



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
134 Union Blvd  
Lakewood, Colorado 80228



In Reply Refer to:  
FWS/IR05/IR07

March 7, 2022

Dan Prenzlów, Director  
Colorado Parks and Wildlife  
6060 Broadway  
Denver, CO 80216

Dear Director Prenzlów:

In light of the February 10, 2022, court decision to vacate the U.S. Fish and Wildlife Service's (Service) 2020 final delisting rule, gray wolves in Colorado are once again under federal protection of the Endangered Species Act (ESA) and are classified as endangered throughout the State.

Since wolves are again an endangered species of wildlife, taking (harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting) is prohibited by the ESA. An exception to the ESA prohibition on "take" exists when committed based on a good faith belief that the individual was acting in self-defense or in defense of others (i.e., to protect themselves or any other human from bodily harm) (50 CFR §17.21(c)(2)). Any such taking must be reported to the Service within five days (50 CFR §17.21(c)(4)).

"Harass in the definition of "take" in the [ESA] means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR §17.3). "Harm in the definition of take" in the [ESA] means an act which actually kills or injures wildlife. Such actions may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR §17.3).

Wolves can pose a threat to human safety and property, and in an opportunistic and non-injurious manner, they should be discouraged from using areas near homes and other human-occupied areas. Hazing discourages undesirable behavior in wildlife, and when properly conducted, does not create a likelihood of injury to wolves to such an extent as to significantly disrupt normal behavioral patterns. Appropriate hazing methods and techniques minimize conflict risk and discourage wolves from the immediate vicinity of livestock, a human-occupied residence, or other human-occupied area on both public and private lands. Some methods that may be used include, but are not limited to, carcass management, physical barriers (i.e., fencing and

INTERIOR REGION 5  
MISSOURI BASIN

KANSAS, MONTANA\*, NEBRASKA, NORTH DAKOTA,  
SOUTH DAKOTA

\*PARTIAL

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UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

electrified fencing), guard animals, auditory and visual scare tactics (i.e., fladry, lights, sirens, cracker shells), increased human presence/vigilance, or any combination of these measures. This list is not exhaustive, and we recognize that novel methods to minimize wolf-conflict risk continue to be developed and tested; thus, we encourage you to refer any questions you may have to our Office of Law Enforcement, Special Agent in Charge in Lakewood, CO at (303) 236-7540 or the Resident Agent in Charge in Littleton, CO at (720) 981-2777.

Prior to the gray wolf's now vacated delisting, there was a 2018 coordination agreement between our agencies including the Colorado Department of Agriculture and Animal Plant Health Inspection Service - Wildlife Services ("Guidelines for a Coordinated Agency Response to Reported Gray Wolf Activity While Under the Protection of the ESA in Colorado" September 4, 2018). With these new circumstances, we recommend ensuring that the agreement is current.

Along with Colorado Parks and Wildlife, we recognize the value in providing landowners in Colorado the ability to minimize wolf-conflict risk in an opportunistic and non-injurious manner while wolves remain classified as endangered under the Federal ESA. We greatly appreciate the efforts of your agency and look forward to working with you and other State and Federal partners in meeting wolf-management goals in Colorado. Please let me know if you have further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Hogan", is written over a large, stylized blue scribble that partially obscures the text below.

Matt Hogan  
Regional Director