

NOTE: The governor signed this measure on 6/5/2013.

An Act

SENATE BILL 13-169

BY SENATOR(S) Crowder and Schwartz, Brophy, Giron, Guzman, Nicholson;
also REPRESENTATIVE(S) Dore, Fields, Fischer, Ginal, Hullinghorst, Labuda, Lebsock, Mitsch Bush, Rosenthal, Salazar, Schafer.

CONCERNING REINTRODUCTION OF BLACK-FOOTED FERRETS WITHOUT FURTHER LEGISLATIVE APPROVAL WHERE A LANDOWNER CONSENTS PURSUANT TO A PROGRAMMATIC SAFE HARBOR AGREEMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 33-2-105.6, **amend** (1) introductory portion, (1) (b) (II), (4) (b), and (4) (d) as follows:

33-2-105.6. Reintroduction of the bonytail fish and the black-footed ferret. (1) In accordance with section 33-2-105.5, the general assembly hereby determines that the following species ~~are~~ WERE not, ~~currently~~ AS OF APRIL 18, 2000, found in the state and are listed under the federal "Endangered Species Act of 1973", 16 U.S.C. sec. 1531 et seq., as amended, and therefore require approval by the general assembly prior to reintroduction by the division. The general assembly hereby approves the reintroduction of the following species into the state of Colorado:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) (II) The reintroduction of the black-footed ferret shall be conducted consistent with the approach described in the black-footed ferret cooperative management plan dated June 1995, developed by the division, the United States fish and wildlife service, and the United States bureau of land management, AS MODIFIED BY THE AVAILABILITY OF PROGRAMMATIC SAFE HARBOR AGREEMENTS AND ENHANCEMENT-OF-SURVIVAL PERMITS UNDER 16 U.S.C. SEC. 1539 (a) (1) (A). The reintroduction program ~~shall~~ MUST provide for regular updates for the local community on the status of the reintroduction and ~~shall~~ involve representatives of local government and affected interests in resolving issues that may arise during the reintroduction effort.

(4) In addition to the requirements of paragraph (b) of subsection (1) of this section, the reintroduction of the black-footed ferret shall be conducted in accordance with the following requirements:

(b) Any effort to reintroduce the black-footed ferret in any areas outside the experimental population boundaries described in the black-footed ferret cooperative management plan dated June 1995, shall require further legislative approval; EXCEPT THAT A REINTRODUCTION OF BLACK-FOOTED FERRETS OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, DOES NOT REQUIRE FURTHER LEGISLATIVE APPROVAL IF THE REINTRODUCTION OCCURS ON PRIVATE LAND WITH LANDOWNER CONSENT PURSUANT TO A PROGRAMMATIC SAFE HARBOR AGREEMENT AND AN ENHANCEMENT-OF-SURVIVAL PERMIT UNDER 16 U.S.C. SEC. 1539 (a) (1) (A) THAT:

(I) AUTHORIZE THE INCIDENTAL TAKE OF BLACK-FOOTED FERRETS THAT MAY RESULT FROM THE IMPLEMENTATION OF CONSERVATION ACTIONS, SPECIFIC LAND USES, AND THE RETURN OF THE LANDOWNER'S REAL ESTATE TO BASELINE CONDITIONS; AND

(II) PROVIDE LANDOWNERS WITH ASSURANCES THAT THE FEDERAL GOVERNMENT WILL NOT IMPOSE FURTHER LAND, WATER, OR RESOURCE-USE RESTRICTIONS OR ADDITIONAL COMMITMENTS OF LAND, WATER, OR FINANCES BEYOND THAT AGREED TO IN THE AGREEMENT.

(d) If requested, the state of Colorado shall relocate any black-footed ferrets within the state of Colorado THAT WERE REINTRODUCED PURSUANT TO THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT

PLAN DATED JUNE 1995, AND that move outside of the experimental population boundaries described in the ~~black-footed ferret cooperative management plan dated June 1995~~, into the area originally designated in the plan.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO