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# Colorado's Big Game Damage Program: 1979 to Present<sup>1</sup>

Andre C. Duvall<sup>2</sup>

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Abstract.—Colorado's big game damage program, enacted in 1979, provides monetary claims for big game damage, prevention materials, and technical advice. Fences, crops, harvested crops, pasture, livestock, and personal property are protected. The average yearly cost for the program has been approximately one million dollars.

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## HISTORICAL OVERVIEW

The Colorado Division of Wildlife has always paid game damage of some sort. Prior to 1978-79, the Division was liable for damage to hay by deer and elk, and for bear and lion damage to livestock and personal property. Game damage payments totalled \$300,000 prior to 1978.

With the extremely severe winter of 1978-79, the deer and elk herds were in serious trouble due to lack of natural forage. Despite a winter-feeding effort, many animals starved and were lost in the heavy snows. That winter the deer and elk caused excessively heavy damage to orchards and stacked hay. The Colorado Cattleman's Association had game damage legislation introduced into the Colorado House of Representatives to alleviate further game damage problems.

## LEGISLATION

Colorado House Bill #1235 became law in March 1979 and outlined the legal responsibilities of the Colorado Division of Wildlife for big game damage. These responsibilities included: damage caused by deer, elk, antelope, moose, bear and mountain lion, bighorn sheep, and mountain goat.

Types of damages covered are: fences, crops, harvested crops, pasture and forage, orchards, and real or personal property. In 1981 additional legislation was passed in House Bill #1398. This made the Division also responsible for damage to nurseries. All these statutes were collected into Statute 33, Article 3: Damage by Wildlife (Colorado 1977).

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## PURPOSE STATEMENT

The Wildlife Commission created regulations to implement the new big game damage law. The Division defined the purpose of its game damage program as follows: "These regulations provide for the handling of big game damage claims, and are intended to provide the basis for compensation to claimants for losses suffered through the movements and feeding habits of big game" (Grieb 1979).

## RESPONSIBILITY

The Division is responsible for deer, elk, antelope, moose, bighorn sheep, and mountain goat damage to the following: significant damage to fences on private property in amounts of \$100 or more per incident; significant damage to livestock forage which exceeds 10% of the grazing capacity, seasonally deferred grazing land, crops under cultivation, harvested crops, hay meadows, artificially seeded rangelands, pasture meadows, orchards, and nurseries. Damage to ornamentals and home shrubbery is not covered by this law.

Damage to real or personal property by black bear and mountain lion is also the Division's responsibility. Real or personal property is usually taken to mean: livestock, poultry, bee hives, rabbits, buildings, fences, etc. It does not cover campers, automobiles, or camping gear and equipment (Colorado Division of Wildlife 1979).

## CLAIM PROCEDURE AND LEGAL RESPONSIBILITY

In order for a claim for big game damage to be approved by the Wildlife Commission, the following procedure must be adhered to:

1. A 10-day notification must be sent to the Division that specifies: dates; numbers and species of big game; type of damage; estimate of damage extent; and location. If damage is recurring, a notification must be sent every 10 days. The Division must investigate the alleged damage within 10 days of the receipt of

notification and provide claim papers if requested by the landowner.

2. An investigative report must be filled out and filed as part of the claim by the investigating officer of the Division at the time of initial notification of the damage.
3. Proof of Loss forms must be returned to the Division by the landowner within 90 days of ending notification of damage. Proof of Loss forms also include forms specific to the damage claimed so it can be correctly documented.
4. Upon receiving the claim, Division of Wildlife representatives must meet with the landowner-claimant within 30 days to try to reach a mutual agreement for the settlement.
5. Claim papers in their entirety must be sent to the appropriate Regional Manager and then to Denver headquarters for payment.
6. Any approved claim for less than \$2,500 is paid out of the game damage funds appropriated for that purpose.
7. Any claim over \$2,500 must be approved by the Wildlife Commission.
8. If any claim is denied, it must be reviewed by the Wildlife Commission. The claimant has the right of appeal within 30 days to the Wildlife Commission on denials.
9. If the claim is still denied by the Wildlife Commission, the claimant may enter the case before the local district court. The time allowed for this action is within 60 days of official receipt of claim denial (Colorado Division of Wildlife 1980).
10. If claimant cashes the damage payment check, he can no longer appeal the case to the courts.

