ISSUES SUBMITTAL FORM

Date: 03/30/15

**ISSUE:** Should the Ranching for Wildlife (RFW) bighorn sheep provisions be repealed and replaced with provisions that establish a program to provide public hunting access to Rocky Mountain bighorn sheep on private land?

**DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):**

The bighorn sheep component of the RFW program has not been particularly effective at incentivizing access to private land bighorn sheep herds. Yet in the Culebra Range and lower Purgatory River area there are abundant Rocky Mtn bighorn sheep herds that remain inaccessible to public hunting. In addition, the Trinchera Ranch bighorn sheep contract (a non-RFW contract) will expire 12/31/2015. Like several other landowners in the Culebra Range, Trinchera has indicated that they are not interested in participating in the RFW bighorn sheep program with its current provisions.

This proposed access program would replace the RFW bighorn sheep habitat and management partnership program. The proposed is a bighorn sheep access program that is consistent, simple, and unifies the currently disparate approaches. This is not a management partnership program, thus it contains no requirements for participating landowners to conduct habitat management actions. It is strictly a program to obtain public access for bighorn sheep hunting on private land through license incentives. Regulatory elements necessary to implement this program must initiate at the May 2015 Commission meeting and conclude by the September meeting to allow sufficient time for contract negotiation and season establishment so the program could potentially be implemented with the 2016 sheep seasons.

Two ranches currently participate in the bighorn sheep part of RFW; Kiowa Creek Ranch near Castle Rock and the Purgatoire Wildlife Ranching Partnership near Kim. The existing RFW contracts and obligations to provide public access for bighorn sheep hunting will be fulfilled by both parties prior to these ranches participating in a new program.

The proposed program may serve to replace the expiring Trinchera Ranch sheep contract. In doing so, the public will retain access to sheep hunting on the Trinchera.

It may provide new opportunity for public access to about 150,000 acres in the Culebra Mountains and at least 50,000 acres on the lower Purgatory River in SE Colorado.

There may be other places where public hunting access to abundant, predictably present bighorn sheep on private lands fits within the herd management plan objectives. However, in the interest of commencing this program gradually, several enrollment constraints are proposed: 1) land involved must be not less than 5,000 contiguous, privately deeded acres; 2) contracts will only be done with legal owners, not lessees; 3) there must be a sustainable population of Rocky Mountain bighorn sheep that are predictably present on the private lands and at times for which public hunting seasons may be set that offer the public excellent harvest opportunity. 4) greater than 60% of the sheep in the GMU must be located on private land or State Trust Land that does not or would not have public hunting access. The foregoing stipulations would not be regulatory but would be included in Operating Guidelines and/or contracts as most appropriate.

Regional CPW personnel would be responsible for negotiating short duration contracts (typically 3-4 years) with participant landowners. The contract length will largely depend on which license distribution alternative is selected, because the contract length should not typically extend beyond the amount of time required to fulfill 100% distribution of ram licenses between public and private shares. However, all contracts should have an option to renew prior to the end of the contract as the parties may agree. Contracts would be negotiated and signed by both parties prior to the beginning of annual regulatory cycles for bighorn sheep (no later than about October 15). Contracts must be approved and signed by the Director. These contracts would contain the specific performance requirements of both parties as well as contract extension and contract termination clauses.
Proposed Regulatory Elements:

License Distribution Options

- **100% of ewe licenses are public licenses.**
- **33% free public ram licenses: 67% private ram licenses (2:1 split).** Minimal private services provided, public gets free access but are entirely on their own for finding sheep. Private landowner must provide CPW with a good map of access roads/trails – CPW will convert that map to a standardized map to provide the hunter – displaying approximate boundaries, access points, and camp areas for self-contained units (Campers-Trailers). Remote (spike camp) areas will be determined by the hunter depending on how the hunt goes.
- **25% free public ram licenses: 75% private ram licenses (3:1 split).** Competent, skilled guide service for the public ram hunter will be provided by private landowner. If the public ram hunter chooses to use the guide, one will be provided for free for the duration of the hunt. The guide must be competent and knowledgeable of the property and of bighorn sheep behavior and use patterns on the property. Contract provisions will establish that except in extraordinary circumstances as may be agreed to in writing prior to hunting seasons, the guide(s) provided by the ranch will be the same persons as those provided for private hunters.

Licenses

- Public ram licenses and seasons shall be utilized and conducted prior to private licenses and all ewe licenses are public licenses. CPW shall determine if ewe hunting is a needed or a desired part of sheep management. Ewe seasons timing and length must provide excellent harvest opportunity as determined by CPW.
- Public and private ram licenses are hunter’s choice for method of take.
- Public ewe hunt method of take will be determined by contract negotiation.
- All public licenses are available by draw – landowner must provide hunters with an information packet that provides access information, legible maps, directions, and ranch contact information.
- All private licenses will be allocated as a transferable voucher to the ranch under contract.
- Only Colorado residents will be eligible for public licenses. All licenses allocated under this program (both private and public) will be exempt from the 90/10 required regulatory split, similar to how RFW licenses are currently exempt.
- Any public hunter who harvests a ram will forfeit all accrued bighorn sheep preference points, shall not be eligible to apply for, or participate in a drawing for a Rocky Mountain bighorn sheep ram license for five years following the year in which the harvest occurred, and includes prohibiting applying for preference points during the 5-year hiatus.
- Licenses are valid only on the private land under contract. General unit licenses will not be valid on the ranch lands under contract.

