.
 - 3. If state and federal agencies do not have the capacity to carry out the timely implementation of the necessary lethal control measures, the Division may issue a Chronic Depredation Permit for the lethal take of wolves to a livestock owner (Permit Applicant), consistent with the conditions below. A Chronic Depredation Permit authorizes a holder to injure or kill wolves in the permit area, regardless of whether they are in the act of attacking livestock or working dogs.

- a. The Permit Applicant must have suffered at least one wolf depredation of their own livestock or working dogs, and the Division must have confirmed the depredation within 30 days prior to requesting a Chronic Depredation Permit.
 - ~~i. If the Permit Applicant's livestock are part of a herd comprised of livestock owned by multiple owners, any owner of livestock in the same herd may also qualify for a Chronic Depredation Permit.~~
 - b. The Division must determine that the Permit Applicant employed reasonable conflict minimization techniques prior to receiving a Chronic Depredation Permit.
 - c. The permit may authorize lethal take of wolves only on the Permit Applicant's private property or on private, state, or federal lands leased for livestock production under a valid lease held by the Permit Applicant.
 - d. The permit authorizing such activities will contain additional terms and conditions, including a limitation on how many wolves may be taken under the Permit and may, in the discretion of the Division, authorize the use of artificial light, electronic night vision equipment, electronically enhanced light-gathering optics, and thermal imaging devices.
 - e. A Chronic Depredation Permit is valid for a maximum of 45 days. The Division may terminate the Permit at any time once threats to livestock or working dogs have been resolved or minimized. After the initial 45 days, the Permit may be renewed at the Division's discretion.
 - f. Death or injury to wolves must be reported to the Division within 24 hours unless impracticable, but in no event later than 72 hours after such death or injury.
4. The Division shall not issue any Chronic Depredation Permit under this subsection #1001.C unless the U.S. Fish and Wildlife Service has adopted a rule under section 10(j) of the Endangered Species Act designating and providing management flexibility for a non-essential experimental population of wolves in Colorado *and* that rule is effective at the time of the issuance of any Chronic Depredation Permit.
- D. Wolf specimen disposition
- 1. The entire carcass of wolves killed by private individuals for any purpose, legal or illegal will be returned to CPW and remain state property, regardless of whether the incident occurred on public or private land.
- E. Chapter W-16 of these rules codifies the procedures applicable to securing authorization from the Division to injuriously or lethally take gray wolves, including retroactive authorization for take of wolves caught in the act of attacking livestock or working dogs.
- ~~F. Permits for intentionally injurious, non-lethal hazing of gray wolves issued pursuant to W-10, #1000.A.11 and permits for injurious and lethal take of gray wolves in the act of attacking livestock or working dogs issued pursuant to W-10, #1001.B authorize the livestock owner to use artificial light, electronic night vision equipment, electronically enhanced light-gathering optics, and thermal imaging devices. State and federal agencies may use such technologies to haze, injure or kill gray wolves where otherwise authorized by law. Livestock owners and their agents may use such technologies to conduct non-injurious hazing as authorized pursuant to W-10, #1000.A.10.~~

G. If a livestock owner's livestock are part of a herd composed of livestock owned by multiple owners, any owner of livestock in the same herd may also qualify for any of the gray wolf permits authorized in this chapter.

Basis and Purpose:

Modifying the definition of livestock to include domestic bison

Proposition 114, now codified in section § 33-2-105.8, CRS, specifically defined “livestock” as “cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.” These changes expand the livestock definition to include domestic bison, including hybrids with domestic cattle. They also expand regulations making domestic bison owners eligible for chronic depredation permits, intentionally injurious non-lethal hazing permits, and retroactive in the act permits. These amendments are the result of concerns raised by the Southern Ute Indian Tribe and other domestic bison producers.

Clarifying pooled livestock owners are eligible for all three types of wolf permits codified in Chapter W-10

The current regulations suggest that pooled owners are only eligible to receive a chronic depredation permit. (See Chapter W-10, regulation #1001.C.3.a.i - “If the Permit Applicant’s livestock are part of a herd composed of livestock owned by multiple owners, any owner of livestock in the same herd may also qualify for a Chronic Depredation Permit.”) This express authorization was not contained in Chapter W-10, regulation #1000.A.11 (injurious hazing permits) or Chapter W-10, regulation #1001.B (in the act permits). These changes are a cleanup to clarify that pooled livestock owners are eligible for all three types of permits codified in Chapter W-10.

Adopting regulations for the use of “Nighttime Aids” for wolves causing damage

Section 33-6-127, C.R.S. makes it unlawful for any person to use artificial light, electronic night vision equipment, electronically enhanced light-gathering optics, or thermal imaging devices (Nighttime Aids) as an aid in hunting or taking wildlife, unless the Commission adopts rules allowing their use. In this rulemaking, the Commission created limited exceptions to the section 33-6-127 prohibition on the use of Nighttime Aids.

The new rules authorize the use of Nighttime Aids where a livestock owner has obtained a permit for intentionally injurious, non-lethal hazing of gray wolves pursuant to W-10, #1000.A.11.

The new rules also authorize the use of Nighttime Aids where a livestock owner obtains a retroactive permit for injurious and lethal take of gray wolves in the act of attacking livestock or working dogs pursuant to W-10, #1001.B.

The new rules also make it clear that the use of Nighttime Aids is permissible where a livestock owner or their agents use such aids to conduct non-injurious hazing as authorized pursuant to W-10, #1000.A.10.

