

ISSUES SUBMITTAL FORM

Date: January 2, 2026

ISSUE:	Should the Commission “adopt rules providing for payment of fair compensation to owners of livestock for losses of livestock caused by the North American wolverine” as required by section 33-2-105.9(5), C.R.S.?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
Section 33-2-105.9 authorizes the Division to restore wolverines to Colorado but only after the Commission “adopt[s] rules providing for payment of fair compensation to owners of livestock for losses of livestock caused by the North American wolverine pursuant to the claim procedures described in sections 33-3-107 to 33-3-110.” § 33-2-105.9(5), C.R.S. The wolverine population in Colorado was extirpated by about 1920. If reintroduced, it is expected that Colorado can hold approximately 100 wolverines that would live near alpine timberline. Wolverines weigh about 25-35 lbs., scavenge carcasses, and eat small prey such as marmots. Wolverine predation on livestock is not expected to be prevalent given their naturally low numbers, small size, and use of high elevation, snowy and rocky habitats. However, they are capable of taking domestic sheep and very young calves where they may overlap. Given the potential for livestock predation, a depredation compensation program is a necessary part of a wolverine restoration program. Creating a depredation program recognizes the importance of maintaining food security through the local production of food and fiber by Colorado’s agricultural producers while also bringing a native species back to the state. The Division proposes to add a new Article XVII titled “Damage to livestock caused by wolverines” to Chapter W-17 (Damage Caused by Wildlife).	
STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:	
IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED.	
Wolverine reintroduction has been a publicly discussed topic in Colorado since at least 1998 when the Colorado Division of Wildlife developed a plan for reintroducing both lynx and wolverine to the state. Significant public notification and opportunity for input from stakeholders also occurred during the 2024 Colorado State Legislative Session, which resulted in the passage of SB24-171 allowing the reintroduction of wolverines and establishing the requirement for a livestock depredation compensation rule. During 2025, CPW staff engaged on the topic of wolverine restoration and the potential for livestock depredation with several livestock-oriented stakeholders. Events attended included the annual meeting of the Colorado Cattlemen’s Association in Steamboat Springs during June 2025, a meeting with the Colorado Farm Bureau during July 2025, and the annual meeting of the Colorado Woolgrowers Association in Montrose during July 2025. The topic of wolverine restoration and depredation compensation has also been discussed with the wildlife and legal staff from both the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe during the summer of 2025. All of these groups were informed of the intent to propose a wolverine depredation compensation rule during the Commission’s January, 2026 meeting and of the ability to provide feedback during that public process. In summary, livestock producers are generally not supportive of another potential predator on the landscape. However, they recognize that wolverines will exist in extremely low numbers and will ultimately	

be a minor threat relative to other predatory species as has been shown to be the case in states such as Montana where wolverines have existed for the last 100 years with very few known cases of livestock depredation (less than 1 per year).

Asking for Tribal feedback on the wolverine restoration plan resulted in a request to include a description of the Brunot Treaty as part of the legal background and framework governing wildlife management in that area. CPW worked with both Tribes over the summer and fall of 2025 to develop a section of the plan that met this request to the satisfaction of each tribe. Both tribes included language indicating their intent to participate in the State's wolverine depredation compensation program which would require the development of an MOU with each tribe. This would be a departure from the historic precedent of CPW not paying for damage caused by wildlife on tribal lands.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. *Preferred Alternative*: Adopt language as proposed below for a new Article XVII in W-17:

ARTICLE XVII – DAMAGE CAUSED BY WOLVERINES

#17181 – DEFINITIONS APPLICABLE TO ARTICLE XVII

- A. **“Claimant”** refers to the owner of livestock who has filed a claim with the Division.
- B. **“Livestock”** means cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.

17182 –WOLVERINE DAMAGE CLAIMS, \$5,000 LIMITATION AND FILING

A. 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 livestock damage at issue occurred as shown on the Areas, Districts and Office Locations map on the CPW website, available at <https://cpw.widen.net/s/nwzdcgr8sg>. 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.

#17183 – CLAIMANT STATEMENT ON INSURANCE

- A. On forms provided by the Division, claimants must certify whether the livestock 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 livestock damage caused by wolverine.

#17184 – General Provisions

- A. Notice of loss: In order for claimants to be eligible to receive state funds for livestock damage caused by a wolverine, 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 include the date or dates damage occurred, the date damage was discovered, the estimated extent of damage, and the 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 wolverine depredation event discovered. In the case of recurring damage, the Division shall be notified within ten days after the discovery of each new or different occurrence of livestock 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.

#17185 - PROOF OF LOSS

- 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. Forms shall be provided by the Division and the claimant shall complete and return only those forms designated for the type of damage which occurred. 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. Such forms shall be signed and be accompanied by evidence sufficient for the claimant to prove by a preponderance of the evidence that such damage was caused by a wolverine.
- 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 and that such damage was caused by a wolverine 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.

#17186 – DOCUMENTATION OF CLAIMS

- A. Documentation by the claimant necessary to prove a claim for livestock damage by wolverine shall include but is not necessarily limited to:
 - 1. Tangible evidence that a wolverine was present in the area. Evidence may include, but is not necessarily limited to photographs or records of scat, tracks, or direct observation.
 - 2. Demonstrate that a wolverine was the actual cause of injury or death to livestock. Evidence may include, but is not necessarily limited to type and location of wounds, physical description of the carcass, for example: bite patterns, measured distance between canine wounds, claw marks, hemorrhage, or carcasses cached in the manner of a wolverine.

#17187 – WOLVERINE DEPREDAATION

- A. The Division shall determine whether physical trauma resulting in injury or death to livestock was caused by wolverines. 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 wolverine but was caused by big game or gray wolves, CPW will apply the standards codified in Articles I-XVI of these rules.

#17188 – EVALUATION AND SETTLEMENT PROCEDURE

- A. Eligibility for compensation is limited to the fair market value of the livestock at issue in the claim, up to \$5,000 per head of livestock. Damages to livestock shall be limited to physical trauma resulting in injury or death.
- B. Payment of all claims for livestock losses due to wolverine will be based on sales receipts or sale contracts when copies of such receipts or contracts are furnished with the claim and exclude such expenses as transportation, yardage, feed costs at sales yards and sales commissions. 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 as derived from 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. For good cause shown, a claimant may establish the value of any livestock lost by reliable means other than those shown above. Such 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 the injured or killed livestock.
5. Payment of all other livestock loss 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.

#17189 - 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 sections 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; provided, 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 of the county of which the damage was alleged to have 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 for wolverine damage 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.

2. Status quo. This would preclude restoration of wolverines via reintroduction into Colorado.

Issue Raised by:	Bob Inman
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APPROVED FOR FURTHER CONSIDERATION BY:	Brian Dreher, Assistant Director
REQUIRES NEW SPACE IN THE BROCHURE?	NO

ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	YES
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Terrestrial
RECOMMENDED FOR CONSENT AGENDA?	NO