

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0340.02 Sarah Lozano x3858

HOUSE BILL 26-1323

HOUSE SPONSORSHIP

Lindsay and Velasco,

SENATE SPONSORSHIP

Cutter and Kipp,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE RESILIENCY THROUGH A PROHIBITION ON THE**
102 **TAKING OF BEAVERS ON PUBLIC LAND IN THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits the taking of beavers on public land for a recreational purpose or commerce in beaver fur, parts, or products. The parks and wildlife commission may adopt rules to implement the prohibition and, if the commission adopts rules, the rules must ensure that the role of beavers in the wildfire resiliency of public land is protected. A violation of the prohibition carries certain penalties.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly

3 finds and declares that:

4 (a) Colorado faces escalating risks from drought and
5 high-intensity wildfires;

6 (b) Scientific research demonstrates that beaver activity plays a
7 vital role in reducing wildfire intensity, facilitating wildfire recovery,
8 protecting water quality, and improving drought and landscape resilience;

9 (c) The beaver is a keystone species that serves as an ecological
10 engineer, whose habitat can provide refuge to wildlife from wildfires,
11 facilitate the recovery of imperiled species, and foster plant community
12 resilience;

13 (d) Wetlands created by beavers act as natural firebreaks that
14 maintain green vegetation and water storage even under severe drought
15 and fire conditions;

16 (e) According to the United States forest service, a lack of beaver
17 populations across the western United States has contributed to increased
18 wildfires in dry landscapes;

19 (f) Colorado's public lands contain many of the headwaters,
20 streams, and riparian corridors that face a high risk of moderate- to
21 high-intensity wildfire and are where beaver-created wetlands can provide
22 critical natural wildfire breaks and post-wildfire refuge;

23 (g) By conserving beaver populations and facilitating beaver
24 recolonization on public lands, Colorado can strengthen natural fire
25 defenses, safeguard watersheds, and reduce long-term firefighting and
26 recovery costs;

1 (h) Recognizing the state's budgetary constraints, beavers provide
2 a cost-free service that provides extensive economic benefits to the state
3 by assisting in the state's fight against escalating and destructive wildfires;
4 and

5 (i) Recognizing the Colorado division of parks and wildlife's
6 ongoing statewide beaver planning efforts, the division is not the sole
7 authority responsible for wildfire and watershed resilience on public
8 lands, and planning alone does not ensure the protection of beaver
9 populations necessary to achieve wildfire, watershed, and drought
10 resilience benefits; therefore, the state has an independent obligation to
11 take timely and enforceable action to reduce escalating wildfire risk.

12 (2) The general assembly therefore declares that, as part of
13 Colorado's wildfire resiliency strategy, it is critical for the state to
14 conserve beavers on public land by prohibiting the taking of beavers for
15 a recreational purpose or commerce in beaver fur, parts, or products on
16 public land in the state.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 33-6-133 as
18 follows:

19 **33-6-133. Prohibition on the recreational or commercial**
20 **taking of beavers on public land for wildfire resiliency - exceptions**
21 **- rules - penalty - definitions.**

22 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24 (a) "BRUNOT AGREEMENT" MEANS THE AGREEMENT OF
25 SEPTEMBER 13, 1873, RATIFIED BY ACT OF APRIL 29, 1874, CH. 136, 18
26 STAT. 36 (1874).

27 (b) "BRUNOT AREA" MEANS THE LAND RELINQUISHED AND

1 CONVEYED BY THE CONFEDERATED BANDS OF THE UTE NATION TO THE
2 UNITED STATES IN THE BRUNOT AGREEMENT AND UPON WHICH THE
3 UNITED STATES AGREED TO PERMIT THE UTE INDIANS TO HUNT "SO LONG
4 AS THE GAME LASTS AND THE INDIANS ARE AT PEACE WITH THE WHITE
5 PEOPLE."

6 (c) "ENROLLED TRIBAL MEMBER" MEANS AN ENROLLED MEMBER
7 OF A FEDERALLY RECOGNIZED TRIBE.

8 (d) (I) "PUBLIC LAND" MEANS FEDERAL AND STATE-MANAGED
9 LANDS IN THE STATE, INCLUDING LANDS MANAGED BY THE UNITED STATES
10 FOREST SERVICE AND LANDS MANAGED BY THE FEDERAL BUREAU OF LAND
11 MANAGEMENT.