The new rules also make it clear that the use of Nighttime Aids may be used by state or federal agents to haze, injure or kill gray wolves where otherwise authorized by law.

The use of Nighttime Aids may not be used where a livestock owner obtains a chronic depredation permit pursuant to W-10, #1001.C., unless the Division specifically authorizes their use, which the Division can do under the new rules on a case-by-case basis in its discretion. The Commission revised W-10, #1001.C.3.d in this rulemaking as follows: “The permit authorizing such activities will contain additional terms and conditions, including a limitation on how many wolves may be taken under the Permit and may,

in the discretion of the Division, authorize the use of artificial light, electronic night vision equipment, electronically enhanced light-gathering optics, and thermal imaging devices.”

The Wolf Restoration and Management Plan and associated regulations contemplate that “injurious or lethal control of wolves that have engaged in confirmed depredation(s) of livestock will be conducted by state or federal agents.” W-10, #1001.C.2. “If state and federal agencies do not have the capacity to carry out the timely implementation of the necessary lethal control measures, the Division may issue a Chronic Depredation Permit for the lethal take of wolves to a livestock owner...” W-10, #1001.C.3. The Commission believes that automatically enabling private parties to use the Nighttime Aids while acting under a Chronic Depredation Permit could lead to the accidental take of nontarget wolves or other undesirable outcomes and that giving the Division discretion to authorize their use on a case-by-case basis under such a permit strikes the appropriate balance among many policy considerations.

The Commission adopted the new and amended regulations in recognition of the fact that it is common practice for producers to use artificial light when checking their livestock around the clock, especially during the calving season. The Commission recognizes that some producers also use the other nighttime technologies when checking on livestock. The new and amended rules are intended to further the requirement that “restoration of the gray wolf to the state must be designed to resolve conflicts with persons engaged in ranching and farming in this state.” § 33-2-105.8(1)(d), C.R.S. The new and amended rules are also consistent with section 33-6-107(9), which contains a statutory exception to the use of Nighttime Aids for the take of numerous species where such animals are causing damage to crops, real or personal property, or livestock.

The primary statutory authority for the new and amended rules includes section 33-6-127, C.R.S. (Commission may adopt rules authorizing the use of Nighttime Aids) and section § 33-2-105.8(1)(d), C.R.S. (“restoration of the gray wolf to the state must be designed to resolve conflicts with persons engaged in ranching and farming in this state.”).

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager, Policy and Planning Unit, 6060 Broadway, Denver, CO 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE AUGUST 1, 2024 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 12TH DAY OF JUNE 2024.

**APPROVED:
Dallas May
Chair**

**ATTEST:
Karen Bailey**

Secretary

FINAL REGULATIONS - CHAPTER 17 - DAMAGE CAUSED BY WILDLIFE

ARTICLE XVI – DAMAGE CAUSED BY GRAY WOLVES

#17161 – DEFINITIONS APPLICABLE TO ARTICLE XVI

- A. **“Baseline Death Loss”** is a phrase used in rule #17170 regarding Itemized Claims for missing calves, yearlings or sheep. The claimant’s Baseline Death Loss refers to the average proportion of calves, yearlings or sheep lost by the claimant annually for the three years preceding the first Confirmed Wolf Depredation experienced by the claimant on the claimant’s lawful grazing lands, whether public or private, relative to the number of such animals the claimant had under management at the time of loss. All deaths other than those caused by gray wolf depredation shall be included in the baseline, including but not limited to deaths due to predation by other wildlife, disease, poisoning, fire, flood and drought.
- B. **“Baseline Conception Rate”** is a phrase used in rule #17170 regarding itemized claims for reduced conception rates of sheep and cattle. The claimant’s Baseline Conception Rate refers to the claimant’s average conception rate for the three years preceding the first Confirmed Wolf Depredation experienced by the claimant.
- C. **“Baseline Weight”** is a phrase used in rule #17170 regarding itemized claims for decreases in weight gains of sheep and cattle. The claimant’s Baseline Weight refers to the claimant’s average weight for the three years preceding the first Confirmed Wolf Depredation experienced by the claimant.
- D. **“Calves”** refers to domestic cattle from the age of birth through 12 months at the time of loss.
- E. **“Claimant”** refers to the owner of livestock or livestock guard or herding animals who has suffered direct or indirect losses caused by gray wolves. Only such owners can file claims for gray wolf damage compensation as provided for in this Article XVI.
- F. **“Confirmed Wolf Depredation”** has the meaning codified in #17167.
- G. **“Indirect Losses”** means decreased weights for calves, yearlings, and all classes of sheep, and decreased conception rates for domestic cattle and sheep.
- H. **“Livestock”** has the same meaning codified in § 33-2-105.8(5)(c), CRS and also includes domestic bison including hybrids with domestic cattle. See (§ 33-2-105.8(5)(c), CRS (“Livestock” means cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.”).
- I. **“Livestock guard animal”** refers to animals whose primary purpose is attempting to protect livestock from depredation.
- J. **“Livestock herding animal”** refers to animals whose primary purpose is herding livestock.
- K. **“Nonlethal Conflict Minimization”** means lawful, nonlethal materials and techniques used by owners of livestock for purposes of avoiding, minimizing, or mitigating gray wolf damage to livestock. Such measures include hazing techniques authorized under Chapter W-10.
- L. **“Yearling”** refers to domestic cattle between 12 and 24 months old at the time of loss.

