

FY 10-11 GAME DAMAGE PROGRAM REPORT

Overview

Game Damage Program: Claims, Prevention & Operating \$1,282,000 in FY 10-11 TOTAL

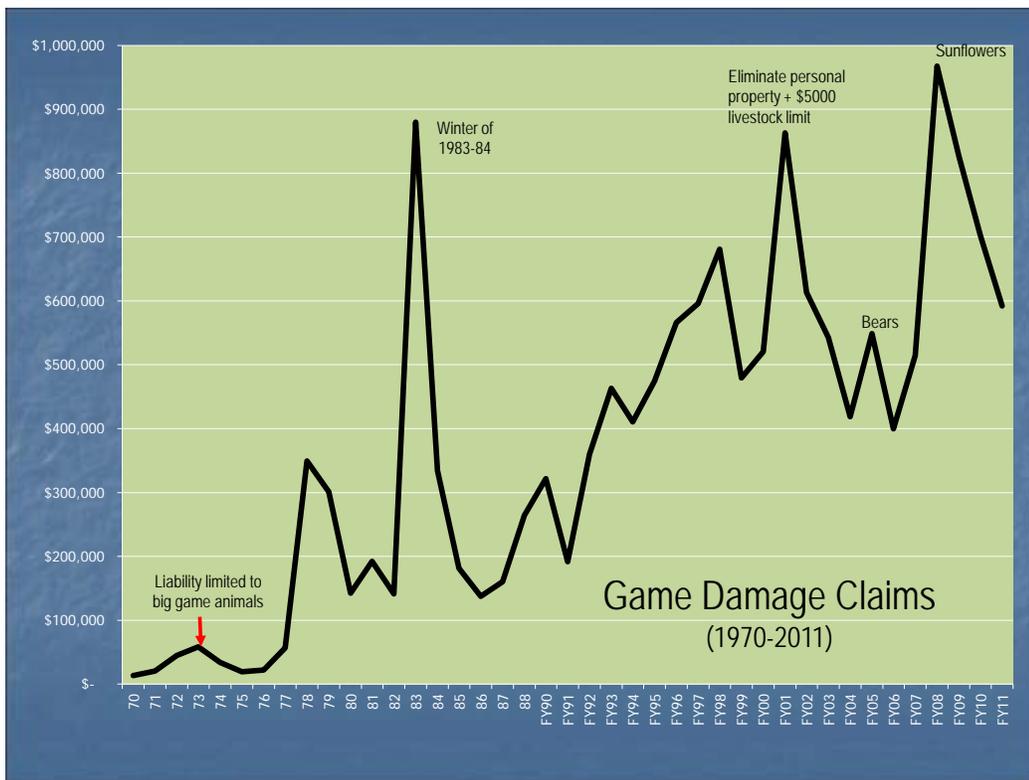
Big game wildlife and big game hunting are integral to Colorado's economy. The State of Colorado compensates ranchers, farmers and landowners for damage by big game animals. The Game Damage Program is funded by the appropriation of sportsmen's dollars from the Game Cash Fund. Of the 10 states that address this issue, Colorado has the most liberal game damage laws in the nation. Most states have no legal responsibility to compensate for damage by wildlife. The \$1,282,000 is a single line item appropriation and is divided solely for Game Damage accounting convenience. Money can shift to either claim payments or preventive material purchases.

Since the inception of the Game Damage Program in 1931, the original broad legal language has evolved to specify what is covered by game damage laws. Twenty years ago the Program expanded to include damage prevention. The Game Damage Prevention Program has significantly lessened the amount of damage and the amount paid out in game damage claims.

Game Damage Claims

\$592,088 in FY10-11

Qualified ranchers, farmers and landowners may file a claim for compensation for their losses from big game animals. The claimants must meet certain legal qualifications. For example: a claimant cannot unreasonably restrict hunting, cannot charge more than \$500/person in access fees, and the claimant has a duty to mitigate damage. The regulations describe the legal conditions in detail, and are available from Colorado Parks & Wildlife (CPW) offices. Averaged over the past 4 years, CPW has paid out \$770,500 on 320 claims yearly.



