



February 14, 2023

Colorado Parks and Wildlife Commission  
c/o/ Commission Assistant  
Colorado Parks and Wildlife  
6060 Broadway, Denver, CO 806216

RE: December 9, 2022 *Draft Colorado Wolf Restoration and Management Plan*

Moffat County appreciates the opportunity to comment on the December 9, 2022 Draft Colorado Wolf Restoration and Management Plan. We appreciate Colorado Parks and Wildlife (CPW) incorporating advice from the Stakeholder Advisory Group (SAG) and the Technical Working Group (TWG). Moffat County has provided three “general comments” and several “specific comments” for your consideration.

**General Comments:**

10j Rule: Moffat County has long held the position, and we have repeatedly testified, that wolves should not be released without an Endangered Species Act 10(j) rule established and functioning. The Colorado wolf introduction plan “*anticipates that the resulting 10(j) rule will take effect prior to the reintroduction of wolves into the state.*” Moffat County strongly supports the 10(j) rule being in-place prior to introductions and further, we believe the 10(j) rule is an absolutely critical component of the success of this plan. Therefore, if Colorado finds itself in the unfortunate position that law suits, injunctions, or other legal strategies are used to stop implementation of the 10(j) rule prior to wolf introductions, Colorado MUST NOT introduce wolves until the rule is implementable. The Colorado wolf introduction plan will be highly compromised and likely fail if wolves are placed on the ground without the 10(j) authorizations.

Compensation Ratios: Moffat County is concerned that the SAG group’s advice was not fully adhered to regarding compensation ratios. At a minimum, the Wolf Plan should offer the SAG group’s recommendation for yearling cattle. At the February 7, 2023 public hearing in Rifle, CO, the Wildlife Commission was supportive of compensating yearling cattle at the same ratio as calves. Moffat County supports this concept. We further support, offering the compensation ration to all species of livestock if evidence of wolf attack exists. To only offer a compensation ratio for sheep or calves, and not other livestock as defined by CRS 33-2-105.8(5)c, does not meet the intent of fair compensation. We strongly believe it is irrelevant which species or class of livestock is attacked by wolves. What is relevant, and over-arching to fair compensation, is reasonable evidence of loss. We support a producer providing a certain standard of evidence regarding wolf attacks regardless of the species or class of livestock

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attacked. If wolves attack a heard of goats and evidence exists on-site and some are drug off and missing, a compensation ratio should apply. Limiting compensation ratios to only calves and sheep sets the species or class of livestock as the determining factor for compensation, when actually, evidence of damage or loss should be the determining factor for compensation.

Compensation on all land ownership: While Moffat County believes it is CPW's intent to pay compensation for livestock loss across all land ownerships, page 52 in the Plan creates ambiguity with the phrase "*private parcel of land*". The Plan should specifically state that compensation will occur on all federal, state, and private land ownership with evidence of loss or damage due to wolves.

### **Specific Comments:**

#### Chapter 2. Background and Key Elements for Conservation and Management

1. pp. 10-11. Moffat County supports impact-based management goals. It is important that management flexibility exist for the range of impacts occurring. Density and behavior of wolves affect the need for greater management options as the severity of depredation and harassment of livestock or big game occur.
2. p. 12. "Willingness to Pay" studies often overstate the actual payments people are willing to make. Moffat County has experience with Willingness to Pay studies regarding wilderness values. It is unlikely Colorado will experience financial benefits from wolves that is greater than the cost of wolf management, despite the plan referencing "*the financial benefits associated with having wolves on the landscape was many times greater than what it cost to manage them*". In fact, expenses for wolf management in North Park have far exceeded the income from those "willing to pay". We suggest the draft plan reword or eliminate this reference, as speculative.
3. p. 18. Moffat County supports the Plan referencing both non-lethal and lethal control. Lethal control should always remain an option. Lethal control should apply in cases where animals are caught harassing and stalking livestock, and not only applied to wolves caught in the act of biting livestock.
4. p. 23. The text mentions "*additional regulatory restrictions such as shortened hunting seasons to reduce hunter success rates, may need to be considered in some areas where wolves become established*". Wildlife population monitoring is a critical role for CPW as wolf populations become established. Prior to the outfitting industry being negatively affected, Moffat County believes it is the Wildlife Commission's responsibility to resolve conflicts between wolves and the outfitting industry in Colorado.