#17162 – OVERVIEW OF GRAY WOLF DAMAGE CLAIMS, \$15,000 LIMITATIONS AND FILING

A. Overview

1. Section 33-2-105.8, CRS, requires the Commission to oversee the distribution of state funds that are made available to “[p]ay fair compensation to owners of livestock for any losses of livestock caused by gray wolves....” § 33-2-105.8(2)(e)(2), CRS. This Article XVI implements this requirement through the codification of Base Compensation Claims and two Optional Claims, referred to as Ratio Claims and Itemized Claims.
2. Regardless of what claim or claims agricultural producers rely on to seek compensation for damage caused by gray wolves, eligibility for compensation is limited to the fair market value of the animals at issue in the claim, up to \$15,000 per head of livestock, and up to \$15,000 per livestock guard or herding animal.
3. In addition to damages associated with injury or death, livestock producers are eligible to receive compensation for veterinarian expenses and medical supplies. Only expenses from licensed veterinarians are eligible for reimbursement. Such expenses are limited to \$15,000 or the fair market value of the animal, whichever is lower.
4. Base Compensation Claims make owners of livestock eligible to receive state funds for the injury or death of such animals caused by gray wolves. Although not required by statute, such claims also make claimants eligible to receive state funds for livestock guard and herding animals injured or killed by gray wolves. Base Compensation Claims require claimants to, among other things, present physical evidence demonstrating that gray wolves were the actual cause of injury or death to each animal identified in the claim, such as evidence regarding the type and location of wounds on a carcass.
5. These rules also codify two additional, optional claims for claimants to seek compensation for damage caused by gray wolves (Optional Claims). Optional Claims are only available where the claimant experienced a prior Confirmed Wolf Depredation to sheep or domestic cattle. Optional Claims do not require claimants to prove gray wolves were the actual cause of injury or death to each and every animal identified in the claim, and one of the optional claims makes claimants eligible to receive compensation for Indirect Losses.
6. A Ratio Claim under #17169 is an Optional Claim. Ratio Claims enable claimants to seek compensation for multiple missing calves, yearlings or sheep relative to each Confirmed Wolf Depredation experienced by the claimant. Different ratios apply depending on whether the claimant practiced Nonlethal Conflict Minimization prior to the loss. Indirect Losses are not compensable under a Ratio Claim.
7. An Itemized Claim under #17170 is the other Optional Claim. Itemized Claims enable claimants to seek compensation for all missing calves, yearlings or sheep that the claimant reasonably believes were taken by gray wolves, but only to the extent the number of documented missing calves, yearlings or sheep claimed exceeds the average number of such animals the claimant lost due to causes other than gray wolf depredation in the three years preceding the first Confirmed Wolf Depredation experienced by the claimant. Additionally, Itemized Claims enable claimants to seek compensation for Indirect Losses.
8. Claimants may choose to pursue only Base Compensation Claims. Or claimants may pursue a Base Compensation Claim and, in their discretion, may also pursue either a Ratio Claim or an Itemized Claim, but not both of these Optional Claims.

9. Itemized Claims accrue over the course of a calendar year, require claimants to provide additional paperwork in support of such claims, and require additional analysis by the Division. Therefore, these rules establish the deadline for claimants to file Itemized Claim forms on or before the last day of December of the calendar year when the losses at issue were sustained. Doing so allows Itemized Claims to accrue and enables claimants to gather the documents and information necessary to support such claims. Claimants may only file one Itemized Claim annually. However, claimants may file multiple Base Compensation Claims and Ratio Claims throughout the year and must do so within the ninety (90) day deadline codified in § 33-3-107(2), CRS, *i.e.*, within 90 days of the Division's receipt of claimant's last Notice of Loss. Provided, however, the claimant may elect to delay filing a Proof of Loss form for a base compensation claim or a ratio claim up to and including December 31 for the year when the losses were sustained by signing a Notice of Election to File Annual Claim for Gray Wolf Depredation form provided by the Division.

B. Filing

These rules require claimants to file notices, claim forms, and supporting documents with the Division by providing such documents to the "relevant CPW Area Office" in paper or electronic form. The relevant CPW Area Office means the office having administrative responsibility over some or all of the lands where the damage at issue occurred as shown on the Areas, Districts and Office Locations map on the CPW website, available at https://cpw.state.co.us/learn/Maps/CPW_Districts.pdf. If the lands where the damage at issue occurred span more than one such area, the claimant should file all papers with the CPW Area Office having authority over the lands where the majority of or the most severe damage occurred. Claimants shall only file papers with one area office.

#17163 – CLAIMANT STATEMENT ON INSURANCE

- A. On forms provided by the Division, Claimants must certify whether the gray wolf damage at issue in their claim is covered under an insurance policy and whether they contemplate receiving insurance compensation for such damage. If the claimant is in possession of an applicable insurance policy, they must provide the name, address, and phone number of the insurance company(s) providing coverage, the name, address, and phone number of the insurance company's agent, the amount and type of coverage provided, and the amount of insurance reimbursement requested and received.
- B. On forms provided by the Division, Claimants must authorize the Division to make inquiries into claimant's insurance coverage, including receiving information from the claimant's insurance companies and agents regarding insurance coverage for the claim submitted to the Division.
- C. In the event a claim is paid by the Division to any person and such person later receives additional compensation for such damage under an insurance policy, they shall immediately repay to the Division any moneys previously received from the State of Colorado for those damages covered by the insurance policy.
- D. Refusal to provide accurate insurance information shall be cause for denial of any claim for damage caused by gray wolves.

