

Governor Jared Polis
State Capitol Building
200 East Colfax Ave., Room 136
Denver, CO 80203

February 17, 2021

Dan Gibbs, Executive Director
Colorado Department of Natural Resources

Colorado Parks and Wildlife Commission Chair Marvin McDaniel; Commission Vice-Chair Carrie Hauser; Commissioner Taishya Adams; Commissioner Betsy Blecha; Commissioner Charles Garcia; Commissioner Marie Haskett; Commissioner Dallas May; Commissioner Duke Phillips IV; Commissioner Luke B. Schafer; Commissioner James J. Tutchton; and Commissioner Eden Vardy.

Dan Prenzlów, Director
Colorado Parks and Wildlife

Mailed to Governor Polis and emailed to: Governorpolis@state.co.us; Dan.Gibbs@State.co.us; Marvin.mcdaniel@state.co.us; Carrie.hauser@state.co.us; Taishya.Adams@state.co.us; Betsy.blecha@state.co.us; Charles.garcia@state.co.us; Marie.haskett@state.co.us; Dallas.May@state.co.us; Duke.Phillips@state.co.us; Luke.Schafer@state.co.us; James.Tutchton@state.co.us; Eden.Vardy@state.co.us; dan.prenzlów@state.co.us.

Re: A process to honor the will of the people regarding wolf restoration in Colorado.

Dear Governor Polis, Department of Natural Resources Director Gibbs, Colorado Parks and Wildlife Commissioners McDaniel, Adams, Blecha, Garcia, Haskett, Hauser, May, Phillips, Schafer, Tutchton and Vardy, and Colorado Parks and Wildlife Director Prenzlów,

In the spirit of good governance, and honoring and respecting the will of Colorado voters as expressed in adoption of Proposition 114, the undersigned 37 organizational representatives and ten distinguished individuals urge Colorado Parks and Wildlife (CPW) to:

- Develop the wolf restoration and management plan in a thorough, transparent manner that uses the best available science to ensure wolf releases begin next year. Such efficiency is possible because of the knowledge gained through decades of wolf restoration and management elsewhere in the U.S., and the recent (but likely temporary) delisting of the gray wolf under the Endangered Species Act. That delisting precludes the need to consult with the U.S. Fish and Wildlife Service.
- Create well-considered, scientifically-sound restoration and management alternatives to serve as the main focus for discussion and comment at the legally required statewide public hearings.
- Convene public hearings sufficiently early to enable public input to help inform the final content and choosing of an alternative that will become the wolf restoration and management plan.

- Ensure that the technical working group includes academic scientists and professionals with expertise in wolf ecology and restoration and practical experience in wolf recovery. Charge the technical working group with helping CPW to formulate and analyze the alternatives.
- Appoint members of the stakeholder advisory group proportional to the vote that enacted Proposition 114, such that supporters of wolf reintroduction outnumber opposers. Include people from the West Slope, the Front Range and the Eastern Plains, and among them Indigenous people from the societies at home in Colorado long before it became a state.
- Limit the responsibilities of the stakeholder advisory group to, first, advising CPW and the technical working group on defining the range of alternatives for public comment and, over a longer period of time, helping to prevent and resolve conflicts through working with ranchers in protecting livestock without harming wolves, and allocating funds to compensate for losses.

Proposition 114 calls upon Colorado Parks and Wildlife to restore a critical balance in nature.

With the November 3, 2020 passage of Proposition 114, you became trustees and stewards of a historic public mandate. That mandate identifies wolves as “an essential part of the wild habitat of Colorado.” They purposely “were exterminated and have been functionally extinct for seventy-five years in the State.” Passage of Proposition 114 met a clarion call to address the extinction crisis and the central challenge for humanity in the 21st century: “Once restored to Colorado, gray wolves will help restore a critical balance in nature.”

Proposition 114 requires CPW to develop a wolf restoration and management plan “using the best scientific data available” while also holding “statewide public hearings to gain information to consider in developing such [a] plan, including scientific, economic and social considerations.” The law also calls for assisting “owners of livestock in preventing and resolving conflicts between gray wolves and livestock” and paying “fair compensation” for livestock losses to the extent funds are available.

Proposition 114’s separate obligations should be followed clearly in the process to develop a wolf restoration and management plan. The law’s distinct requirements to rely on science, which tells us how to achieve success and predicts the consequences of our actions, and to consider people’s opinions and strive for equity, which can guide how we act to promote coexistence with wolves, should be kept distinct in the process of developing the plan. Keeping this difference between science and values clear throughout the process will diminish controversy.

The Colorado Parks and Wildlife Commission approved a perilously cumbersome process.

We believe that implementation of the CPW-devised process centered around a stakeholder advisory group to develop the wolf restoration and management plan, should proceed with caution. As conceived, the process is complicated, expensive and time-consuming. Responsibility for developing the plan is unclear. Implementation of the plan would only begin in December 2023, which risks failing to meet the December 31, 2023 deadline for initiation of wolf releases that was included as a backstop in Proposition 114. What if the weather in the final

weeks allowed by the law becomes un conducive to safely translocating wolves into the selected areas?

Fundamentally, we are concerned that the process will lead to a plan that does not incorporate the best scientific data available, thereby undercutting restoration of the wolf's ecological role in Colorado—one of the major reasons for the reintroduction of this apex carnivore.

