

PETITION TO TEMPORARILY DELAY FURTHER WOLF INTRODUCTIONS

Presented by Tim Ritschard
President of Middle Park Stockgrowers Association

CITIZEN PETITION FOR RULEMAKING COLORADO PARKS AND WILDLIFE COMMISSION

Date: September 27, 2024

Petitioners: Petitioners include the five entities listed below, as well as the additional 21 entities listed on the last page of this Petition.

Middle Park Stockgrowers Association P.O. Box 735 Kremmling, Colorado 80459 (970) 531-0207	Colorado Cattlemen's Association 7000 West 14th Avenue Lakewood, Colorado 80214 (303) 431-6422
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Club 20 P.O. Box 4795 Grand Junction, Colorado 81502 (970) 242-3264	Colorado Farm Bureau 9177 East Mineral Circle Centennial, Colorado 80112 (303) 749-7503
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ISSUE

This Petition for Rulemaking ("Petition") is filed herein. This Petition asks the Colorado Parks and Wildlife to adopt a rule that delays the further introduction of gray wolf management program is equipped to handle the consequences. The Division of Parks and Wildlife ("CPW") itself has admitted "additional support" to livestock producers to address wolf. The agency's introduction of wolves has not gone smoothly. In the program, the program elements described below need additional gray wolves are introduced in Colorado.

Under the Commission's rules, the Chair of the Commission on behalf of the Commission and place the petition on the Commission's October 3 meeting, we ask the Commission to propose the Commission's November 14-15 meeting, so that the Commission change before the end of the year. Given CPW's announcement in the same area as of December 2023, it is critical that the transparency before any further introductions occur.

In addition, we request the opportunity to present at the Commission's October 3 meeting on this important issue.

SUPPLEMENT TO CITIZEN PETITION FOR RULEMAKING COLORADO PARKS AND WILDLIFE COMMISSION

Date: October 9, 2024

Petitioners: On September 27, 2024, twenty-six petitioners submitted a Petition for Rulemaking to the Colorado Parks and Wildlife Commission. This Supplement to the Petition is filed on behalf of Petitioners Colorado Cattlemen's Association and Middle Park Stockgrowers Association to supplement the record in that proceeding.

ISSUE

On September 27, 2024, Petitioners filed a Petition for Rulemaking with the Colorado Parks and Wildlife Commission (the "Commission"), requesting the Commission adopt a rule delaying the further introduction of gray wolves in Colorado. The Colorado Cattlemen's Association ("CCA") and Middle Park Stockgrowers Association ("Middle Park") file this Supplement to add the following evidence to the record:

First, since the Petition was filed on September 27, Colorado Counties, Inc. ("CCI") unanimously voted to send a letter to the Commission requesting a "temporary hiatus" in the introduction of additional wolves in Colorado. CCI represents every county in Colorado except for Denver County. See CCI Letter, attached as Ex. 1. CCI's letter and our Petition request the same thing: the Commission should temporarily pause further introduction of wolves to allow Colorado Division of Parks and Wildlife ("CPW") to develop, implement, and secure funding for comprehensive programs that address wolf-livestock conflicts on Colorado's unique terrain.

Second, CCA and Middle Park would like to correct the record following the Commission's October 3, 2024 meeting. Many of the public comments during that meeting revealed a deep misunderstanding of the events that led to the depredations of at least 18 cows and sheep in Grand County and the ultimate removal of the Copper Creek pack. These misunderstandings stem from CPW's July 31, 2024 letter to Middle Park, which misrepresented relevant facts to conclude that lethal control was not warranted. We appreciate Director Davis's attempt during the October 3 meeting to correct some of these misrepresentations that were parroted by public commenters. Nevertheless, we feel obligated to submit this Supplement to the Petition to correct the record for the benefit of both the Commission and the interested public.

Third, during the Commission's October 3 meeting, Commissioners and CPW staff recognized on numerous occasions that CPW is still in the process of developing programs and securing funding to minimize wolf-livestock conflicts before more wolves are introduced. The last section of this Supplement excerpts some of those comments and asks that the Commission give CPW more time to complete this work before it introduces more wolves.