#17164 – NOTICE OF LOSS

- A. In order for claimants to be eligible to receive state funds for damage caused by gray wolves, claimants must give the Division timely notice of their discovery of such suspected damage on Notice of Loss forms provided by the Division. Claimants may provide initial notice of such damage to the Division verbally but must file a Notice of Loss form with the relevant CPW Area Office within ten (10) days of discovering such damage. Said ten (10) day period may be extended for up to an additional ten (10) days for good cause shown, provided the claimant gave the Division verbal notice within ten (10) days of discovering such damage. Good cause exists where the Division fails to provide the necessary forms in a timely manner or other circumstances beyond the claimant's control.
- B. Notices of Loss must identify the date or dates that death or injury to animals eligible for reimbursement occurred or the date or dates that disappearance of such animals was discovered, the number of gray wolves causing such damage, if known, the date such damage was discovered, and the estimated location and extent of such damage.
- C. If the Division receives the claimant's first written Notice of Loss more than ten (10) days after the date of discovery, the claimant shall provide an explanation for the delay. Absent a showing of good cause, claimant's failure to file a timely Notice of Loss shall be cause for denial of the claim.
- D. Claimants must file timely Notices of Loss for each gray wolf depredation event discovered.
 - 1. If the same type of damage caused by gray wolves is ongoing at a single site, additional notices are not required every ten (10) days if the claimant keeps the Division reasonably informed of ongoing damage and the claimant files a comprehensive Notice of Loss when the damage ends. The comprehensive Notice of Loss shall include an estimate of the total extent of damage, specify beginning and ending dates that the damage occurred, and provide the other information required above. Gray wolf damage is not considered as ongoing if more than 30 days have elapsed between instances where damage occurred.
 - 2. A single site is a single herd of cattle or band of sheep, under one ownership and continuous control between spring and winter range. If damage occurs at different sites or is of a different type, separate claims and separate investigation reports shall be required, even if the claimant is the same and gray wolves are the cause of all such damage.
- E. A Division representative accompanied by the claimant shall in cases of claims in excess of \$1,000 and may in cases of \$1,000 or less as is appropriate and necessary to determine the facts underlying the claim make an on-site inspection and investigation within ten days of the receipt of the initial notification or as soon thereafter as practicable. The claimant shall cooperate in the Division's investigation, including reasonably assisting in locating and investigating evidence of alleged damage, and authorizing the Division to enter private property under the claimant's control as is reasonably necessary to conduct the investigation.

#17165 – PROOF OF LOSS FOR BASE COMPENSATION CLAIMS; SETTLEMENT MEETING

- A. The claimant shall file Proof of Loss forms with the relevant CPW Area Office within 90 days of the Division's receipt of claimant's last Notice of Loss. Provided, however, the claimant may elect to delay filing a Proof of Loss form for a base compensation claim up to and including December 31 for the year when the losses were sustained by signing a Notice of Election to File Annual Claim for Gray Wolf Depredation form prepared by the Division. Proof of loss forms shall be provided by the Division and the claimant shall complete and return

only those forms relating to the type of damage at issue. Incomplete or incorrect forms may be returned to the claimant by the Division. However, the time period for filing Proof of Loss forms shall not be altered thereby.

- B. Proof of Loss forms shall be signed and be accompanied by evidence sufficient for the claimant to prove by a preponderance of evidence that they suffered damage to livestock, or livestock guard or herding animals, and that such damage was caused by gray wolves to the extent claimed.
- C. The relevant Area Wildlife Manager or their designee will meet and confer with the claimant within thirty (30) days of the Division's receipt of the claimant's Proof of Loss form in an effort to reach a settlement.

#17166 – DOCUMENTATION OF BASE COMPENSATION CLAIMS

The claimant must produce evidence establishing that gray wolves caused injury or death to livestock or livestock guard or herding animals. Evidence proving such causation may include the type and location of wounds or a physical description of the carcass, such as rake-marks and canine punctures on the hide, the measured distance between canine wounds, and hemorrhaging found underneath the hide.

The claimant must produce tangible evidence that gray wolves were present in the area, such as photographs of gray wolves, photographs of gray wolf tracks, or confirmed fur or scat samples. The claimant may also present evidence in the form of certified statements that gray wolves were in the area based on personal, firsthand observations.

#17167 – CONFIRMED WOLF DEPREDATION

- A. In cases of physical trauma resulting in injury or death to livestock or livestock guard or herding animals, the Division shall determine whether such damage was caused by gray wolves. The claimant bears the burden of proof on such determination and shall cooperate in the Division's investigation.
- B. The Area Wildlife Manager or his designee will investigate as necessary and shall in cases of claims in excess of \$1,000.00 and may in cases of claims of \$1,000.00 or less as is appropriate and necessary to determine the facts underlying the claim meet with the claimant, within 30 days of the receipt of the proof-of-loss form where practicable, and at a time and place mutually agreed upon to attempt to reach a settlement.
- C. If the preponderance of evidence indicates the damage at issue was not caused by gray wolves but was caused by big game, CPW will apply the standards codified in Articles I-XVI of these rules.

