

## Wolf Policy

Fact Sheet 8.008

People and Predator Series | Colorado Wolves

By the Center for Human-Carnivore Coexistence (5/20)

### Gray Wolves and the Endangered Species Act

The gray wolf was listed as an Endangered Species under the U.S. Endangered Species Preservation Act of 1966 and legally protected under the Endangered Species Act (ESA) of 1973.<sup>1</sup> The U.S. Fish and Wildlife Service (USFWS) is responsible for the management and eventual recovery of threatened and endangered species, including wolves. To help recover gray wolves, the USFWS and the National Park Service reintroduced them into Idaho and Yellowstone National Park in the mid-1990s. The reintroduction was successful and the wolf population grew and expanded (see [Wolves, Big Game, and Hunting Information Sheet](#)). Today, about 2,000 wolves live in the northern Rocky Mountain states of Idaho, Montana, and Wyoming.<sup>2</sup> Smaller numbers of wolves live in the Pacific Northwest, including Washington, Oregon, and Northern California (see [Wolf Taxonomy and Biology Information Sheet](#)). Because of this population growth, over the past decade, gray wolves were removed (“delisted”) from the endangered species list in Montana, Idaho, Wyoming, eastern Oregon and Washington, and parts of Utah. Due to their abundance, wolves in Alaska were never added to the endangered species list. But in many other states - including Colorado and the Great Lakes states - wolves are still federally listed as an Endangered Species.



Gray Wolf

The USFWS now considers wolf populations stable and healthy throughout their current range.<sup>1</sup> They have concluded that the gray wolf is not in danger of extinction and thus has recovered from endangered status. As a result, in March 2019, USFWS proposed to remove all gray wolves (except for the Mexican gray wolf subspecies, *Canis lupus baileyi*) in the continental United States from protection under the ESA.<sup>3</sup> This policy decision, if finalized, would turn management of gray wolves back to individual state wildlife agencies.

The USFWS proposal to delist gray wolves does not include the separate listing of the Mexican gray wolf under the ESA. Because of their rarity, Mexican gray wolves are protected as a separate subspecies and would remain listed under the ESA. Similarly, the red wolf (*Canis rufus*), a distinct species that lives in the southeastern United States, would remain listed as endangered under the ESA.<sup>4</sup>

The USFWS proposal to delist the gray wolf in the continental U.S. was reviewed by an independent panel of scientists that provided comments and criticism on USFWS's



### Key Points

- The gray wolf is currently federally listed as endangered under the U.S. Endangered Species Act (ESA) in most of the lower 48 U.S. states. The U.S. Fish and Wildlife Service (USFWS) has recently proposed to remove (“delist”) all gray wolves (except the Mexican gray wolf subspecies) from protection under the ESA.
- Ballot Proposition 107 is a citizen-initiated measure scheduled for the Colorado ballot on November 3, 2020. Under the Proposition, the Colorado Parks and Wildlife Commission would be required to develop a science-based plan to restore gray wolves and oversee wolf restoration and management.
- Until the USFWS proposed delisting rule is finalized, any wild gray wolves in Colorado are still endangered under the ESA. Consequently, USFWS, and not Colorado Parks and Wildlife, has management authority of such wolves.

assumptions, arguments, and conclusions.<sup>5</sup> The timeline and fate of the proposed delisting is unclear. If the delisting is finalized by the government, it is likely that it will be challenged in court. Until the proposed rule is finalized, gray wolves will remain listed as an Endangered Species in Colorado under the ESA.

## Ballot Proposition 107

Ballot Proposition 107 is a citizen-initiated measure scheduled for the Colorado ballot on November 3, 2020.<sup>6</sup> A Proposition is proposed legislation that is voted on by the public. If approved by voters, the Proposition becomes law.

Under the Proposition, the Colorado Parks and Wildlife Commission would be required to:

- Develop a plan to restore gray wolves in Colorado using the best scientific data available.
- Hold statewide hearings to obtain public input.
- Take the steps necessary to begin reintroduction of wolves by December 31, 2023 on designated lands west of the Continental Divide.
- Oversee gray wolf restoration and management.
- Distribute state funds to assist livestock owners in preventing and resolving conflicts between wolves and livestock.
- Distribute state funds to pay fair compensation to livestock owners for losses caused by wolves.
- Not impose any restrictions on private landowners regarding land, water, or resource use.