The State is not liable for damage from non-big game wildlife species, such as geese, coyotes, bobcats. The State does reimburse for damages caused by elk, deer, bear, mountain lion, pronghorn, moose, and bighorn sheep. Generally, damages to livestock, commercial orchards, nurseries, growing and harvested crops, forage, fences and apiaries are covered. Livestock losses are capped at \$5000/animal. The state is liable for claims to personal property that is used in the

production of raw agricultural products which includes apiaries. As of 2003, the State is no longer liable for hot tubs, tents, coolers or personal property not used in the production of raw agricultural products.

Filing a claim entails a series of steps and required paperwork and deadlines. It is imperative that the claimant contact the local CPW office immediately upon discovery of damage. Throughout the process, the claimant is responsible for timely notifications, completion of forms, efforts to mitigate the damage and assisting CPW personnel in investigating the claim. The claimant must be able to prove that the damage was caused by big game. Some claims will not meet the necessary criteria.

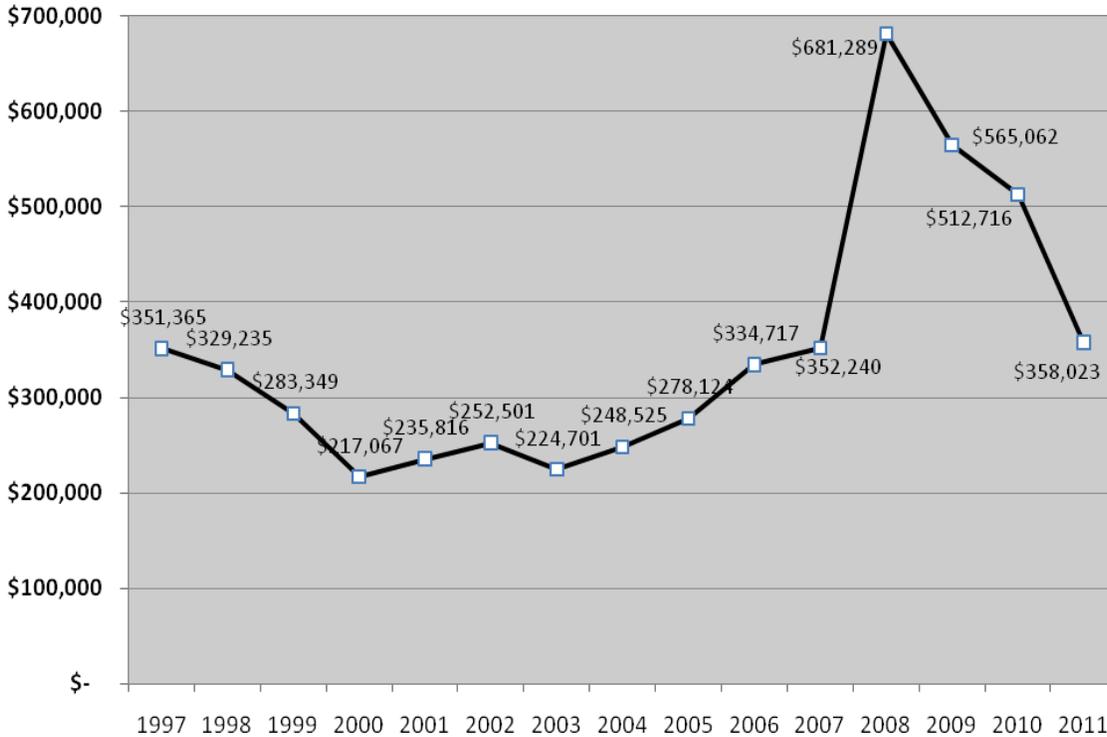
Typically, <3% of claims are denied and most of these were because the claimant could not prove that big game caused the damage. Claims over \$20,000 and all denied claims are reviewed by the CPW Commission. This provides an opportunity for the claimant to offer additional support for the claim.

Game Damage Prevention Materials

\$358,023 in FY10-11

This aspect of the program receives an annual appropriation, approved by the Joint Budget Committee from the Game Cash Fund. The annual appropriation is used to purchase bulk fencing materials and pyrotechnics through competitive bidding. The Game Damage Program anticipates the fencing needs and warehouses fencing materials centrally in Delta CO. CPW distributes materials to qualified landowners for the protection of their crops and livestock. In FY 10-11, CPW traveled ~30,000 miles throughout Colorado to deliver materials. Extensive fencing of commercial orchards, nurseries and stackyards throughout Colorado has significantly reduced the number of claims filed and hence, the amount of money paid out in game damage claims.