#17168 – OPTIONAL CLAIMS FOR DAMAGE CAUSED BY GRAY WOLVES; SETTLEMENT MEETING

Claimants who have experienced a Confirmed Wolf Depredation to sheep or domestic cattle may pursue a Ratio Claim pursuant to #17169 or Itemized Claim pursuant to #17170. Such claims are only available where the claimant has experienced a Confirmed Wolf Depredation within the 12 months preceding the filing of the claim.

The relevant Area Wildlife Manager or their designee will meet and confer with the claimant within thirty (30) days of the Division's receipt of the claimant's Ratio or Itemized Claim form in an effort to reach a settlement.

#17169 – RATIO CLAIMS; RATIO CLAIM FORMS

- A. Ratio Claims enable claimants to seek compensation for missing calves and all classes of sheep based on either a 5:1 or 7:1 ratio of missing calves/sheep relative to each Confirmed Wolf Depredation experienced by the claimant. Compensable calves are limited to the calves of species listed in § 33-2-105.8(5)(c), CRS. Missing livestock guard animals and missing livestock herding animals are not compensable through a Ratio Claim. In order to receive compensation at a 7:1 ratio for calves or sheep, the claimant must prove, by a preponderance of the evidence, that they took reasonable steps to use Nonlethal Conflict Minimization. Where the claimant fails to make such a showing, otherwise valid claims will be paid at a 5:1 ratio. Under no circumstances may the claimant seek compensation for missing calves or sheep in an amount that exceeds the actual number of documented calves or sheep missing. In the event, CPW pays for missing animals and an animal is subsequently returned to the claimant, the claimant shall repay CPW the amount equal to the amount the claimant received from CPW for that animal with 30 days of the animal being returned.
- B. Ratio Claims enable claimants to seek compensation for missing yearlings on either a 1:1 or 1.25:1 ratio of missing yearlings relative to each Confirmed Wolf Depredation experienced by the claimant. Compensable yearlings are limited to the yearlings of species listed in § 33-2-105.8(5)(c), CRS. In order to receive compensation at a 1.25:1 ratio for yearlings, the claimant must prove, by a preponderance of the evidence, that they took reasonable steps to use Nonlethal Conflict Minimization. Where the claimant fails to make such a showing, otherwise valid claims will be paid at a 1:1 ratio. Under no circumstances may the claimant seek compensation for missing yearlings in an amount that exceeds the actual number of documented yearlings missing. In the event, CPW pays for missing animals and an animal is subsequently returned to the claimant, the claimant shall repay CPW the amount equal to the amount the claimant received from CPW for that animal with 30 days of the animal being returned.
- C. The claimant may only pursue claims for missing calves, yearlings or sheep where grazing occurs in large, open range situations, where locating carcasses is difficult due to geographic / topographic factors. The burden of proving that a claimant cannot seek compensation for missing calves, yearlings or sheep in any particular case due to such factors shall be on the Division. During its initial investigation into each Notice of Loss, the Division shall determine whether such factors prevent the claimant from pursuing a Ratio Claim and the Division shall promptly notify the claimant of such determination.
- D. In order to receive compensation, claimants must complete a Ratio Claim form provided by the Division and file the same with the relevant CPW Area Office within 90 days of the Division's receipt of the claimant's last Notice of Loss. Provided, however, the claimant may elect to delay filing a Proof of Loss form for a ratio claim up to and including December 31 for the year when the losses were sustained by signing a form prepared by the Division. Incomplete or incorrect forms may be returned to the claimant by the Division. However, the time period for filing Ratio Claim forms shall not be altered thereby.

- E. On a Ratio Claim form provided by the Division, the claimant must certify, to the best of their knowledge, that the missing calves, yearlings or sheep were lost due to gray wolves and not other predators, disease, or other factors. The claimant must also certify, to the best of their knowledge, that the missing calves, yearlings or sheep were from the same band or flock of sheep, or herd of domestic cattle as the band, flock or herd associated with the prior Confirmed Wolf Depredation(s).

#17170 – ITEMIZED CLAIMS; ITEMIZED CLAIM FORMS

A. Missing Calves, Yearlings and Sheep

1. Itemized Claims enable claimants to seek compensation for missing calves and yearlings of species listed in § 33-2-105.8(5)(c), CRS and missing sheep, provided the claimant reasonably believes such animals were taken by gray wolves. Claimants are eligible to receive compensation for such losses only to the extent that the documented number of such missing animals claimed for the current year exceeds the claimant's Baseline Death Loss.
2. The claimant may only pursue claims for missing calves, yearlings or sheep where grazing occurs in large, open range situations, where locating carcasses is difficult due to geographic / topographic factors. The burden of proving that a claimant cannot seek compensation for missing calves, yearlings or sheep in any particular case due to such factors shall be on the Division. During its initial investigation into each Notice of Loss, the Division shall determine whether such factors prevent the claimant from pursuing compensation for missing calves, yearlings or sheep and the Division shall promptly notify the claimant of such determination.
3. The claimant must produce tangible evidence that gray wolves were present in the area throughout the claim period, such as photographs of gray wolves, photographs of gray wolf tracks, or confirmed fur or scat samples. The claimant should provide such evidence to the Division on a monthly basis throughout the claim period. The claimant may also present evidence in the form of certified statements that gray wolves were in the area based on personal, firsthand observations.
4. The claimant must provide documents and information establishing their Baseline Death Loss.
5. The claimant must provide documents and information establishing that the missing animals were vaccinated or self-certify vaccination status.
6. In order to receive compensation, claimants must complete an Itemized Claim form provided by the Division and file the same with the relevant CPW Area Office no later than December 31 for all losses sustained during the calendar year. Claimants may file Itemized Claims prior to such deadline. Claimants may file multiple Itemized Claims, provided separate claims relate to separate bands or flocks of sheep, or herds of domestic cattle and there was a Confirmed Wolf Depredation associated with each such band, flock or herd.
7. On an Itemized Claim form provided by the Division, the claimant must certify, to the best of their knowledge, that the missing calves, yearlings or sheep were lost due to gray wolves and not other predators, disease, or other factors. The claimant must also certify,