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### Chapter 3. Reintroduction Implementation

5. Chapter 3 is void of any discussion about the wolves already existing in Colorado, mentioned on page 6. Moffat County would like to see a discussion clarifying the role of existing wolves and how existing wolves affect introductions.
6. Moffat County supports the Colorado Wool Growers' comments regarding adequate testing for Hydatid Disease, endoparasites, and ectoparasites monitoring criteria.
7. Moffat County supports the 60-mile buffers from state lines and tribal lands, while we acknowledge that a wolf may travel farther than this in 1 day.
8. p. 34. While it is legal to introduce wolves on only state and private lands, it is well understood that no wolf will stay on state and private lands, and that uses of public lands from all federal agencies will be directly, not indirectly affected. CPW never Intended to conduct NEPA on federal lands, and releasing on state and private lands is a way to circumvent NEPA and place wolves on the ground by the end of 2023. The draft plan should acknowledge the social and economic impact of introducing wolves indirectly to federal lands and the users of federal lands.

### Chapter 4. Recovery of Wolves in Colorado

9. p. 38. Moffat County requests Phase 4 (game status). Moffat County supports leaving Phase 4 in the Plan, despite political pressure to remove it. We urge the Commission to take into consideration that Phase 4 is not a commitment to open a hunting season on wolves. Rather it is a flexibility tool for management of populations. Game status allows the Commission to set rules, and make available to CPW a litany of management tools that are not available to non-game species. Game status is much more than a simple hunting season and CPW needs every tool in the toolbox available to them for wolf management. If the Wildlife Commission is not willing to include Phase 4 into the final Plan, Moffat County request that direct population control is granted in this plan as numbers exceed certain levels or impacts become greater than planned for. As a suggestion, direct take from APHIS or other authorized personnel should be described in this Plan.
10. p. 39. Moffat County appreciates that CPW acknowledges wolf populations will reproduce and populations grow quickly. The Plan even acknowledges that populations may grow fast enough that both the Phase 1 and 2 requirements could be met concurrently. The Plan states there could be a "regulatory lag" moving to Phase 3 where wolves are considered "non-game." Moffat County strongly urges CPW to be prepared to move to Phase 4 (or the direct population control option mentioned in #9 above) after 150-200 wolves are present, and proactively use reasonable population management tools to stabilize wolf populations. We have seen activists in wild horse management prevent horse removals when federal lands are decimated, even to the point of hindering sage grouse populations. We fully expect the same strategies to be used to prevent

wolf population control, by pro-wolf groups as wolf populations reach numbers where hunting and other population control methods should occur.

#### Chapter 5. Wolf Management.

11. p. 41. Regarding the US Fish and Wildlife 10(j) rule, the Colorado wolf introduction plan *“anticipates that the resulting 10(j) rule will take effect prior to the reintroduction of wolves into the state.”* Moffat County believes the 10(j) rule should be in-place prior to introductions and further, we believe the 10(j) rule is absolutely critical component of the success of this plan. Therefore, if Colorado finds itself in the unfortunate position that law suits, injunctions, or other legal strategies are used to stop finalization of the 10(j) rule prior to wolf introductions, the Wildlife Commission must not introduce wolves until the rule is implementable. The Colorado wolf introduction plan will be highly compromised, and likely fail, if wolves are placed on the ground without the 10(j) authorizations.
12. p. 42. Moffat County supports the flexibility and Impact-Based Management concepts and the acknowledgement that not all impacts can be predicted at this point.

