

This Act shall be known as the "Colorado Wildlife & Biodiversity Protection Act."

SECTION 2: PURPOSE

The People of Colorado recognize that:

1. Wildlife corridors are critical to ecological function, species survival, and wildfire mitigation by ensuring habitat connectivity and ecosystem resilience.
2. Keystone species serve essential ecosystem roles and merit heightened legal protections.
3. Current endangered species listings are insufficiently responsive to ecological data and may be influenced by non-scientific interests.
4. An independent, science-based authority is necessary to preserve biodiversity and prevent the political dilution of conservation mandates.

Accordingly, the purposes of this Act are to:

1. Establish an independent Wildlife & Ecosystem Conservation Commission (WECC) to oversee species protection and ecological integrity;
2. Ensure the continuity of wildlife protections in the event that existing conservation agencies such as Colorado Parks and Wildlife (CPW) are defunded, disbanded, or rendered operationally nonfunctional;
3. Create a Colorado Wildlife Corridor Network to enhance habitat connectivity;
4. Strengthen legal protections for keystone species and critical ecosystems;
5. Impose and enforce penalties for ecological violations, with independent investigative and prosecutorial oversight;
6. Provide a self-sustaining funding framework for long-term conservation efforts;
7. Ensure this Act supplements, and does not conflict with, existing federal laws or local land use authority.

SECTION 3: DEFINITIONS

As used in this Act, unless the context clearly requires otherwise:

1. **"Wildlife Corridor"** means a designated, contiguous ecological passage that facilitates the safe movement of wildlife between distinct habitat zones, intended to reduce population fragmentation, genetic bottlenecks, and wildlife-vehicle conflict.
2. **"Keystone Species"** means any species that the WECC, in consultation with CPW, Indigenous representatives, and the U.S. Fish and Wildlife Service (USFWS), determines to have a disproportionately significant ecological impact such that its removal would destabilize the ecosystem.

3. **"Endangered Species"** means any species that, based on scientific evaluation by the WECC, faces a high risk of extirpation or extinction within the State of Colorado. This designation shall not conflict with or override listings under the federal Endangered Species Act (ESA), and shall apply exclusively to state-level protective measures.
4. **"Mitigation"** means any scientifically validated practice designed to avoid, minimize, or compensate for adverse ecological impacts, including but not limited to habitat restoration, ecological offsets, conservation easements, or impact fees.
5. **"WECC"** refers to the Wildlife & Ecosystem Conservation Commission, an independent, nonpartisan entity established pursuant to this Act, with authority to advise, enforce, and assume wildlife governance functions if state agencies are incapacitated.
6. **"Habitat Degradation"** means the alteration of land, water, vegetation, or soil conditions that materially reduces the ecological value of a habitat, including but not limited to: excessive erosion, introduction of invasive species, pollution, habitat fragmentation, or suppression of natural ecological processes such as fire or flooding.
7. **"Connectivity"** means the degree to which the landscape allows native wildlife species to move freely between habitat patches for purposes of foraging, mating, dispersal, or seasonal migration. Connectivity may be maintained through undeveloped corridors, wildlife crossings, permeable fencing, or other mitigation methods approved by the WECC.

SECTION 4: ESTABLISHMENT OF THE WILDLIFE & ECOSYSTEM CONSERVATION COMMISSION (WECC)

1. Establishment and Structure: There is hereby established the Wildlife & Ecosystem Conservation Commission (WECC) as an independent body, vested with authority to carry out the purposes of this Act.
 - a. The WECC shall consist of the following nine (9) members:
 - i. Three (3) independent ecologists appointed by accredited Colorado universities;
 - ii. Two (2) conservation biologists appointed by nonpartisan environmental organizations;
 - iii. One (1) wildlife advocate selected by a citizen panel chosen by randomized lottery from eligible Colorado residents;
 - iv. One (1) Indigenous representative appointed by tribal governments with historical ties to Colorado lands;
 - v. One (1) environmental policy specialist appointed by a legal or policy institute with expertise in conservation law;
 - vi. One (1) wildlife management expert appointed by a federal or state wildlife agency.