The Commission is a governor-appointed board of 11 citizens that oversees Colorado Parks and Wildlife (CPW), a state agency. The mission of CPW is to “perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado’s natural resources.”<sup>7</sup>

Proposition 107 was approved for circulation on June 21, 2019. On December 10, 2019 proponents of the Proposition submitted 215,370 signatures of registered Colorado voters to the office of the Colorado Secretary of State to place wolf restoration on the Fall 2020 state-

wide ballot. The Colorado Secretary of State’s office announced on January 6, 2020 that the measure received enough signatures to make the November 2020 ballot.

The public has a range of feelings about the provisions in Proposition 107 that can vary by stakeholder group (see *Public Perspectives on Wolves and Wolf Reintroduction Information Sheet*). If Proposition 107 is supported by voters, participatory processes that involve diverse stakeholders with conflicting views in respectful dialogue and shared decision-making can lead to better, longer-lasting outcomes for all sides (see *Dialogue and Social Conflict about Wolves Information Sheet*).

## Who has management authority over wolves in Colorado?

Any wild gray wolves in Colorado are still considered endangered under the ESA. Consequently, USFWS and not CPW, has management authority of such wolves.<sup>8</sup> Under the ESA, harming, harassing, or killing a wolf is a federal crime. Recently, a group of up to six wolves was confirmed in northwest Colorado.<sup>9</sup> An additional lone wolf was confirmed in north-central Colorado near Walden (see *Wolves in Colorado: History and Status Information Sheet*). These wolves have the full protection of the ESA.

If ballot Proposition 107 passes in November 2020, CPW will be mandated to develop and oversee a plan to reintroduce and manage wolves in Colorado. If wolves are still listed as endangered under the ESA, a permit for reintroduction would be required from the USFWS.<sup>8</sup> If the permit is secured, CPW would then be responsible for developing and implementing the wolf reintroduction and management plan.

Under this scenario, these reintroduced wolves might be designated as an “Experimental, Non-Essential Population” under the “10(j) rule” of the ESA.<sup>10</sup> The U.S. Congress added the 10(j) rule to the ESA to help relieve landowner concerns that reintroductions might result in restrictions on use of private, tribal, or public land. The ESA restricts “take” of endangered species. As defined under the ESA, “take” means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”<sup>11</sup>

The 10(j) rule relaxes the “take” prohibitions for an endangered species. This would provide CPW, other agencies, and landowners more management flexibility with reintroduced wolves. For example, if authorized in the permit, wolves that come into conflict with livestock could potentially be removed or killed. USFWS used this provision to reintroduce gray wolves to Yellowstone National Park, Mexican gray wolves to Arizona and New Mexico, and red wolves to North Carolina. USFWS also has used this provision to restore other endangered species.

## **What is the current policy of Colorado Parks and Wildlife towards wolves in Colorado?**

In 2004, a collaborative working group convened by CPW provided recommendations for managing wolves that migrate into Colorado.<sup>8,12</sup> The resulting document dealt exclusively with natural recolonization and did not address the potential for active reintroduction by wildlife managers. The working group recommended that naturally migrating wolves be able to live “with no boundaries” where they find habitat in the state. The group also recommended that wolves be managed with both lethal and non-lethal methods to avoid conflicts with people, livestock, and big game. In 2005, the Colorado Parks and Wildlife Commission affirmed its support of the working group’s recommendation.<sup>13</sup> In 2016, the Commission considered the issue of wolf reintroduction and adopted a formal resolution opposing intentional release of wolves into Colorado.<sup>8,13</sup> Neither the Commission nor CPW has adopted a formal resolution or position on Ballot Proposition 107.<sup>14</sup>

## **What is the Mexican gray wolf and how does it relate to wolf recovery in Colorado?**

The Mexican gray wolf is the rarest subspecies of gray wolf in North America.<sup>15</sup> Mexican wolves differ from other gray wolves in genetic and physical traits and are the smallest subspecies in North America.<sup>16</sup> The Mexican gray wolf was included in the initial listing of the gray wolf under the ESA. In 2015, it was listed and protected separately from the rest of gray wolves as an endangered subspecies.