Seasons

- Ewe seasons cannot be earlier than September 1 and not later than January 15th.
  - Not less than 10 days in length and not more than 5 days of ewe seasons may overlap public ram seasons.
- Ram seasons will not be earlier than August 1 and not later than December 31
- Public ram seasons shall be equal to or greater in length than the private seasons and not less than 30 days nor greater than 60 days. If multiple seasons are necessary to spread out hunting pressure, then season length may be shortened to not less than 20 days per season. Historic information shows that RFW bighorn sheep hunters have not hunted for more than 9 days and so there has not been a demonstrable need for very long seasons.
Public ram seasons shall always precede private seasons. It is expected that typical license allocations will be low enough to allow public and private seasons to occur in separate years. But, if private and public seasons are conducted in the same year, public seasons will occur prior to private seasons. CPW shall negotiate public seasons that optimize hunter opportunity to harvest with access conditions and animal breeding status.

- Private ram seasons: shall be not less than 20 days and not greater than 60 days.
- Pre-season or pre-draw application scouting access to the private lands will not be a contract requirement.

Proposed Contractual Elements:

- Length: typically 3-4 years, unless longer periods are necessary to complete a full distribution cycle of ram licenses.
- Contracts are only with landowners, not lessees.
- Sheep must be part of one Bighorn Sheep Management Herd (DAU). Land under contract will not cross sheep herd boundaries.
- A contract template will be developed and important contract provisions will include the following:
  - Ranch contact information will be contained in the contract.
  - Private landowner must allow the public hunter vehicle access to hunting areas and trailheads equal to that allowed for private hunters, including access points, mode of transportation, and time of access.
  - Private landowner must allow public hunter to pack in and establish remote camps as may be required to conduct the hunt, if the same is allowed for private hunters.
  - Public hunter information to be developed by the ranch, including information on access routes, maps, camp areas, and contact information should all be developed shortly after the contract is approved.
  - The licensed hunter would be allowed to bring up to 2 other people with them during their hunt. One person may be a friend, relative, or a licensed guide, but in addition to a friend or relative the hunter may bring a licensed guide to assist in the hunt. If a public hunter elects to bring their own licensed guide, then the full cost of this guide will be borne by the hunter, not the ranch.
  - Guide(s) provided by the ranch to public hunters shall be the same as the guide(s) provided to private hunters, except as may be agreed to in writing by CPW prior to the season.
  - Seasons and license allocations for every year of the contract will be defined within the contract.
  - Public ram hunters will be surveyed for satisfaction at the time of the mandatory check or after completion of hunt if unsuccessful (Very basic satisfaction question: 1. Were you satisfied with your bighorn sheep hunt on x ranch? Yes/No.) If the public hunter indicates that they were not satisfied with their hunt and CPW determines that the cause of dissatisfaction was within the control of the ranch, then the contract will be terminated and no further private licenses will be allocated.

A contract template will be developed and must be followed to make sure program elements for license amounts and distribution, season length and timing, access provisions, and service provisions are followed.

Contracts must be completed and approved by the Director no later than October 15, annually, in order to make sure that season dates, hunt codes, and license numbers are properly entered into CPW license databases and are established pursuant to the Parks and Wildlife Commission regulation processes.

WHO ARE THE INTERNAL/EXTERNAL PUBLICS IN THIS ISSUE? WHAT INPUT PROCESS HAS OCCURRED?
### Internal
- CPW staff involved with RFW and Culebra Range management responsibilities.

### External
- Rocky Mountain Bighorn Sheep Society
- Trinchera Ranch, Hill Ranch, Bar NI Ranch
- Kiowa Creek RFW and Purgatoire RFW Association

### Alternatives: (Possible Outcomes or Possible Regulations):

1. **Preferred Alternative**: Set sunset date on RFW regulations related to bighorn sheep at the conclusion of existing RFW agreements. Approve the regulatory elements of a new private land Rocky Mountain bighorn sheep hunting access program. Authorize the Director to develop implementation guidelines and approve contracts related to the new program. Regions implement new program and determine contract evaluations.

2. Modify existing RFW regulations to accomplish new program elements after existing contracts have been completed. Terrestrial implements the new program and determines contract evaluations.

3. No Change. Trinchera Ranch contract expires and is not replaced. In addition, Hill Ranch and Bar NI remain inaccessible.

### Issue Raised by:
- Jerry Apker, RFW Program Coordinator
- Dan Prenzlow, SE Region Manager
- Patt Dorsey, SW Region Manager

### Author of the Issue Paper (If different than person raising the issue):
- Jerry Apker

### CC:
- CRAIG MCCLAUGHLIN, DAN PRENZLOW, PATT DORSEY

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