MultiYear Overview - Game Damage Preventive Materials Deliveries



Game Damage Program Operating/Administrative Costs

\$605,432 in FY10-11

Each area office has associated costs with game damage, usually involved with claim investigations. This is reflected in the proportional amount of time spent in each area for investigations and landowner contacts under Salaries/Benefits. The "Purchased Services" is the Wildlife Services contact for predator removal. "Personal Services" represents claim adjustor and livestock investigator fees. See Appendix-pg.14 for breakdown of data.

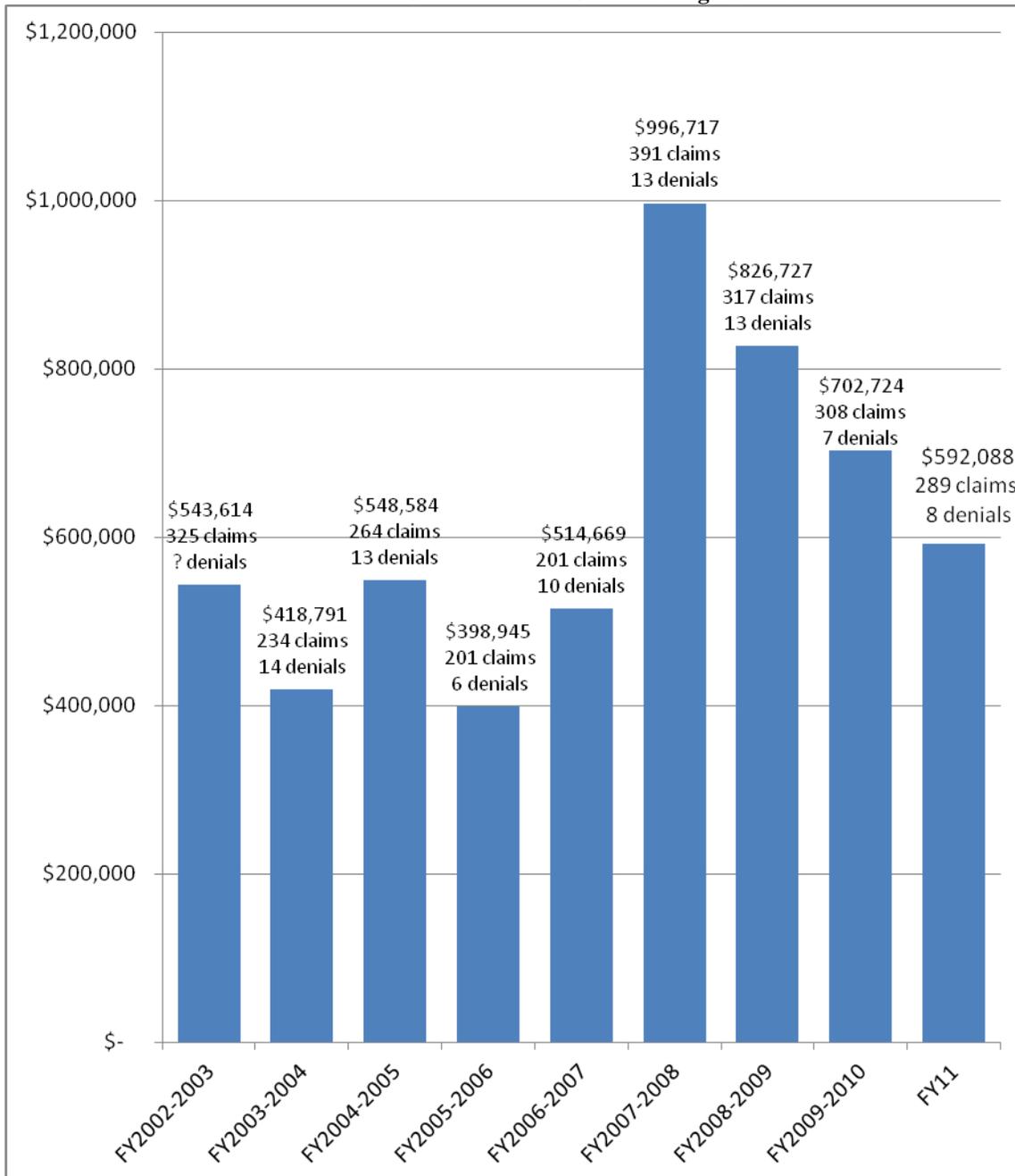
The Game Damage Unit is administered out of the Southwest Regional Office.

