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

## REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction **SENATE BILL 13-169** 

LLS NO. 13-0727.01 Thomas Morris x4218

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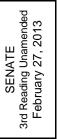
# A BILL FOR AN ACT

101	<b>CONCERNING REINTRODUCTION OF BLACK-FOOTED FERRETS WITHOUT</b>
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





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.

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- 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

<sup>1</sup> Be it enacted by the General Assembly of the State of Colorado:

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.

(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:

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

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ACTIONS, SPECIFIC LAND USES, AND THE RETURN OF THE LANDOWNER'S
 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.

(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.

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 applicable25 effective date of this act.

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