Mexican Wolves

The historical range of Mexican gray wolves includes Mexico, southeastern Arizona, southwestern New Mexico, and parts of western Texas.<sup>17</sup> It does not include Colorado. Mexican gray wolves were reintroduced to Arizona, New Mexico, and northern Mexico starting in the late 1990’s. Recovery efforts are ongoing. As of January 2020, a minimum of 160 wild Mexican gray wolves now live in the southwest U.S.<sup>15</sup> The subspecies may be removed from the endangered list when there is an average of at least 320 wolves in the U.S. and 200 in Mexico over an eight-year period.

Some scientists have warned against recovering the Mexican gray wolf outside its historical range.<sup>18</sup> If Mexican wolves disperse north, including into Colorado, it would likely lead to interbreeding with other subspecies of gray wolves recolonizing southward. Such hybridization could make it more difficult to preserve the unique Mexican gray wolf subspecies, as directed under the ESA. This is especially true as long as the Mexican gray wolf population is very small because interbreeding could more easily swamp their unique genetic traits. Also, because northern subspecies are typically larger, they might dominate breeding opportunities and further increase the odds of hybridization. To keep Mexican gray wolves within their historical range, federal policy mandates that if animals leave the reintroduction zone in Arizona and New Mexico, they are recaptured and returned to the area.

However, once the Mexican wolf population is large enough to accept new genetic material, occasional



genetic interchange with northern subspecies could be beneficial.<sup>16,19</sup> Wolves can travel long distances and there was almost certainly some interbreeding between Mexican wolves and other subspecies in the past. Once the Mexican wolf populations is sufficiently large, limited genetic exchange can help increase genetic diversity. This can improve population health and allow adaptation to changing environments.

## References

1. U.S. Fish and Wildlife Service. 2020. Gray Wolf (*Canis lupus*): Department of the Interior Celebrates Recovery of the Gray Wolf with Proposal to Return Management to States, Tribes.
2. U.S. Fish and Wildlife Service. 2020. Gray Wolf. Current Population in the United States.
3. U.S. Fish and Wildlife Service. 2020. Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife.
4. U.S. Fish and Wildlife Service. 2020. Red Wolf (*Canis rufus*).
5. Atkins North America, Inc. May 2019. Summary Report of Independent Peer Reviews for the U.S. Fish and Wildlife Service Gray Wolf Delisting Review.
6. Colorado Ballot Proposal 2019-2020 #107 - Restoration of Gray Wolves.
7. Colorado Parks and Wildlife. 2020. About Colorado Parks and Wildlife (CPW).
8. Colorado Parks and Wildlife. 2020. Wolf Management.
9. Colorado Parks and Wildlife. 2020. February 13 2020 Colorado Parks and Wildlife News Release: Genetic tests confirm presence of wolves in Colorado.
10. U.S. Fish and Wildlife Service. 2018. What is a 10(j) rule?
11. U.S. Fish and Wildlife Service. 2013. ESA Basics.
12. Colorado Wolf Management Working Group. 2004. Findings and Recommendations for Managing Wolves that Migrate into Colorado.
13. Colorado Parks and Wildlife Commission. 2016. Resolution 16-01 Regarding Introduction/ Reintroduction of Wolves.
14. Colorado Parks and Wildlife. 2020. Information on Wolves and QA Final.
15. U.S. Fish and Wildlife Service. 2020. Mexican Wolf.
16. National Academies of Sciences, Engineering, and Medicine. 2019. *Evaluating the Taxonomic Status of the Mexican Gray Wolf and the Red Wolf*. Washington, DC: The National Academies Press.
17. Colorado Parks and Wildlife. 2020. Wolves.
18. Odell, E.A., Heffelfinger, J.R., Rosenstock, S.S., Bishop, C.J., Liley, S., González-Bernal, A., Velasco, J.A. and Martínez-Meyer, E., 2018. Perils of recovering the Mexican wolf outside of its historical range. *Biological Conservation*, 220, pp.290-298.
19. Hendricks, S.A., Schweizer, R.M. and Wayne, R.K., 2019. Conservation genomics illuminates the adaptive uniqueness of North American gray wolves. *Conservation Genetics*, 20(1), pp.29-43.

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