Refer to map on page 15.

FY 10-11 Game Damage Claims REPORT

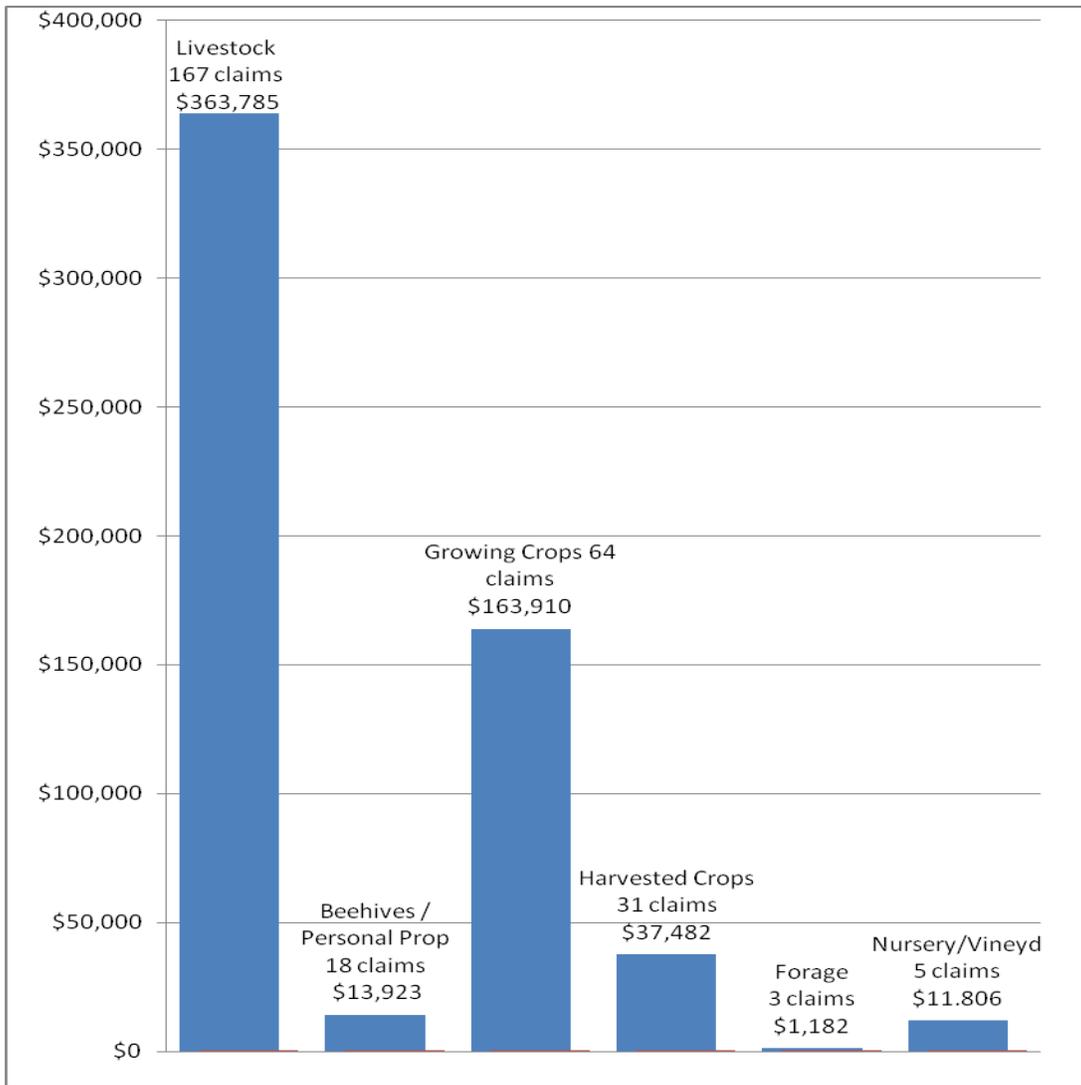
In FY10-11, CPW paid-out \$592,088 to settle 289 claims. 7 claims were denied; 2 claim was partially denied (total dollar value of approx. \$17,000).

