

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0828.01 Jery Payne x2157

HOUSE BILL 14-1267

HOUSE SPONSORSHIP

Fischer,

SENATE SPONSORSHIP

Jones,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A POLITICAL SUBDIVISION OF THE**
102 **STATE TO RELEASE BLACK-FOOTED FERRETS ON ITS LAND.**

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 requires legislative approval for the introduction or reintroduction of a threatened or endangered species that is not present in Colorado. The law has an exception for the black-footed ferret if introduced on private land and under a permit granted by the federal fish and wildlife service using a "safe harbor" agreement between the federal

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.

HOUSE
Amended 2nd Reading
March 17, 2014

government and a consenting landowner.

The bill broadens the exception to allow a political subdivision of the state to introduce the ferrets on its own land if done in accordance with the same type of agreement.

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

2 **SECTION 1. Legislative declaration.** (1) The Colorado
3 General Assembly hereby determines and declares that, in regard to the
4 possible re-introduction of the black-footed ferret on land owned by a
5 political subdivision of the state:

6 (a) Land leased for livestock grazing when the black-footed ferret
7 is reintroduced should continue to be managed to maintain and enhance
8 the value of the land for livestock grazing, agricultural use, wildlife
9 habitat, open space, and recreation;

10 (b) The reintroduction of the black-footed ferret is intended to be
11 carried out in a manner that is sensitive to ongoing livestock grazing as
12 described by existing grazing leases;

13 (c) The prairie dog population should be controlled and
14 maintained within the perimeter of a reintroduction site to prevent the
15 expansion of the prairie dog population onto adjacent land without the
16 consent of the landowner;

17 (d) No reintroduction of the black-footed ferret on land owned by
18 a political subdivision of the state may occur without a safe harbor
19 agreement in place on land potentially affected by the reintroduction;

20 (e) A political subdivision of the state that reintroduces
21 black-footed ferrets on its land shall not require any additional approval
22 or impose higher standards than exist in rule or statute on account of the
23 reintroduction for a person to utilize water or minerals, including

1 accessing, removing, or transporting water or minerals on or from lands
2 containing black-footed ferrets or adjacent to lands containing
3 black-footed ferrets.

4 (f) As part of the planning to reintroduce the black-footed ferret
5 on land owned by political subdivisions of the state, the appropriate
6 political subdivision and reintroduction site owners shall hold an adequate
7 number of stakeholder meetings with lessees and adjacent land owners
8 before the reintroduction; and

9 (g) Education and outreach components should be incorporated
10 into any reintroduction project on land owned by a political subdivision
11 of the state.

12 **SECTION 2.** In Colorado Revised Statutes, 33-2-105.6, **amend**
13 (4) (b) introductory portion and (4) (e); and **add** (4) (f) as follows:

14 **33-2-105.6. Reintroduction of the bonytail fish and the**
15 **black-footed ferret.** (4) In addition to the requirements of paragraph (b)
16 of subsection (1) of this section, the reintroduction of the black-footed
17 ferret shall be conducted in accordance with the following requirements:

18 (b) Any effort to reintroduce the black-footed ferret in any areas
19 outside the experimental population boundaries described in the
20 black-footed ferret cooperative management plan, AS AMENDED, dated
21 June 1995, ~~shall require~~ REQUIRES further legislative approval; except that
22 a reintroduction of black-footed ferrets occurring on or after August 7,
23 2013, ~~as amended,~~ does not require further legislative approval if the
24 reintroduction occurs on private land with landowner consent ~~pursuant to~~
25 OR ON THE LAND OF A POLITICAL SUBDIVISION OF THE STATE WITH THE
26 SUBDIVISION'S APPROVAL, AND THE REINTRODUCTION IS IN ACCORDANCE
27 WITH a programmatic safe harbor agreement and an

1 enhancement-of-survival permit under 16 U.S.C. sec. 1539 (a) (1) (A)
2 that:

3 (e) Nothing in the black-footed ferret cooperative management
4 plan, AS AMENDED, dated June 1995, ~~shall affect~~ AFFECTS current prairie
5 dog management efforts on private lands OR ON THE LAND OF A POLITICAL
6 SUBDIVISION OF THE STATE.

7 (f) (I) UNTIL JULY 1, 2019, ONLY THREE POLITICAL SUBDIVISIONS
8 ARE AUTHORIZED TO REINTRODUCE BLACK-FOOTED FERRETS UNDER THIS
9 SECTION. A POLITICAL SUBDIVISION OF THE STATE SHALL NOT
10 REINTRODUCE BLACK-FOOTED FERRETS UNDER THIS SECTION UNLESS THE
11 DIVISION OF PARKS AND WILDLIFE CERTIFIES THAT THE AUTHORIZATION
12 WOULD NOT RESULT IN MORE THAN THREE POLITICAL SUBDIVISIONS OF THE
13 STATE REINTRODUCING BLACK-FOOTED FERRETS UNDER THIS SECTION.

14 (II) THE DIVISION SHALL ADMINISTER THIS SUBSECTION (f) BY:

15 (A) TRACKING THE NUMBER OF POLITICAL SUBDIVISIONS THAT ARE
16 AUTHORIZED TO RELEASE BLACK-FOOTED FERRETS UNDER THIS SECTION;
17 AND

18 (B) DENYING CERTIFICATION TO A POLITICAL SUBDIVISION OF THE
19 STATE IF CERTIFICATION WOULD RESULT IN MORE THAN THREE POLITICAL
20 SUBDIVISIONS INTRODUCING BLACK-FOOTED FERRETS UNDER THIS
21 SECTION.

22 (III) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2014 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.