

Draft – Comparison of draft 10(j) rule and Colorado Stakeholder Advisory Group (SAG) recommendations.

Note: CO SAG recommendations are not presented in regulatory language format, and serve as direction to CPW for consideration in drafting the state plan and regulations.

Situation	Draft Rule based on 2008 NRM 10(j)	Recommended state phase 1	Recommended state phase 2	Recommended state phase 3
Listed status of wolves	Threatened	State Endangered	State Threatened	State non-game
Consultation (per section 7)	Not required unless those actions are on lands of the national park system or the national wildlife refuge system (16 USC 1539).	N/A		
Take in self-defense	Any person may take a gray wolf in defense of the individual's life or the life of another person.	Allowed by any person in self defense		
Agency take of wolves determined to be a threat to human life and safety	The Service or designated agent(s) may promptly remove any wolf that the Service or designated agent(s) determines to be a threat to human life or safety.	Allowed by state/federal agent of animals not involve in actively attacking, but have attacked a person.		
Non-injurious take of problem wolves by private landowner or grazing permittee	Any person may conduct opportunistic harassment of any gray wolf in a non-injurious manner at any time. Opportunistic harassment must be reported to the Service or designated agent(s) within seven days.	Allowed		
Injurious, nonlethal take of problem wolves by private landowner or	After the Service or designated agent(s) have confirmed wolf activity on private lands, on a public land-grazing allotment, or on a Tribal reservation, the Service or designated agent(s) may issue a written take authorization valid for not longer than one	Allowed		

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grazing permittee (e.g., through use of less-than-lethal munitions)	year, with appropriate conditions, to any landowner or public land permittee to intentionally harass wolves. The harassment must occur in the area and under the conditions as specifically identified in the take authorization.			
Taking of wolves “in the act” of depredation on private land	Any landowner may immediately take a gray wolf in the act of attacking livestock or dogs on his or her private land, provided the landowner provides evidence of livestock, stock animals, or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and the Service or designated agent(s) is able to confirm the livestock, stock animals, or dogs were wounded, harassed, molested or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed to preserve the physical evidence that the take was conducted according to this rule.	<p>Lethal control for wolves <u>caught in the act of biting, wounding, grasping or killing livestock or working dogs</u>: allowed by state or federal agents; and, limited duration permit of lethal take maybe issues to producer or agent on private or public land (proof of attack required following lethal take, requires reporting and investigation demonstrating evidence to justify act)</p> <p><u>In the act of chasing</u>: Limited duration permit for lethal take may be issued to producer or agent on private or public land based on a prior depredation event (your livestock or in area) - requires reporting, and investigation demonstrating evidence to justify act</p> <p><i>Unclear what state will recommend regarding pets</i></p>		<p>Allowed by a producer or agent without a permit on private and public lands, permissible for producers to take action on wolves when biting, wounding, grasping, killing or chasing - requires reporting, and investigation demonstrating evidence to justify act</p> <p><i>Unclear what state will recommend regarding pets</i></p>
Taking of wolves “in the act” of depredation on public land	Any livestock producer and public land permittee who is legally using public land under a valid federal land-use permit may immediately take a gray wolf in the act of attacking his or her livestock on the person’s	Same as above.		Same as above.

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	allotment or other area authorized for his or her use without prior written authorization, provided that the producer or permittee provides evidence of livestock recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and the Service or designated agent(s) is able to confirm the livestock were wounded, harassed, molested or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed to preserve the physical evidence that the take was conducted according to this rule. Any person legally present on public land, except land administered by the National Park Service (NPS), may immediately take a wolf that is in the act of attacking the individual’s stock animal or dog, provided conditions noted in “taking of wolves in the act on private land” are met.			
“Shoot on sight” of problem wolves for private landowner	Any landowner may immediately take a gray wolf in the act of attacking livestock or dogs on his or her private land, provided the landowner provides evidence of livestock or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and the Service or designated agent(s) is able to confirm the livestock, stock animals or dogs were wounded, harassed, molested or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed to preserve the physical evidence that the take was conducted according to this rule.	Limited duration permits for lethal take may be issued to producer or agent on public or private land after evaluation of circumstances. Evaluation will consider status and number of wolves in the state, among other considerations. Only issued if state/federal agencies do not have the resources to implement on-the-ground lethal control actions - requires reporting, and investigation demonstrating evidence to justify act		