OVERVIEW of Game Damage Claims



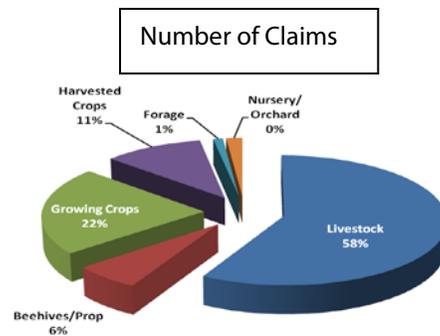
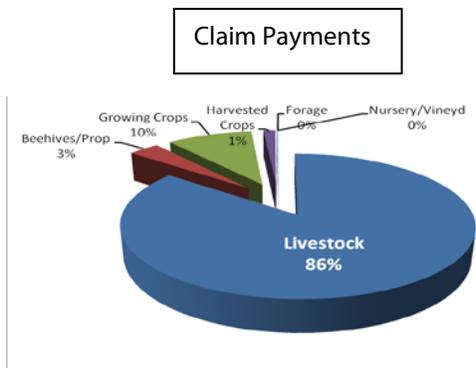
Dollar amounts do not include operating/administrative costs

FY 10-11 Game Damage Claims - Summary by Damage Target

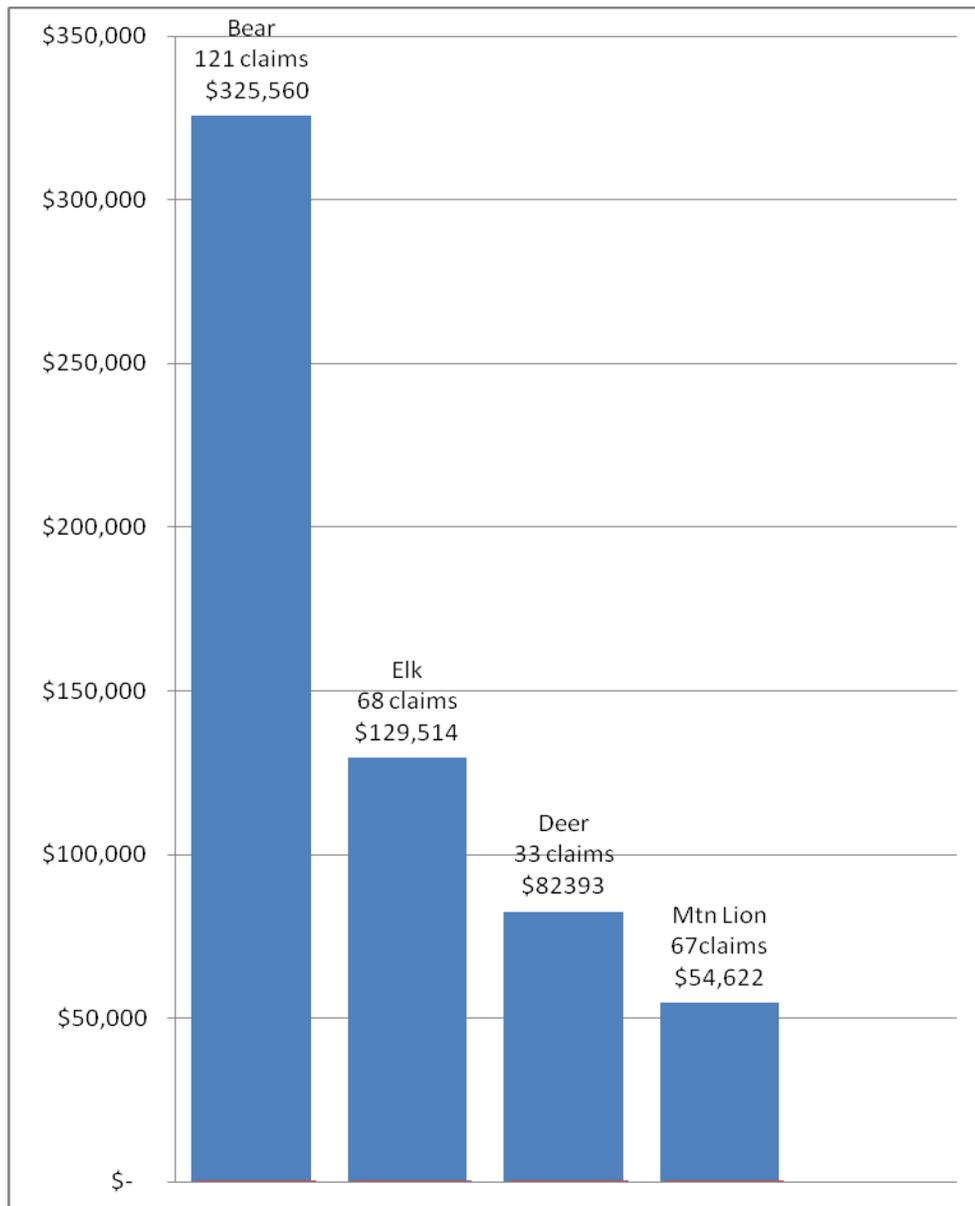


Dollar amounts do not include operating/administrative costs

Same data in pie chart views:

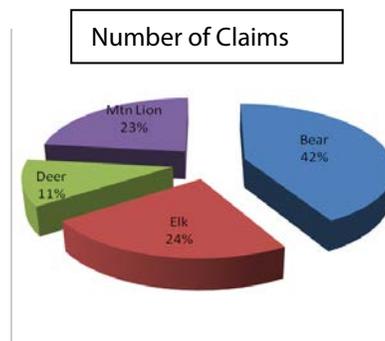
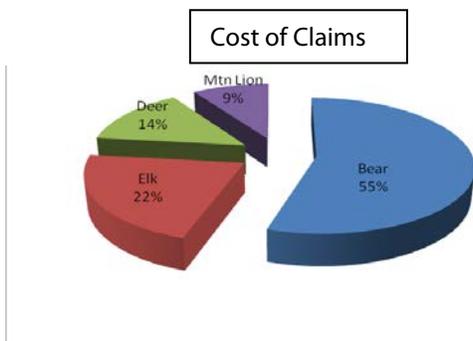