#### Chapter 6. Wolf-Livestock Interactions

13. p. 52. Moffat County appreciates that CPW incorporated a Base Compensation Plan (100% full market value) as well as two options (basic and itemized) for compensation ratios. However, there are details that CPW must further describe in this plan. We recommend CPW define livestock consistent with the statute, *“Livestock” means cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.* CPW must also clarify that Base Compensation includes all species of livestock as defined above. We request that yearling cattle be included in the compensation ratio formula similar to the Wildlife Commission’s discussion at the February 7, 2023 Rifle Colorado public meeting. Furthermore, it may be appropriate for all species of livestock listed in the statute, and all classes of livestock to be included in either of the two compensation ratio formulas. Only “sheep or calves” are eligible for compensation ratios, and the Plan must be altered to allow for the SAG group recommendations along with Wildlife Commission’s proposal at the February 7, 2023 public meeting in Rifle, where cattle yearlings would be compensated the same as calf ratios. Comments from CPW staff throughout this process reference that calves and sheep are the most vulnerable to wolves and likely to have lost calves and sheep where the compensation ratio would most likely be utilized. However, this should not prevent the other less-likely species to have a compensation ratio when proper documentation providing evidence of missing animals exists.
14. p. 52. The use of “private parcel of land” is misleading and implies that maybe CPW will not compensate for loss on State or Federal parcels of land. We believe CPW’s intention is to compensate for loss on all lands in Colorado, but this awkward mention of private land parcels



leaves the reader wondering. Please clarify this text to show compensation applies to any land ownership in Colorado.

15. p. 52. The meaning of the first bullet point is easily misunderstood and must be clarified. If the reader overlooks the semicolon in this sentence it completely changes the meaning of the sentence. With the semicolon, the sentence states that calves and sheep are only eligible for the compensation ratio. Without the semicolon, the sentence reads that calves, sheep, and all animals defined as “livestock” are eligible for the compensation ratio. This is a huge difference and must be reworded and re-punctuated to assure there is no ambiguity. With that stated, please see overriding comment above regarding compensation ratios.
16. p. 55. The requirement of a written report/statement from a certified veterinarian with body condition scores and pregnancy rates is a burdensome standard. Many producers testified to the Wildlife Commission about the shortage of large animal veterinarians and how often pregnancy testing and condition score evaluation are done with trained staff on a ranch, and records kept by trained producers without a veterinarian license. We recommend utilizing standard recordkeeping practices from operators rather than certified veterinarian reports.

#### Chapter 7. Monitoring, Ungulate Management, Research, and Reporting

17. p. 56. Moffat County strongly supports GPS collars on released wolves, and CPW’s goal of maintaining two functional collars in each pack. Furthermore, CPW should openly share location data with livestock producers to give them the maximum opportunity to protect their herd.

#### Chapter 9. Funding.

18. p. 65. Moffat County acknowledges, as does the Wildlife Commission, Colorado Parks and Wildlife, and the Colorado citizenry, that due to Proposition 114 being passed by the voters, that funding isn’t yet established. Since the funding need is widely recognized, Moffat County supports the concept of legislative initiatives that permanently fund this program. However, as General Fund dollars are assigned to the wolf program, we strongly urge close coordination with Colorado Counties Incorporated, and Associated Governments of NW Colorado, to assure that wolf money is not reassigned from programs critical to NW Colorado. We also support initiatives that would apply taxes or fees to counties and citizenry that directly voted for, and supported the wolf initiative. Those who asked for wolves, should pay for them.

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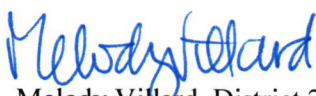
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Thank you for the opportunity to comment on the draft Colorado Wolf Restoration and Management Plan. If you have any questions regarding our comments, please contact any of the below listed County Commissioners, or our Natural Resources Director, Jeff Comstock.

Sincerely,



Tony Bohrer, Chairman  
Moffat County Commissioners



Melody Villard, District 2  
Moffat County Commissioner



Donald Broom, District 3  
Moffat County Commissioner