

March 30, 2023

Dylan Roberts, Chair
Senate Agriculture & Natural Resources Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: Vote “NO” on SB 23-256; it subverts direct democracy

Dear Chair Roberts and Members of the Senate Agriculture & Natural Resources Committee:

The undersigned organizations and individuals oppose Colorado Senate Bill 23-256, *Concerning Prerequisites to the Management of Gray Wolves Prior to the Wolves Being Reintroduced*. Significant issues with the bill exist.

The bill is a solution searching for a problem. The U.S. Fish and Wildlife Service, thanks to a one-million-dollar grant from Colorado Parks and Wildlife, is well down the road to creating a Section 10(j) rule that will provide maximum management flexibility to the State for managing wolves. That flexibility is in the Service’s preferred NEPA alternative, and they are confident they will complete the process before the end of the year

It creates an intolerable delay in wolf restoration. C.R.S. §33-2-105.8, the law created by the passage of Proposition 114, requires reintroduction of wolves to the state to begin by the end of 2023. Challenges to a 10(j) rule fall under the federal 6-year statute of limitations. If SB 23-256 were passed, wolf reintroductions could not begin before 2029 and possibly later if there is a suit filed late in that 6-year period due to the bill language at Section 3 (page 5, lines 5-8).

It promotes frivolous lawsuits. By precluding reintroduction until all lawsuits challenging the forthcoming 10(j) rule are exhausted, SB-256 would incentivize parties to file meritless litigation and appeals as a delay tactic, slowing down the process and wasting resources.

It ties CPW management to federal ESA listing. The reintroduction is being managed by the State of Colorado, not the U.S. Fish and Wildlife Service. Federal listing of gray wolves as endangered could change at any time. Requiring that a 10(j) rule be in place makes no sense if the gray wolf is removed from federal protection.

It could force CPW to violate state law. If restoration of wolves cannot begin until the appeal or review period has passed, CPW will be unable to meet the statutory deadline in C.R.S. §33-2-105.8.

Most importantly, it denies the will of Colorado voters. For no good reason, SB-256 would thwart the desires of Colorado's electorate, who voted to have wolves restored by the end of 2023.

Thank you for your attention to this matter.

Sincerely yours,

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