to the best of their knowledge, that the missing calves, yearlings or sheep were from the same band or flock of sheep, or herd of domestic cattle as the band, flock or herd associated with the prior Confirmed Wolf Depredation(s). Under no circumstances may the number of documented missing calves, yearlings or sheep claimed exceed the actual number of documented calves, yearlings or sheep missing. In the event, CPW pays for missing animals and an animal is subsequently returned to the claimant, the claimant shall repay CPW the amount equal to the amount the claimant received from CPW for that animal with 30 days of the animal being returned.

B. Indirect Losses

1. Itemized Claims for Indirect Losses, meaning decreased weights for calves, yearlings, and all classes of sheep, and decreased conception rates for domestic cattle and sheep, are only available to the extent of the difference between the claimant's current, allegedly reduced, weights and rates relative to the average of such weights and rates for the three years preceding the first Confirmed Wolf Depredation experienced by the claimant.
2. In order to receive compensation, claimants must complete an Itemized Claim form provided by the Division and file the same with the relevant CPW Area Office no later than December 31 for all losses sustained during the calendar year. Claimants may file Itemized Claims prior to such deadline but may only file one Itemized Claim for each calendar year.
3. On an Itemized Claim form provided by the Division, the claimant must certify, to the best of their knowledge, that the reduction in weights for calves, yearlings, and all classes of sheep, and decreased conception rates for domestic cattle and sheep were caused by gray wolves and not other factors.
4. **Reduced Weights:** Where the claimant seeks compensation for reduced weights, the claimant must produce documents and information establishing their Baseline Weight. The claimant must also produce documents and information establishing the claimant's current claim-year weights, such as weight tickets, production records, or sales records. To qualify for compensation, the claimant must show current weights have decreased below the Baseline Weight.
5. **Conception Rates:** Where the claimant seeks compensation for decreased conception rates among domestic cattle or sheep, the claimant must produce documents and information establishing the claimant's Baseline Conception Rate. The claimant must also produce documents and information establishing the claimant's current claim year conception rates or self-certify such rates. To qualify for compensation, the claimant must show current rates have decreased below the Baseline Conception Rate. The claimant must also provide a statement self-certifying that there are no other causes which contributed to the decrease.

#17171 – VALUATION OF GRAY WOLF DAMAGE CLAIMS; SUPPORTING DOCUMENTS

- A. Payment of gray wolf damage claims will be based on sales receipts or sales contracts when copies of such documents are filed with the Proof of Loss for Base Compensation Claims, or with the Ratio or Itemized Claim forms for Optional Claims. Expenses such as transportation, yardage, feed costs at sales yards, and sales commissions are not eligible for payment.

- B. Where such receipts or contracts are not submitted to the Division, the following methods shall be used:
1. Payment of adult range sheep claims for each age class, other than running age ewes, will be based on the prices in the USDA Agricultural Marketing Service reports from the September preceding the date of the loss or damage. Payment for running-age ewes (ewes between the ages of 2 and 5 years old) will be determined by the following formula: The value shall equal the price received for lambs based on contracts or the average weekly sale price from the USDA Agricultural Marketing Service report from the last week of September plus 50% of the above value. (Example: Fall lambs at \$90 Plus 50% = \$90 + \$45 or \$135, total value of each running-age ewe.)
 2. Payment of lamb claims will be based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the September preceding the date of the loss or damage.
 3. Payment of calf claims will be based on the average sale price shown in the monthly update published by the USDA Agricultural Marketing Service for the month of the October preceding the date of the loss.
 4. Payment of claims for decreased weights of sheep or domestic cattle shall be measured by the difference between the average weight of such animals in the claim year at the time of sale versus the average weight of such animals at the time of sale in the three years preceding the confirmed wolf depredation.
 5. Payment of claims for decreased conception rates of sheep shall be measured by the difference between an unbred sheep and a bred sheep based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the September preceding the date of the loss.
 6. Payment of claims for decreased conception rates of domestic cattle shall be measured by the difference between an unbred cow and a bred cow based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the October preceding the date of the loss.
 7. Payment of all other claims will be based on the fair market value at the time of the loss for the type, age and weight of the animal involved.
- C. For good cause shown, a claimant may establish the value of losses of livestock and, where compensable, livestock guard and herding animals, by reliable means other than those shown above. The claimant shall be required to establish by a preponderance of evidence that the valuation methods listed above are inappropriate for the claim submitted and that the method of valuation requested represents the fair market value of claimant's loss.
- D. In addition to damages associated with injury or death, livestock producers are eligible to receive compensation for veterinarian expenses and medical supplies. Claims for veterinarian expenses and medical supplies shall be accompanied by invoices and/or evidence of payment. Only expenses from licensed veterinarians are eligible for reimbursement. Such expenses are limited to \$15,000 or the fair market value of the animal, whichever is lower.

