



COLORADO

Parks and Wildlife

Department of Natural Resources

Northwest Region
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Chance W. Jenkins
Holy Cross Cattlemen's Association
PO Box 280 Carbondale, CO, 81623

Re: Denial of Chronic Depredation Permit Application

On July 5, 2025, the Holy Cross Cattlemen's Association submitted an application on behalf of applicants Michael Cervený and Bradley Day for a chronic depredation permit. Alternatively, Holy Cross asks the Division of Parks and Wildlife to capture the Pitkin County wolf pack and place it in captivity. After reviewing the application and consulting with the Director of the Division of Parks and Wildlife, I deny both requests for the reasons below.

APPLICABLE STANDARD

In Colorado, the gray wolf is protected under both the federal Endangered Species Act and the Colorado Nongame, Endangered, or Threatened Wildlife and Rare Plant Conservation Act. Take of gray wolves is therefore prohibited unless permitted by federal and state law. In limited circumstances, the Service or Division 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) ("10(j) Rule"); 2 C.C.R. § 406-10:1001.

To determine whether a situation qualifies for a Chronic Depredation Permit, I must consider the following factors:

- a. documented repeated depredation and harassment of the applicant's livestock or working dogs caused by the wolf, wolves, or pack targeted;



Jeff Davis, Director, Colorado Parks and Wildlife

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- b. use of a variety of nonlethal conflict minimization materials and techniques;
- c. likelihood that additional and continued wolf-related depredation would continue if lethal control is or is not implemented;
- d. unintentional or intentional use of attractants that may be luring or baiting wolves to the location.

2 C.C.R. § 406-10:1001.C.1. If I conclude that lethal control is appropriate under the circumstances, state or federal agents will conduct the lethal control. See 2 C.C.R. § 406-10:1001.C.2. But 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 C.C.R. § 406-10:1001.C.3. These conditions include a showing that the applicant has “suffered at least one wolf depredation of their own livestock or working dogs,” the Division has “confirmed the depredation within 30 days prior to requesting a [permit],” and the applicant has “employed reasonable conflict minimization techniques prior to receiving a [permit].” 2 C.C.R. § 406-10:1001.C.3.a-b.

DECISION AND RATIONALE

Subsequent to the submission of the application, on July 18, the Division has confirmed that Applicant Day suffered another depredation. I find that the other factors in the regulations, 2 C.C.R. § 406-10:1001.C.1, also weigh in favor of concluding that additional lethal control efforts are appropriate under the circumstances. Under the regulations, “injurious or lethal control of wolves that have engaged in confirmed depredation(s) of livestock will be conducted by state or federal agents if the Division determines lethal control of the identified wolves is appropriate under the circumstances.” 2 C.C.R. § 406-10:1001.C.2. Thus, I am denying the request to issue a Chronic Depredation Permit to Applicant Cervený and Applicant Day because the regulations only authorize me to issue a permit to applicants if “state and federal agencies do not have the capacity to carry out the timely implementation of the necessary lethal control measures.” 2 C.C.R. § 406-10:1001.C.3. I find that the Division has the capacity to carry out the timely implementation of lethal control efforts in this instance.



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Specifically, the Division has been working to address the Pitkin County pack's depredations by lethally removing one member of the pack in May 2025 and deployed additional resources in the area. This includes range riders, and damage specialist on a regular basis. After the additional depredation confirmed on July 18, the Division is undertaking additional lethal control efforts. Staff have been in the area since Sunday, July 20th attempting to locate the wolves. As you are aware, the terrain is challenging at best, and staff have not been able to get close to the wolves after multiple attempts. Staff will continue to monitor locations and attempt to intervene if possible.

I acknowledge that this remains an extremely difficult situation and appreciate the continued partnership with Applicants Cervený and Day and other HCCA members to work together to minimize wolf-livestock conflicts as much as possible.

REQUEST TO CAPTURE PITKIN COUNTY PACK AND PLACE INTO CAPTIVITY

Your July 5, 2025, letter also requests that the Division capture the Pitkin County pack and place it in captivity. While the 10(j) Rule allows designated agents like the Division to relocate wolves or place them in captivity in some circumstances, *see, e.g.*, 50 C.F.R. § 17.84(n)(5)(v), your request points to no provision in the 10(j) Rule or the Commission's regulations that requires the Division to do so or even to consider such a request. However, as discussed above, the Division has been applying multiple strategies to address the Pitkin County pack's depredations. The Division continues to monitor the pack and may conduct additional lethal removals if they are legally authorized and necessary to change the pack's behavior. The Division therefore declines to place the pack in captivity.

Effective date: July 25, 2025

Sincerely,



Travis Black
Northwest Region Manager
Colorado Parks and Wildlife



Jeff Davis, Director, Colorado Parks and Wildlife

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