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<p>“Shoot on sight” of problem wolves for a grazing permittee</p>	<p>At the Service’s or designated agent(s) direction, the Service or designated agent(s) also may issue a shoot-on-sight written take authorization of limited duration (45 days or less) to a public land-grazing permittee to take problem wolves on that permittee’s active livestock grazing allotment if: (1) the grazing allotment has at least one depredation by wolves on livestock that has been confirmed by the Service or designated agent(s) within the past 30-days, and (2) the Service or designated agent(s) has determined that problem wolves are routinely present on that allotment and present a significant risk to the health and safety of livestock, and (3) the Service or designated agent(s) has authorized lethal removal of problem wolves from that same allotment.</p>	<p>Same as above.</p>		
<p>Agency take of chronic depredating wolves</p>	<p>The Service and designated agent(s) may carry out harassment, nonlethal control measures, relocation, placement in captivity, or lethal control of problem wolves. The Service or designated agent(s) would consider: (1) evidence of wounded livestock, dogs, or other domestic animals, or remains of livestock, dogs, or domestic animals that show that the injury or death was caused by wolves, or evidence that they were in the act of attacking livestock, dogs, or other domestic animals; (2) the likelihood of additional wolf-caused losses or attacks may occur if no control action is taken; (3) evidence of unusual attractants or artificial or intentional</p>	<p>Allowed by state or federal agents (consistent with federal law) after evaluation of the circumstances.</p>		

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	feeding of wolves; and (4) evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed.			
Agency take to reduce impacts on wild ungulates	If wolf predation is having an unacceptable impact on wild ungulate populations (deer, elk, moose, bighorn sheep, mountain goats, antelope or bison) as determined by the respective State or Tribe, a State or Tribe may lethally remove the wolves in question. “Unacceptable impact” is defined as an “Impact to ungulate population or herd where a State or Tribe has determined that wolves are one of the major causes of the population or the herd not meeting established State or Tribe management goals.” States or Tribes must submit a science-based report showing the action meets regulatory standards. The Service must determine that an unacceptable impact to wild ungulate populations or herds has occurred and that the proposed lethal removal is science based and not in conflict with the State Plan.	Not allowed		Allowed by state/federal agents with considerations In addressing appropriate management response to wild ungulate impacts, CPW will require: 1) data or other information indicating that wolves are a major cause of ungulate herds not meeting objectives; and will consider: 2) ability to address the situation through non-lethal means; 3) the level and duration of wolf removal necessary to achieve management objectives; 4) ability to measure ungulate response to management actions; and, 5) identification of other potential major causes of an ungulate population not meeting objectives and attempts made to address them.
Incidental take by private landowner or grazing permittee	Take of a gray wolf is allowed if the take is accidental and incidental to an otherwise lawful activity and if reasonable due care was practiced to avoid such take, and such take is reported within 24 hours to the Service or its designated agent (the Service may allow additional time if access to the site of the take is limited).	No SAG recommendation. Likely state law and regulation that addresses incidental.		

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Additional taking provisions for agency employees	Any employee or agent of the Service or appropriate federal, state, or Tribal agency who is designated in writing for such purposes by the Service, when acting in the course of official duties, may take a wolf from the wild if such action is for (1) scientific purposes; (2) to avoid conflict with human activities; (3) to relocate a wolf within the experimental population boundary to improve its survival and recovery prospects; (4) to return wolves that have wandered outside the experimental population boundary; (5) to aid or euthanize sick, injured, or orphaned wolves; (6) to salvage a dead specimen that may be used for scientific study; (7) to aid in law enforcement investigations involving wolves; and (8) to remove wolves with abnormal physical or behavioral characteristics, as determined by the Service.	<p>Allows removal of wolves denning within municipal boundaries or high density human population areas.</p> <p>Per existing agreements with state and federal agencies, take (non-lethal and lethal) by state and federal agents is allowed for scientific purposes, to avoid conflict with human activities, to relocate a wolf to enhance survival and recovery prospects, to aid or euthanize sick, injured wolves, to salvage dead specimens, to aid in law enforcement investigations involving wolves, and to manage wolves with abnormal physical or behavioral characteristics</p>		