12 (II) "PUBLIC LAND" INCLUDES THE PORTION OF A LAKE, POND,
13 RIVER, STREAM, OR OTHER WATER BODY THAT IS WITHIN THE BOUNDS OF
14 PUBLIC LAND.

15 (e) (I) "TAKE" MEANS TO WOUND OR KILL A BEAVER.

16 (II) "TAKE" DOES NOT INCLUDE THE ACCIDENTAL WOUNDING OR
17 KILLING OF A BEAVER.

18 (2) EXCEPT AS SET FORTH IN SUBSECTION (3) OR (6) OF THIS
19 SECTION OR EXPRESSLY AUTHORIZED BY FEDERAL LAW, IT IS UNLAWFUL
20 FOR A PERSON TO TAKE A BEAVER ON PUBLIC LAND FOR A RECREATIONAL
21 PURPOSE OR COMMERCE IN BEAVER FUR, PARTS, OR PRODUCTS.

22 (3) THIS SECTION DOES NOT APPLY TO THE TAKING OF A BEAVER
23 ON PUBLIC LAND IF THE TAKING IS CONDUCTED:

24 (a) FOR A PURPOSE OTHER THAN A RECREATIONAL PURPOSE OR
25 COMMERCE IN BEAVER FUR, PARTS, OR PRODUCTS SO LONG AS THE FUR,
26 PARTS, OR PRODUCTS OF THE BEAVER ARE NOT BOUGHT, SOLD, BARTERED,
27 OR OTHERWISE EXCHANGED FOR PROFIT; OR

1 (b) BY AN ENROLLED TRIBAL MEMBER PURSUANT TO A HUNTING,
2 FISHING, OR TRAPPING RIGHT RESERVED BY FEDERAL LAW, TREATY, OR
3 PRESIDENTIAL EXECUTIVE ORDER.

4 (4) THE COMMISSION MAY ADOPT RULES NECESSARY TO
5 IMPLEMENT THIS SECTION. IF THE COMMISSION ADOPTS RULES, THE
6 COMMISSION'S RULES MUST ENSURE THAT THE ROLE OF BEAVERS AND
7 BEAVER-CREATED WETLANDS IN THE WILDFIRE RESILIENCY OF PUBLIC
8 LAND IS PROTECTED.

9 (5) A PERSON THAT VIOLATES THIS SECTION SHALL BE PENALIZED
10 BY:

11 (a) A FINE OF ONE THOUSAND DOLLARS;

12 (b) A SURCHARGE AS DESCRIBED IN SECTION 24-33.5-415.6; AND

13 (c) AN ASSESSMENT OF TWENTY LICENSE SUSPENSION POINTS.

14 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, THIS SECTION DOES NOT:

16 (a) APPLY TO LANDS WITHIN THE RESERVATION OF A FEDERALLY
17 RECOGNIZED TRIBE; OR

18 (b) ALTER THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
19 STATE AND THE SOUTHERN UTE INDIAN TRIBE, DATED JANUARY 2013, OR
20 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND THE
21 UTE MOUNTAIN UTE TRIBE, DATED JANUARY 2013, OR ANY AMENDMENTS
22 TO THE MEMORANDUMS, REGARDING WILDLIFE MANAGEMENT AND
23 ENFORCEMENT IN THE BRUNOT AREA PURSUANT TO THE BRUNOT
24 AGREEMENT.

25 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-415.6,
26 **amend** (7) as follows:

27 **24-33.5-415.6. Offender identification - fund.**

1 (7) A surcharge of two dollars and fifty cents is ~~hereby~~ levied
2 against each penalty assessment issued pursuant to section 33-6-104,
3 **33-6-133**, or 33-15-102 ~~C.R.S.~~, that results in payment of the penalty
4 assessment without the commencement of a criminal action. All ~~moneys~~
5 MONEY collected by the division of parks and wildlife in the department
6 of natural resources pursuant to this subsection (7) shall be transmitted to
7 the state treasurer, who shall credit the same to the fund.

8 **SECTION 4. Applicability.** This act applies to conduct occurring
9 on or after the effective date of this act.

10 **SECTION 5. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.