TIMELINE OF FACTS

Below is a detailed timeline of events between April and August 2024 that lists the date CPW began recommending each non-lethal measure and how quickly Middle Park producers

COLORADO'S WOLF INTRODUCTION PROGRAM HAS NOT GONE WELL

- From January to August 2024, confirmed wolf depredations of 24 livestock in Grand, Jackson, and Routt Counties.
 - Additional "missing" livestock and suspected wolf-related deaths
- By comparison, Montana had 32 livestock deaths caused by wolves in all of 2023. The state has 70 times the number of wolves as Colorado.
 - See 2023 Montana Fish, Wildlife and Parks Wolf Report, <https://fwp.mt.gov/binaries/content/assets/fwp/commission/2024/aug/wl/furbearer-wolf/final-2023-wolf-report.pdf>

LET'S LEARN FROM THE PROGRAM'S MISTAKES

To do so, the introduction of more wolves must be delayed so CPW can *implement* programs to reduce wolf-livestock conflicts

- To date, CPW has not *implemented* an effective range rider, carcass management, or site vulnerability assessment program.
- CPW may be *developing* these programs but it has not coordinated with producers to actually implement them.
- Without a delay, the wolf management program will face the same setbacks it did last year.

WIDESPREAD SUPPORT FOR THIS PROPOSED RULE

- 26 organizations joined the Petition, including Club 20, Colorado Cattlemen's Association, Colorado Farm Bureau, and Colorado Wool Growers Association.
- Colorado Counties, Inc.—which represents every single county in Colorado except Denver County —made this same request.

CPW NEEDS MORE TIME



CPW has admitted that as of October 31, 2024:

- No effective range rider, carcass management, or site vulnerability assessment programs in place;
 - For example, for the site vulnerability assessment program to work, CPW must undertake the actual work of assessing vulnerable sites in collaboration with producers. A successful program would educate both producers and CPW personnel on the most effective non-lethal techniques to avoid wolf conflicts based on site-specific conditions. This is not a textbook exercise—it must be implemented “on the ground” in collaboration with producers.
- Insufficient funding for these programs; and
- No clear strategy for communicating the "plan" to producers.

THE COMMISSION HAS THE *AUTHORITY* TO DELAY FURTHER INTRODUCTIONS

- Proposition 114 requires the Commission to “take the steps necessary to begin reintroductions of gray wolves by December 31, 2023.” C.R.S. § 33-2-105.8(2)(d).
- The Plan does *not* mandate the pace at which wolves are introduced.
- The Plan *requires* adaptive management. CPW should adapt its approach and embrace a slow pace.
 - “Not all impacts can be predicted, and that future management is crucial for adaptively managing impacts as they arise.” The Plan at 5.
 - "Our plan appropriately calls for adaptive management . . . that allows us to adjust our programs as we learn about what works best for local conditions." Director Davis's Letter (Oct. 31, 2024).
 - A slow pace of wolf introduction may " ensure that staffing, financial capacity and ability to respond to conflict is not overwhelmed.”

THE COMMISSION HAS THE *RESPONSIBILITY* TO DELAY FURTHER INTRODUCTIONS

This is the Commission's mandate under the Colorado Wildlife Act:

33-2-105.8. Reintroduction of gray wolves on designated lands west of the continental divide – public input in commission development of restoration plan - compensation to owners of livestock - definitions.

(1) THE VOTERS OF COLORADO FIND AND DECLARE THAT:

(a) HISTORICALLY, WOLVES WERE AN ESSENTIAL PART OF THE WILD HABITAT OF COLORADO BUT WERE EXTERMINATED AND HAVE BEEN FUNCTIONALLY EXTINCT FOR SEVENTY-FIVE YEARS IN THE STATE;

(b) THE GRAY WOLF IS LISTED AS AN ENDANGERED SPECIES ON THE COMMISSION'S LIST OF ENDANGERED OR THREATENED SPECIES;

(c) ONCE RESTORED TO COLORADO, GRAY WOLVES WILL HELP RESTORE A CRITICAL BALANCE IN NATURE; AND

(d) RESTORATION OF THE GRAY WOLF TO THE STATE MUST BE DESIGNED TO RESOLVE CONFLICTS WITH PERSONS ENGAGED IN RANCHING AND FARMING IN THIS STATE.