#### BIG GAME DAMAGE OPERATIONS AND POLICIES

Predators.--When bear or mountain lion damage complaints are received, the damage is investigated as quickly as possible so the evidence does not deteriorate to the point where the cause of death is difficult or impossible to ascertain.

Payment on all predator-damaged livestock, other than sheep, is made on the current market value of the animals. Sheep are compensated for on a sliding scale of value due to the unpredictability of the market. The Division has the right to receive the opinion of a licensed

veterinarian to determine the cause of death in predator damage cases and often does so, particularly if the value exceeds \$1,000.

Bear and mountain lion, killed during the commission of game damage, become the property of the state and must be turned over to the Division of Wildlife within 5 days. When the need arises, the Division has an established list of lion and/or bear hunters who are qualified to hunt the offending animals.

Ungulates.--There are three areas where damage done by ungulates has the severest impact in Colorado: hay stacks; crops under cultivation (usually alfalfa); and orchards.

With hay damage, the payment and investigation center on amounts such as bales, tons, or pounds of hay damaged. Payment is based on replacement value of the hay at the time of damage.

Claims for damage to crops under cultivation are among the most difficult to substantiate. Generally to prove a claim on growing crops, a count of the damage causing animals must be made every 5 days for as long as the damage is continuing. This count is substantiated by Division of Wildlife personnel and is the basis for the average number of big game animals on the claim. One method of evaluating such losses is to compare damaged to undamaged portions of the crop. Another is to clip, air dry, and weigh sample vegetation. A final method is to assign a forage basis, by poundage, to a particular species. This figure is then multiplied by the average number of big game present and the amount of time, in days, they foraged on the crop. The total is then the amount attributed to the game damage claim.

Orchard damage is computed on a percentage basis for each tree unless totally destroyed. Trees are listed by age, species, and production records to determine value.

In areas of severe game damage by ungulates, a damage hunt may be selected as a control measure. An established list of eligible hunters is maintained and may be called at any time of the year for a supervised, controlled damage hunt. A specific number of animals are taken and all are utilized by the hunters or donated to charitable organizations by the Division of Wildlife.

#### CLAIM DENIALS

There are conditions where game damage claims are denied. If the claim is false and is discovered to be so, claim payments are not made. If the claimant restricts access to private land or denies access to public land under his or her control, for the hunting of the species causing damage, the claim can be denied. Lastly, if the claimant charges over \$25 per hunter per season, the claim may be denied under the game damage statute.

## BIG GAME HISTORICAL LEVELS

The Division of Wildlife is obligated to determine historical levels of big game ungulates for use in the settlement of game damage claims. These levels are based on the 20-year population averages starting January 1, 1953 and ending January 1, 1973.

## FINANCIAL CONSIDERATIONS

The costs of Colorado's big game damage program are paid entirely by big game hunting license revenue (game cash).

In fiscal year 1979-80, one and one-half million dollars were appropriated from game cash monies for the damage program. Approximately \$300,000 was paid in claims, \$350,000 for man-power and labor, and \$850,000 was used to purchase damage prevention materials.

In the intervening decade from 1979 to 1989, the damage program has cost in range of \$600,000 to \$1,000,000 per year. Claims have averaged approximately \$200,000 yearly, with the rest spent for prevention materials, supplemental feed, and labor costs.

## DISCUSSION

Colorado's big game damage program has had some interesting consequences.

The Division has spent approximately \$10,000,000 over the last decade, which could have been used in other wildlife related endeavors.

Hunting seasons have been influenced and herd objectives (actual numbers of big game animals) have been changed. In some cases, big game herds

have been decreased due to damage situations and landowner insistence.

The concept of "wildlife ranching" has in part developed out of the big game damage program and associated concerns.

Large landholdings that previously allowed no access, are now open to reasonable numbers of hunters and recreationalists. This is due to damage claim payment approval being tied to reasonable access to attain harvest.

In some areas of severe damage, the Division has been able to lease or purchase real estate for the state's sportsmen.

Overall, relations have been improved with many ranchers, farmers, and other large landowners. Many now work more closely with the Division on wildlife management activities due to claim payments, damage control efforts, hunting and regulation strategies, and getting to know Division of Wildlife concerns and personnel.

## LITERATURE CITED

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