

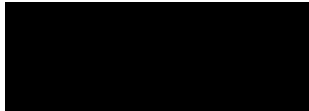


COLORADO

Parks and Wildlife

Department of Natural Resources

711 Independent Ave.
Grand Junction, CO 81505
P 970.255.6100



RE: Denial of Chronic Depredation Permit

On May 24, 2024, [REDACTED] submitted [REDACTED] application for a chronic depredation permit. After reviewing the application and consulting with the Director of the Division of Parks and Wildlife (CPW) and the U.S. Fish and Wildlife Service (Service), I deny the application for the reasons below.

APPLICABLE STANDARD

In Colorado, the gray wolf is protected under the federal Endangered Species Act and the Colorado Nongame, Endangered, or Threatened Species Conservation Act. Take of gray wolves is therefore prohibited unless permitted by federal and state law. In limited circumstances, the Service or CPW may take or authorize take of wolves that depredate livestock. *See* Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of the Gray Wolf in Colorado, 88 Fed. Reg. 77014, 77037-38 (Nov. 8, 2023); 2 CCR 406-10:1001.

To determine whether a situation qualifies for lethal control of depredating wolves, I must consider four factors:

- a. documented repeated depredation and harassment of the applicant's livestock or working dogs caused by the wolf, wolves, or pack targeted;
- b. use of a variety of nonlethal conflict minimization materials and techniques;
- c. likelihood that additional wolf-related depredation will continue if lethal control is or is not implemented; and
- d. unintentional or intentional use of attractants that may be luring or baiting wolves to the location.

2 CCR 406-10:1001.C.1.

If, after considering these factors, I conclude lethal control is not appropriate under the circumstances, I must deny the application. *See* 2 CCR 406-10:1001.C.2. If I conclude



Jeff Davis, Director, Colorado Parks and Wildlife

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lethal control is appropriate under the circumstances, state or federal agents will conduct the lethal control. *Id.* If state and federal agencies lack the capacity to carry out necessary lethal control measures, I may issue a permit allowing the applicant to lethally take wolves if further criteria are satisfied. 2 CCR 406-10:1001.C.3.

DECISION AND RATIONALE

Here, three of the four factors I must consider weigh against lethal control. I therefore conclude lethal control is not appropriate and deny ██████ application for a chronic depredation permit.

The first factor weighs in favor of lethal control. This factor requires me to consider whether there has been documented, repeated depredation and harassment of ██████ livestock or working dogs caused by the wolf, wolves, or pack targeted. 2 CCR 406-10:1001.C.1.a. Here, CPW documented and confirmed wolf-related depredations on April 17 (three yearling cattle), April 18 (one yearling cattle), April 28 (one yearling cattle), May 11 (one yearling cattle), and July 17 (one ewe sheep). There has therefore been documented, repeated wolf-related depredation of ██████ livestock.

The second factor, however, weighs against lethal control. This factor requires me to consider the use of nonlethal conflict minimization materials and techniques. 2 CCR 406-10:1001.C.1.b. ██████ tried some nonlethal measures before seeking lethal control, but ██████ and ██████ delayed using or refused to use other nonlethal techniques that could have prevented or minimized depredations.

On April 5, before ██████ first depredation, the Colorado Department of Agriculture offered ██████ funding to hire a range rider as a nonlethal deterrent. ██████ refused until April 29. ██████ suffered five wolf-related depredations in the 12 days before ██████ hired a range rider and only two depredations in the 12 weeks since. If adopted earlier, this nonlethal technique could have prevented some, if not all, of ██████ depredations.

On April 18, after four depredations, ██████ accepted some hazing materials (cracker shells, foxlights, and critter getters) and allowed CPW staff to conduct night-watch operations. But ██████ repeatedly refused to use fladry, refused CPW's offer to conduct diversionary feeding, and repeatedly refused to pursue a nonlethal injurious hazing permit.¹

In short, ██████ and ██████ failed to timely implement available nonlethal conflict minimization materials and techniques. Because these nonlethal measures could have prevented some, if not all, of ██████ depredations, the second factor weighs against lethal control.

¹ ██████ agreed to pursue a nonlethal injurious hazing permit only after seeking lethal control.



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The third factor also weighs against lethal control. This factor requires me to consider the likelihood that wolf-related depredation will continue if lethal control is or is not implemented. 2 CCR 406-10:1001.C.1.c. As noted above, ██████ depredations declined significantly after ██████ and ██████ began implementing nonlethal measures. And, as discussed below, there have been only two depredations in the ten weeks after ██████ buried a dead pit used to dispose of dead animals. While CPW expects occasional wolf-related depredation to occur anywhere wolves and livestock coexist, the sharp decline in depredations after ██████ and ██████ took these measures suggests frequent depredation is unlikely even without lethal control.

The fourth factor weighs against lethal control as well. This factor requires me to consider whether the unintentional or intentional use of attractants may be luring or baiting wolves to the location. 2 CCR 406-10:1001.C.1.d. On April 22, CPW learned that ██████ kept an open dead pit on the property where the wolf-related depredations occurred. CPW notified ██████ that the dead pit might be attracting wolves, but ██████ refused to bury the pit until May 8. There were five wolf-related depredations in the 20 days before ██████ buried the dead pit and have been only two in the ten weeks since. ██████ dead pit likely lured wolves to the property, so this factor weighs against lethal control.

Of the four factors I must consider, three weigh against lethal control. I therefore conclude lethal control is not appropriate and deny ██████ application for a chronic depredation permit. ██████ may appeal this decision to the Parks and Wildlife Commission by following the procedures in 2 CCR 406-16:1690.

While I conclude lethal control is not appropriate under the circumstances, I sincerely appreciate ██████ and ██████ willingness to work with CPW to minimize wolf-livestock conflicts, particularly while this application was pending. CPW remains committed to this partnership.

Effective date: July 26, 2024

Sincerely,



Travis Black
Northwest Region Manager
Colorado Parks and Wildlife



Jeff Davis, Director, Colorado Parks and Wildlife

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