- vii. No appointee may have any financial interest in extractive industries, including but not limited to mining, logging, commercial development, or industrial agriculture.
- 2. Powers and Responsibilities
 - a. The WECC shall serve as an advisory and enforcement body, operating in collaboration with CPW, USFWS, and other entities.
 - b. In the event that CPW or another relevant agency is legally disbanded, defunded, or judicially determined to be nonfunctional, the WECC shall assume all statutory wildlife conservation functions previously assigned to such agency until a lawful successor is designated.
 - c. The WECC may:
 - i. Designate state-listed endangered species;
 - ii. Conduct independent ecological impact assessments;
 - iii. Require mitigation for any project determined to harm endangered species or wildlife corridors;
 - iv. Develop voluntary conservation programs for private landowners and businesses;
 - v. Issue investigative subpoenas, inspect ecological sites, and refer cases for prosecution.

SECTION 5: COLORADO WILDLIFE CORRIDOR NETWORK

- 1. **Establishment**
 - a. The Wildlife & Ecosystem Conservation Commission (WECC) shall establish and maintain a Colorado Wildlife Corridor Network, for the purpose of promoting habitat connectivity, reducing ecosystem fragmentation, and enabling the safe movement of native wildlife.
 - b. In developing and updating this network, the WECC shall rely upon scientifically validated ecological data and shall consult existing corridor and habitat maps produced by Colorado Parks and Wildlife (CPW) and recognized conservation organizations. The WECC shall seek to minimize duplication of effort and to complement existing initiatives.
- 2. **Voluntary Participation & Incentives.**
 - a. Any private landowner who voluntarily designates at least thirty percent (30%) of their property for participation in the Wildlife Corridor Network shall be eligible for one or more of the following incentives:
 - i. A property tax reduction as follows:
 - 1. For 30% to 49% of land designated: 25% property tax reduction
 - 2. For 50% to 100% of land designated: 50% property tax reduction

- ii. A state income tax credit equal to twenty percent (20%) of all documented and WECC-approved conservation expenses, including habitat restoration, fencing modifications, and monitoring compliance.
 - b. No landowner shall receive more than one category of benefit for the same portion of land in a given year. Program eligibility and renewal shall be verified annually by WECC.
3. Definition of Protection for Eligibility
- a. For the purposes of this section, “Protection” shall mean the maintenance of natural habitat conditions and ecological function on the designated portion of land, subject to the following minimum standards:
 - i. No new residential, commercial, or industrial development shall occur within the protected area during the required protection period, except for structures or improvements directly supporting habitat restoration, ecological monitoring, or conservation land stewardship;
 - ii. Land use practices shall avoid habitat degradation, defined as activities causing significant soil erosion, loss of native vegetation, pollution, obstruction of wildlife movement, or introduction of invasive species;
 - iii. Wildlife connectivity must be reasonably maintained, such that fencing, roadways, or infrastructure do not materially obstruct the movement of native species, unless mitigated using wildlife-friendly design standards approved by WECC;
 - iv. The protected area shall remain substantially free of invasive species, resource extraction operations, or land use practices that conflict with ecological conservation objectives;
 - v. Existing agricultural, grazing, or low-impact recreational uses may continue if they are conducted in an ecologically compatible manner and are approved by the WECC through a site-specific conservation plan;
 - vi. The WECC shall conduct or oversee annual monitoring and compliance verification, and may suspend or revoke eligibility for incentives if protection standards are not met;
 - vii. The WECC is authorized to promulgate additional implementing guidelines defining habitat benchmarks, allowable transitional uses, and conservation management practices for lands enrolled in the Corridor Network.
 - viii. For eligibility under this Section, the designated protection period must be a minimum of twelve (12) consecutive months, during which the landowner maintains compliance with all applicable conservation standards.
4. Infrastructure Project Requirements

