

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0727.01 Thomas Morris x4218

SENATE BILL 13-169

SENATE SPONSORSHIP

Crowder and Schwartz,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law, enacted in 2000, requires legislative approval for the introduction or reintroduction of a threatened or endangered species that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

is not present in Colorado. The general assembly required the reintroduction of black-footed ferrets to occur only pursuant to a management plan dating to 1995. Pursuant to that authority, some black-footed ferrets were reintroduced in Colorado in 2001.

Since then, the federal fish and wildlife service has authorized a new tool for endangered species reintroductions based on a programmatic "safe harbor" agreement between the federal government and a consenting landowner and enhancement-of-survival permits under the federal "Endangered Species Act of 1973". Under the permits and agreements:

- ! The reintroduction occurs on private land with landowner consent;
- ! An "incidental take" (that is, an unintentional injury or death) of the threatened or endangered species may result from implementation of conservation actions, specific land uses, and the landowner's exercise of an option to return the land to baseline conditions, and the landowner would not be liable for the taking; and
- ! Landowners have 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.

The bill authorizes the reintroduction of black-footed ferrets in Colorado pursuant to programmatic safe harbor agreements and enhancement-of-survival permits without further legislative approval.

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

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

4 **33-2-105.6. Reintroduction of the bonytail fish and the**
5 **black-footed ferret.** (1) In accordance with section 33-2-105.5, the
6 general assembly hereby determines that the following species ~~are~~ WERE
7 not, ~~currently~~ AS OF APRIL 18, 2000, found in the state and are listed under
8 the federal "Endangered Species Act of 1973", 16 U.S.C. sec. 1531 et
9 seq., as amended, and therefore require approval by the general assembly
10 prior to reintroduction by the division. The general assembly hereby
11 approves the reintroduction of the following species into the state of

1 Colorado:

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

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

16 (b) Any effort to reintroduce the black-footed ferret in any areas
17 outside the experimental population boundaries described in the
18 black-footed ferret cooperative management plan dated June 1995, shall
19 require further legislative approval; EXCEPT THAT A REINTRODUCTION OF
20 BLACK-FOOTED FERRETS OCCURRING ON OR AFTER THE EFFECTIVE DATE
21 OF THIS PARAGRAPH (b), AS AMENDED, DOES NOT REQUIRE FURTHER
22 LEGISLATIVE APPROVAL IF THE REINTRODUCTION OCCURS ON PRIVATE
23 LAND WITH LANDOWNER CONSENT PURSUANT TO A PROGRAMMATIC SAFE
24 HARBOR AGREEMENT AND AN ENHANCEMENT-OF-SURVIVAL PERMIT UNDER
25 16 U.S.C. SEC. 1539 (a) (1) (A) THAT:

26 (I) AUTHORIZE THE INCIDENTAL TAKE OF BLACK-FOOTED FERRETS
27 THAT MAY RESULT FROM THE IMPLEMENTATION OF CONSERVATION

1 ACTIONS, SPECIFIC LAND USES, AND THE RETURN OF THE LANDOWNER'S
2 REAL ESTATE TO BASELINE CONDITIONS; AND

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

7 (d) If requested, the state of Colorado shall relocate any
8 black-footed ferrets within the state of Colorado THAT WERE
9 REINTRODUCED PURSUANT TO THE BLACK-FOOTED FERRET COOPERATIVE
10 MANAGEMENT PLAN DATED JUNE 1995, AND that move outside of the
11 experimental population boundaries described in the ~~black-footed ferret~~
12 ~~cooperative management plan dated June 1995~~, into the area originally
13 designated in the plan.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 7, 2013, if adjournment sine die is on May 8,
18 2013); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2014 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

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