#17172 – CLAIM SETTLEMENT; WAIVER OF COMMISSION REVIEW

- A. Any claim up to \$5,000 may be approved by the Area Wildlife Manager. Claims in the amount of \$5,001 to \$20,000 may be approved by the Regional Manager. Claims exceeding \$20,000 which are recommended for payment by the Division must be approved by the Commission.
- B. In cases where the Division and the claimant are unable to reach settlement, the claimant may seek review by the Commission or, subject to §§ 33-3-107 – 33-3-110, CRS, file an action in the small claims division of county court. A claim of any amount, which is recommended for denial of payment by the Director, shall require a final decision by the Commission. However, if the claim is for \$7,500 or less, the claimant may waive review by the Commission and commence an action in the small claims division of the county court for the county where the damage allegedly occurred. Such waiver shall be in writing and shall be filed in the relevant CPW Area Office within ten (10) days after such claimant receives notification from the Division of its intent to recommend the Commission deny their claim, or within ten (10) days after the claimant receives from the Division an offer of settlement unacceptable to such claimant.
- C. When a claim is recommended for denial of payment by the Division, the claimant will be notified of such recommendation by certified mail at least 30 days prior to the regularly scheduled Commission meeting when such claim will or could be considered.
- D. Any claimant who cashes a state warrant issued for the purpose of claim settlement thereby acknowledges receipt of payment in full satisfaction of damages claimed and thereby waives any and all further claim against the state for such damages.
- E. Base Compensation Claims and Optional Claims, and their associated remedies, are only available to claimants if they follow the processes codified in these regulations and, if denied, may be appealed pursuant to the State Administrative Procedure Act, §§ 24-4-101 – 204, CRS. If claimants waive commission review pursuant to #17172 or file an action for damages as authorized by § 33-3-108, CRS, none of the presumptions or inferences contained in these rules shall apply, nor shall such claimants have a claim against the state related to guard or herding animals, and the claimant shall plead and prove their entitlement to fair compensation as provided by law.

#17173 – REQUESTS FOR CONFLICT MINIMIZATION MATERIALS

Owners of livestock may request conflict minimization materials from the Division. The request must be made on a form provided by the Division and the requestor must indicate they have the legal right to install or use the materials sought in the location specified in the request form. Conflict minimization materials include fladry, electrified fladry, and scare devices, such as shell-crackers, propane cannons, and fox-lights.

Subject to available appropriations and taking into consideration gray wolf activity in the area, the Division may loan and deliver conflict minimization materials to the requestor only under the terms of a written cooperative agreement. Materials will be provided on a case-by-case basis, taking into consideration the proximity of wolves to livestock, previous behavior of wolf packs in the area, and whether the requestor has experienced a prior Confirmed Wolf Depredation. The Division may, in its discretion, prioritize the distribution of conflict minimization materials throughout the state and may recommend and supply materials that are different than those requested.

#17174 – POOLED GRAZING RATIO CLAIMS

- A. The purpose of this regulation #17174 is to extend and modify the rules applicable to individual claimants pursuing Ratio Claims pursuant to #17169 to livestock owners participating in pooled grazing who have not experienced a Confirmed Wolf Depredation (Pooled Owner Claimants). For purposes of this regulation, pooled grazing refers to the practice of two or more livestock owners commingling their domestic cattle or sheep into one herd at a single site between spring and winter range. Unless otherwise provided in this regulation #17174, all other requirements of Chapter 17, Article XVI apply.
- B. Under this regulation #17174, Pooled Owner Claimants are eligible to seek compensation for multiple missing calves, yearlings, and sheep relative to each Confirmed Wolf Depredation experienced by any member of the grazing pool (Confirmed Owner(s). As stated in regulation #17169, different ratios apply depending on whether the grazing pool, as a whole, took reasonable steps to use Nonlethal Conflict Minimization. Indirect Losses are not compensable under a Ratio Claim or Pooled Grazing Ratio Claim. Pooled Owner Claimants are not eligible to pursue claims for Indirect Losses and are not eligible to pursue a Pooled Grazing Ratio Claim where the Confirmed Owner pursues an Itemized Claim.
- C. A Pooled Owner Claimant is eligible to obtain compensation under this rule provided the following conditions are met:
1. One or more Confirmed Owners experienced one or more Confirmed Wolf Depredations;
 2. One or more Confirmed Owners elected to pursue a Ratio Claim pursuant to #17169 or elected to pursue neither of the Optional Claims pursuant to #17169 (Ratio Claims) or #17170 (Itemized Claims); and
 3. There is a difference between (1) the total number of missing calves, yearlings or sheep for which the Confirmed Owner(s) received compensation and (2) the maximum number of missing calves, yearlings or sheep otherwise payable to such Confirmed Owner(s) had they claimed additional animals as missing (Excess Ratio).
- D. The Excess Ratio is available to pay otherwise valid Pooled Grazing Ratio Claims.
- E. In order to receive compensation, Pooled Owner Claimants must complete a Pooled Grazing Ratio Claim form provided by the Division and file the same with the relevant CPW Area Office within 90 days of the Division's receipt of the Pooled Owner Claimant's last Notice of Loss. Provided, however, Pooled Owner Claimants may elect to delay filing a Proof of Loss form for a Pooled Grazing Ratio Claim up to and including December 31 for the year when the losses were sustained by signing a form prepared by the Division. Incomplete or incorrect forms may be returned to the claimant by the Division. However, the time period for filing Pooled Grazing Ratio Claim forms shall not be altered thereby.
- F. Pooled Grazing Ratio Claims are dependent on a Confirmed Owner experiencing a Confirmed Wolf Depredation, will be affected by whether the Confirmed Owner has missing animals for which they seek compensation, and are unavailable where the Confirmed Owner elects to pursue an Itemized Claim. Accordingly, the Division will review Pooled Grazing Ratio Claims annually and in conjunction with its review of any claims filed by Confirmed Owners.

- G. On a Pooled Grazing Ratio Claim form provided by the Division, the Pooled Owner Claimant must certify, to the best of their knowledge, that their missing calves, yearlings or sheep were lost due to gray wolves and not other predators, disease, or other factors. The Pooled Owner Claimant must also certify, to the best of their knowledge, that their missing calves or yearlings were from the same pooled herd of domestic cattle or sheep as the herd associated with the prior Confirmed Wolf Depredation(s). The Pooled Owner Claimant must also certify, to the best of their knowledge, the total number of livestock turned out for grazing and the total brought in at the end of the grazing season, including those owned by the Pooled Owner Claimant and the pool in the aggregate.
- H. Nothing in this regulation is intended to increase the ratio of compensable missing animals relative to each Confirmed Wolf Depredation as codified in regulation #17169.
- I. In situations where Pooled Owner Claimants are missing animals in excess of the available and applicable ratio, priority shall be given to Confirmed Owners. Confirmed Owners are entitled to the full benefit of the applicable ratio before any Pooled Owner Claimants are entitled to any ratio-based compensation. Provided, however, no Confirmed Owner may receive compensation in an amount in excess of the applicable ratio codified in regulation #17169.
- J. In situations where there is an Excess Ratio, but it is inadequate to fully compensate all remaining Pooled Owner Claimants, such owners shall meet and confer in an attempt to reach a stipulated resolution of their claims. If a stipulation is reached, the claimants shall jointly notify the Division of the stipulation in writing. If the Pooled Owner Claimants cannot reach a stipulation, the Division will prioritize payments to Pooled Owner Claimants who have lost a higher proportion of animals relative to the total number of animals they had in the pool and to claimants who have a history of uncompensated Pooled Grazing Ratio Claims.

Basis and Purpose:

Adopting regulation to include domestic bison as a compensable species

Proposition 114, now codified in § 33-2-105.8, CRS, requires CPW to “[p]ay fair compensation to owners of livestock for any losses of livestock caused by gray wolves.” § 105.8(2)(e)(2). Proposition 114 specifically defined “livestock” as “cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.” CPW’s gray wolf compensation program is currently limited to compensating producers for damages to Proposition 114 Livestock and injury or death to livestock guard or herding animals (including veterinarian expenses and medical supplies).

These changes expand the current gray wolf compensation program to include domestic bison, including hybrids with domestic cattle, where such animals are injured or killed by a gray wolf. The change also extends CPW’s compensation program to guard animals and herding animals that were injured or killed in connection with a domestic bison operation. These changes are limited to expanding CPW’s Base Compensation Claims to domestic bison. Such claims only compensate for death or injury caused by gray wolves. See Chapter W-17; #17165 – #17166 Base Compensation Claims. These changes do not allow owners of domestic bison to apply for Ratio Claims or Itemized Claims, codified in Chapter W-17; #17169 – #17170. These amendments are the result of concerns raised by the Southern Ute Indian Tribe and other domestic bison producers.

Adopting regulation to make pooled cattle owners eligible for Ratio Claims

For Colorado’s livestock producers, it is common for multiple livestock owners to graze their stock together, particularly on large, public land grazing allotments. This type of commingled grazing operation is often referred to as a livestock pool. Current regulations (Article 16 of W-17) authorize sheep and domestic cattle owners who have experienced a confirmed wolf depredation in large, open range situations, to file claims for missing sheep, calves and yearlings but do not allow other livestock owners within a pooled grazing situation to file for their missing sheep, calves and yearlings.

The agricultural industry has expressed concern that wolf depredation could happen in a pooled grazing situation where one owner has a confirmed wolf depredation but missing sheep, calves or yearlings from another owner within the pool would not be eligible to receive compensation unless that owner also has a confirmed wolf depredation. These regulation changes allow pooled livestock owners who have not experienced a confirmed wolf depredation to file for missing sheep, calves and yearlings they believe were lost to gray wolves if another pooled owner experiences a confirmed wolf depredation to their commingled herd. However, if the owner who has experienced a confirmed wolf depredation elects to file an itemized claim, the remaining pooled owners would not be eligible to file a ratio claim. This keeps the regulations constant for compensation cases between individual and pooled claims. The intent of these regulations addresses several concerns to improve the wolf compensation program that were not identified as primary concerns by the Stakeholder Advisory Group, which much of the current regulations have been based upon. It will be important to continually monitor the effectiveness of this compensation program over time along with CPW’s adaptive management strategies to effectively compensate Colorado’s livestock owners.

The statements of basis and purpose for these regulations can be viewed and copies obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager, Policy and Planning Unit, 6060 Broadway, Denver, CO 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE AUGUST 1, 2024 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 12TH DAY OF JUNE 2024.

**Approved:
Dallas May
Chair**

**Attest:
Karen Bailey
Secretary**