- a. All new public or private infrastructure projects, including roads, pipelines, transmission lines, and developments intersecting a designated wildlife corridor, shall be designed to accommodate safe wildlife movement through use of:
 - i. Wildlife overpasses, underpasses, or other safe-crossing structures;
 - ii. Fencing or guidance systems that minimize wildlife-vehicle collisions;
 - iii. Corridors of undeveloped land maintained alongside infrastructure;
 - iv. Other measures that maintain ecological continuity.
- b. Infrastructure developers may submit an application to the WECC for a waiver from these requirements only if they implement mitigation measures approved by the WECC that fully offset the anticipated ecological impacts to wildlife movement and habitat connectivity.
- c. The WECC shall evaluate waiver requests based on ecological impact studies, feasibility of alternatives, and consistency with the goals of the Wildlife Corridor Network.
- d. The WECC shall coordinate with relevant local, county, and state agencies to avoid regulatory duplication and ensure alignment with existing infrastructure permitting processes.

SECTION 6: KEYSTONE SPECIES PROTECTION

1. The WECC shall identify keystone species in consultation with CPW, Indigenous representatives, and conservation scientists.
2. Any party whose operations may harm a keystone species must submit a mitigation strategy based on peer-reviewed science.
3. Reintroduction programs shall be reviewed and approved directly by the WECC, which shall include conservation biologists, ecologists, environmental policy specialists, and experts in wildlife management to ensure feasibility and ecosystem compatibility, minimizing unnecessary costs and administrative redundancies.

SECTION 7: ENFORCEMENT & PENALTIES

1. Violations and Penalties
 - a. Any person or entity who knowingly and willfully kills, injures, or otherwise causes material harm to a designated endangered or keystone species, outside of an approved wildlife management plan, shall be subject to:
 - i. A civil fine not to exceed five hundred thousand dollars (\$500,000) per offense; and
 - ii. Criminal penalties including imprisonment for up to five (5) years.
 - b. Any person or entity who knowingly or recklessly engages in actions that result in the destruction, obstruction, or degradation of a designated wildlife corridor shall be subject to:

- i. A fine of no less than one thousand dollars (\$1,000) per square foot of corridor habitat destroyed, or the full cost of ecological restoration, whichever is greater.
 - ii. Violations determined to be the result of gross negligence may result in reduced civil penalties and corrective action requirements as determined by WECC enforcement staff.
2. Enforcement Mechanism
 - a. The WECC shall have full authority to conduct investigations, issue subpoenas, and perform site inspections.
 - b. Violations shall be referred to the Colorado Attorney General's Office, which shall have prosecutorial jurisdiction.
3. Whistleblower Protections
 - a. Individuals who report violations resulting in enforcement action shall be entitled to a monetary reward equal to five percent (5%) of any fines or penalties collected as a result of the reported violation, not to exceed two thousand dollars (\$2,000).
4. Corporate Accountability
 - a. Entities found to have knowingly caused ecological destruction shall be liable for treble damages and may be permanently barred from operating in protected zones.

SECTION 8: FUNDING & REVENUE SOURCES

All monetary penalties, fines, and impact fees collected under the authority of this Act shall be allocated as follows:

1. Self-Sustaining Funding Model
 - a. All funds shall be deposited in a dedicated Conservation and Biodiversity Protection Fund, administered by WECC with annual audit and legislative reporting requirements. Fines collected under this Act shall be allocated as follows:
 - i. Twenty percent 20% of all collected fines will fund WECC operations.
 - ii. Thirty percent 30% of fines will fund wildlife corridor land acquisitions.
 - iii. Thirty percent 30% will go to habitat restoration & rewilding efforts.
 - iv. Twenty percent 20% to public outreach & education on conservation.
2. Impact Fees on Projects Affecting Wildlife Corridors
 - a. All land use, infrastructure, energy, or development projects that either of the following criteria shall be subject to an environmental impact fee:
 - i. Exceed fifty (50) acres in total area, or
 - ii. Are determined by WECC to materially impact any designated wildlife corridor or keystone habitat

- b. The minimum impact fee shall be set at 0.5% of total project cost, as certified through permit filings or construction disclosures.
- c. The WECC shall be authorized to increase this fee by regulation, based on:
 - i. Ecological severity of impact;
 - ii. Costs of equivalent mitigation or habitat restoration;
 - iii. Industry-specific impact benchmarks;
 - iv. Economic feasibility.
- d. The WECC shall adopt implementing guidelines to define:
 - i. Covered project categories,
 - ii. Impact thresholds and exemptions,
 - iii. Ecological mitigation equivalency models,
 - iv. Fee adjustment formulas.

All impact fees shall be collected prior to project commencement and deposited into the Conservation and Biodiversity Protection Fund.

3. Carbon Credit Revenue for Corridor Conservation.

- a. A minimum of five percent (5%) of annual state revenues derived from carbon credit trading programs, reforestation offset sales, or verified emissions reduction schemes shall be allocated to WECC to fund corridor-specific conservation projects.
- b. Such projects may include reforestation, wetland restoration, grassland rehabilitation, and land conservation efforts within or adjacent to designated wildlife corridors.
- c. This allocation shall be subject to General Assembly appropriation or voter approval in compliance with Article X, Section 20 of the Colorado Constitution (TABOR).
- d. The WECC shall report annually on the use and outcomes of carbon credit-related funds.

4. External Conservation Grants

- a. The WECC shall be authorized to apply for, receive, and expend funds from any federal, nonprofit, or private grant-making entity, including but not limited to:
 - i. The Land and Water Conservation Fund (LWCF);
 - ii. U.S. Fish & Wildlife Service grant programs;
 - iii. National and regional conservation trusts;
 - Public-private partnership initiatives related to land conservation, rewilding, or climate adaptation.
- b. Where necessary to meet grant eligibility requirements, the WECC may collaborate with fiscal agents, academic institutions, or conservation partners, provided that:
 - i. All grant funds are used exclusively for purposes consistent with this Act;

- ii. WECC retains programmatic oversight and reporting authority.
- 5. TABOR Compliance and Initial Appropriation
 - a. The WECC shall receive a one-time, voter-approved allocation of two million five hundred thousand dollars (\$2,500,000) from the General Fund to ensure operational establishment and transitional stability.
 - b. No new taxes or revenue increases shall be imposed by this Act without voter approval, in full compliance with the Taxpayer's Bill of Rights (TABOR).
 - c. All ongoing funding mechanisms established under this section are designed to be fee-based, grant-based, or voluntary, and shall not require additional general fund appropriations absent a future vote.
- 6. Revenue Shortfall Contingency
 - a. If total revenue from impact fees, fines, carbon credits, and grants falls below seventy-five percent (75%) of WECC's operational budget for two consecutive fiscal years, the Commission may submit a request for a one-time supplemental appropriation to the Colorado General Assembly, subject to voter approval.
 - b. Any such request must be accompanied by:
 - i. A public financial gap analysis;
 - ii. A proposed fiscal remedy plan;
 - iii. Documentation of all attempted external funding efforts.
 - c. Nothing in this section shall be construed to create an ongoing entitlement or continuing obligation of the State of Colorado to fund WECC beyond voter-authorized appropriations.

SECTION 9: TRANSPARENCY & PUBLIC OVERSIGHT

- 1. The WECC shall publish an annual public report detailing:
 - a. Species status updates;
 - b. Corridor activity and land designations;
 - c. Total fines and penalties assessed and collected;
 - d. Expenditures and revenue sources.
- 2. Public comment sessions shall be held twice annually.

SECTION 10: INTERPRETATION AND CONFLICT AVOIDANCE

This Act shall be interpreted to supplement, not conflict with, any existing state or federal wildlife protection laws. In the event of conflict, this Act shall be construed to the maximum extent permissible under the Colorado and United States Constitutions.

SECTION 11: SEVERABILITY CLAUSE

If any provision of this Act is found unconstitutional or invalid, the remaining provisions shall remain in full effect.

SECTION 12: EFFECTIVE DATE

This Act shall take effect immediately upon passage by the voters of Colorado.