The centerpiece of the decision-making work-flow diagram presented by CPW staff during the January 14, 2021 Colorado Parks and Wildlife Commission meeting is the stakeholder advisory group and the technical working group. Notably, the diagram relegates public hearings required by Proposition 114 almost as an afterthought to near the end of the process. Yet, Proposition 114 mandates statewide public hearings in order to ensure effective community input. It says nothing about either a stakeholder or a technical group.

As presented, the technical working group would comprise representatives from state, federal and tribal agencies but would not include non-governmental experts in wolf biology and conservation. We believe that the best science-based plan would flow from a technical working group comprised of recognized experts from both government agencies and those outside of government, including in academia. Such an arrangement would minimize debates about the application of the best science when the plan is implemented.

Regarding the stakeholder advisory group, experience in recent years shows that decision-making by stakeholder groups, including wolf-management groups specifically, often amplifies the influence of special interests that already hold disproportionate sway with state wildlife managers.

Peer-reviewed social science reveals that consensus-based approaches — as proposed in the work-flow diagram — may “unwittingly incorporate power asymmetries and un-democratic exclusions” through favoring “influential interest groups, who are usually local or regional only, and economically interested.” This research highlighted large carnivore management as particularly susceptible to such pressure by narrow interests.¹ Other social science researchers noted that consensus processes can run philosophically counter to science, conservation and democracy itself. They proposed instead “an argument-based model grounded in ecology as a fundamental component of environmental decision making,” explaining how an alternative process can be both more democratic and more scientific: “A decision-making model that emphasizes argumentation rather than consensus provides a practical means for involving the public in environmental policy without giving up on science.”²

We believe that a comparison of different alternatives for restoration and management would focus the discussion in the productive manner prescribed by these researchers. Such a process is familiar through federal decision-making.

¹ López-Baoa, J.V., G. Chapron and A. Treves. 2017. The Achilles heel of participatory conservation. *Biological Conservation* 212:139–143; p. 141.

² Peterson, M.N., M.J. Peterson and T. R. Peterson. 2005. Conservation and the myth of consensus. *Conservation Biology*, 19(3):762–767; pp. 763, 765.

A faster, fairer, less costly, and more promising way forward.

We recommend that the Colorado Parks and Wildlife Commission approve a process rooted in peer-reviewed science that honors the primacy of statewide public hearings in providing feedback concerning restoration and management plan alternatives — giving full voice to Coloradans who voted for Proposition 114 as well as those who voted against. Development and analysis of conceptually different restoration and management alternatives would enable comparison and inform public discourse. Comments at public hearings and submitted in writing would serve the central purpose of fleshing out the advantages and disadvantages of each of those alternatives.

Rather than charge the stakeholder advisory group with the principal role in developing the restoration and management plan, and thereby risk special-interest subversion of Proposition 114's mandate, the stakeholder advisory group's initial charge should be to work with the technical working group to advise on a series of contrasting alternatives for restoration and management. The Colorado Parks and Wildlife Commission would then accept or modify the series of alternatives. Following that Commission decision, CPW and the technical working group would analyze the alternatives and post those analyses. Then, members of the public could read those analyses and comment at the statewide hearings and in writing. The technical working group and CPW would cite to peer-reviewed scientific articles in describing the likely effects of each alternative and evaluating suggestions from members of the public. The Commission would select an alternative among those analyzed or select a modified version of one of the alternatives. Such a process roughly parallels the functioning of the National Environmental Policy Act.

While better fulfilling Proposition 114's science-based mandate, such a process could also address some opponents' concerns. In part, you can achieve that through the Commission ultimately selecting an alternative that includes a conflict-prevention and livestock-loss compensation component that is fair to livestock owners, and to taxpayers, hunters and lottery ticket purchasers who may be sources for compensation funds. Fairness can be assessed through comparison of the effects of different restoration and management alternatives.

Because many who voted against Proposition 114 feared that it would lead to heavy-handed and ultimately inhumane wolf management, the wolf restoration and management plan should not unnecessarily create those very conditions. Again, analysis of and public comments on different alternatives would help illuminate how to restore wolves most humanely.

The best available science must guide both wolf releases and management. The restoration and management plan must lead to growth in wolf numbers and geographic distribution sufficient to restore a critical balance of nature in Colorado's wild habitat. These requirements will constrain the killing of wolves and necessarily lead to reliance on proven conflict-prevention strategies.

Given these mandates, we advise that the stakeholder advisory group continue its engagement with the public even after development of the plan and following reintroduction. Such a role would include helping to facilitate the adoption of non-lethal livestock-protection strategies.

With regard to timeframes, we believe that CPW can solicit and evaluate initial public comments by early this spring. Acting this quickly would enable the stakeholder advisory group and technical working group to propose restoration and management alternatives for Commission approval in early summer. CPW with the assistance of the technical working group, would then be able to fully develop and analyze the alternatives and provide that analysis to the public by this fall. Statewide hearings could begin in the fall and continue through winter 2022. CPW would then be in a position to finalize the analysis document by spring or summer 2022. The Commission would then select an alternative, and CPW could begin to reintroduce wolves as early as summer or as late as winter 2022.

This timeline could also obviate the requirement for a review by the U.S. Fish and Wildlife Service if it has not returned gray wolves to the federal endangered species list by that time.

Our proposal ensures a practical and democratic opportunity to recover wolves in Colorado. It provides a basis for restoring the balance of nature through a science-based restoration and management plan. And our proposal prioritizes conflict-prevention through a process that is fair to all sides and that values wolves as an essential part of Colorado's wild habitat.

Thank you for your consideration.

Sincerely endorsed³ by:

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Snowmass, Colorado

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³ Academic affiliations of scientists do not denote endorsements by those institutions.

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