(IV) METHODOLOGIES FOR DETERMINING WHEN THE GRAY WOLF POPULATION IS SUSTAINING ITSELF SUCCESSFULLY AND WHEN TO REMOVE THE GRAY WOLF FROM THE LIST OF ENDANGERED OR THREATENED SPECIES, AS PROVIDED FOR IN SECTION 33-2-105 (2).

(b) THE COMMISSION SHALL NOT IMPOSE ANY LAND, WATER, OR RESOURCE USE RESTRICTIONS ON PRIVATE LANDOWNERS IN FURTHERANCE OF THE PLAN.

ESSENTIAL PROGRAMS TO MINIMIZE CONFLICT ARE UNDEVELOPED AND UNDERFUNDED

- Range Rider Program
- Carcass Management
- Site Vulnerability Assessment

EVEN IF CPW HAS A “PLAN,” PRODUCERS DON’T KNOW IT

CPW has not informed producers of its plan to conduct or create the following:

- Site vulnerability assessments for each potentially impacted producer;
- Producer-specific strategies as to the most effective non-lethal techniques based on site vulnerability assessment;
- Area-specific best management practices for carcass management; or
- Hiring sufficient to fill the needs for conflict minimization specialists.

COLLABORATION, NOT CATASTROPHE

FEAR


- If the Commission pauses further introductions, “7 [wolves] may become 5 or even 4. Such a small number of wolves cannot adequately serve as a founding population to a self-sustaining population.” See Director Davis’s October 31, 2024 Letter.
- “Pausing releases for a year would essentially set us back to square one . . . as CPW continues to work to meet the mandates of state statute.” *Id.*

REALITY

- Existing wolves may breed; more wolves may migrate to Colorado; mortality rate may decline from its presently high rate.
- CPW’s primary mandate is to adaptively manage the wolf introductions. CPW should work with producers to fix the problems at hand.

OUR PROPOSED RULE

Amend the Commission's "Procedural Rules" to add a new article entitled "Implementation of Proposition 114," 2 Colo. Code Regs. § 406-16.



ARTICLE VIII		GRAY WOLF INJURIOUS HAZING AND LETHAL TAKE PERMITS	
	#1690	Procedures for applying for and appealing a denied gray wolf permit	30
BASIS and PURPOSE			32

THE PROPOSED RULE IS SHORT AND CLEAR

The statute does not mandate the date by which the Commission must introduce additional wolves. These rules apply to the Commission's introduction of any additional gray wolves in Colorado.

A. Neither the Commission nor CPW or their employees and agents will introduce additional gray wolves to Colorado until:

1. The Commission adopts a definition of "chronic depredation" with mandated lethal take requirements of chronically depredating wolves and provides notice to the impacted communities and livestock producers of this generally applicable standard;

2. CPW tests and evaluates alternative forms of non-lethal measures for keeping wolves from attacking livestock and working dogs to identify what measures work in what field conditions and for how long the measures are effective;

3. CPW develops a program to conduct site assessments of areas where wolves are interacting with livestock and working dogs and educate livestock producers on managing wolf conflicts and implementing site-specific, effective non-lethal measures to minimize livestock losses;

4. CPW develops a range rider program for areas where wolves are either currently interacting with livestock and working dogs or can be expected to interact after additional wolves are introduced, acquires sufficient funding for this range rider program, and implements this program prior to the next introduction of wolves;

5. CPW hires, trains, and puts in place a rapid response team to immediately respond to reports of wolves harassing or depredating livestock and working dogs and keeps that team in the impacted area until the threat is removed;

6. CPW collaborates with livestock producers and other state, local and federal agencies to develop best practices for carcass management in rural areas and communicates with impacted communities and livestock producers about these best practices; and

7. CPW creates a transparent plan to communicate and consult with local county officials, impacted communities, and livestock producers in advance of any wolf introductions that could affect them.

STILL UNCERTAIN?

We ask that you hold the rulemaking hearing *because* of that uncertainty.

Informed

Holding the hearing will allow the Commission to make an informed decision.

Adaptable

The rulemaking is an opportunity for the program to learn from and adapt to producers' concerns.

Transparent

Holding the hearing will increase the program's transparency and strengthen trust.

TODAY'S ASK



The
Commission
should:

Set a hearing to conduct the rulemaking during either a special Commission meeting in December or the Commission's meeting in January; and

Ask CPW to not bring more wolves to Colorado until the Commission can consider our proposed rule.

THANK YOU

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