FY10-11 Game Damage Claims - Summary by Species



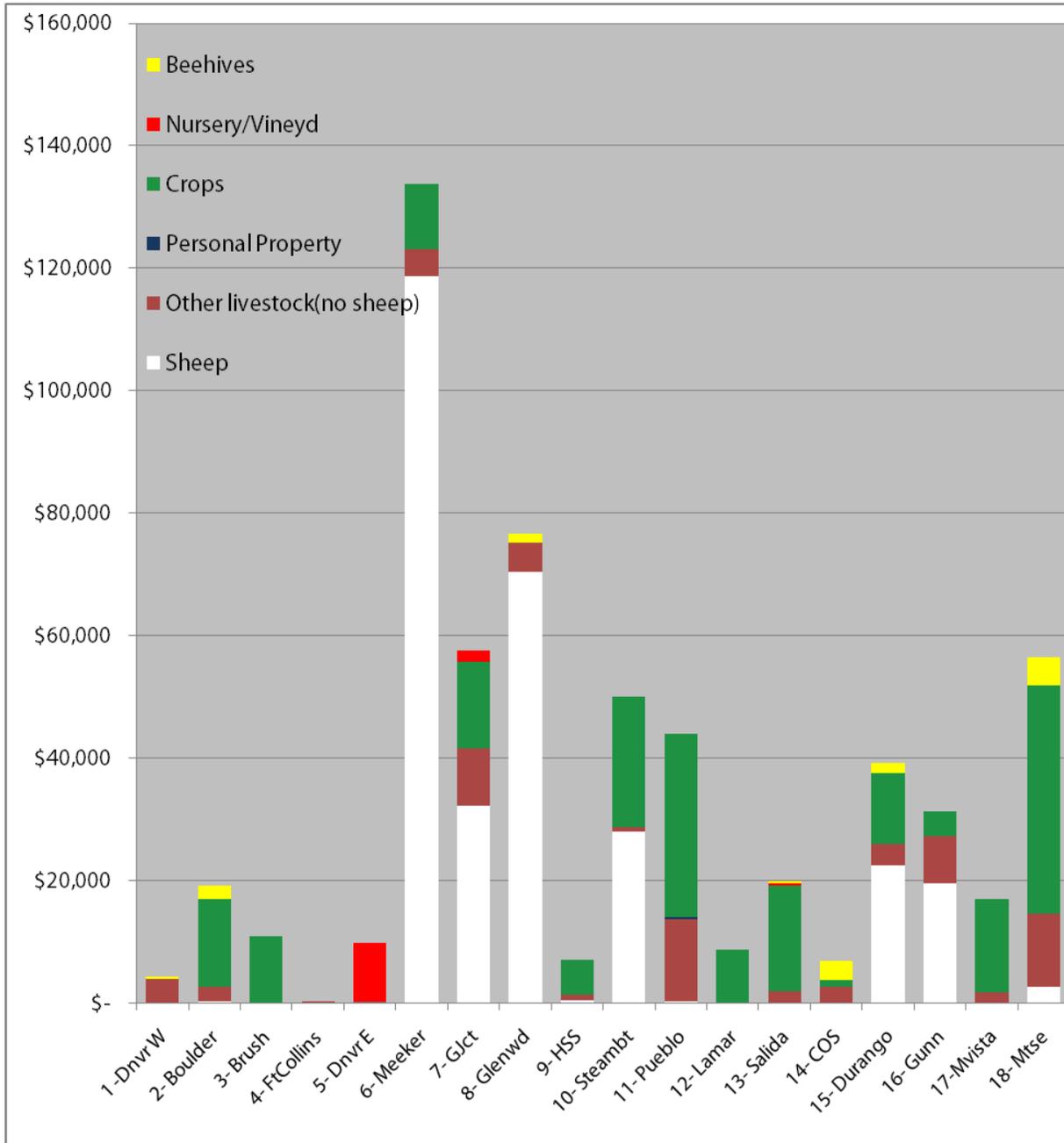
Dollar amounts do not include operating/administrative costs

Same data in pie chart views:



FY11 Game Damage Claims - Summary by Area Office

Each Area Office is further analyzed under 'Payments by Area' section



FY11 Game Damage Claims – Payments by Area

Area Office	Damage Target	# of Claims Processed	Amount Paid	TOTAL
1	growing crops	1	\$ 159.22	\$ 4,190.33
	livestock/beehives/personal property	10	\$ 4,031.11	
2	growing crops	3	\$ 14,370.58	\$ 19,079.09
	livestock/beehives/personal property	8	\$ 4,708.51	
3	growing crops	2	\$ 10,812.04	\$ 10,812.04
4	livestock/beehives/personal property	1	\$ 214.52	\$ 214.52
5	nursery	2	\$ 9,578.00	\$ 9,738.00
	livestock/beehives/personal property	1	\$ 160.00	
6	growing crops	2	\$ 1,540.20	\$ 133,750.22
	harvested crops	7	\$ 9,151.67	
	livestock/beehives/personal property	25	\$ 123,058.35	
7	growing crops	4	\$ 11,534.88	\$ 57,534.46
	harvested crops	3	\$ 2,613.80	
	livestock/beehives/personal property	16	\$ 41,513.78	
	vineyard	1	\$ 1,872.00	
8	livestock/beehives/personal property	11	\$ 76,636.34	\$ 76,636.34
9	growing crops	1	\$ 2,500.00	\$ 7,082.63
	harvested crops	1	\$ 3,200.00	
	livestock/beehives/personal property	2	\$ 1,382.63	
10	growing crops	4	\$ 8,538.81	\$ 50,024.03
	harvested crops	16	\$ 12,741.20	
	livestock/beehives/personal property	14	\$ 28,744.02	
11	growing crops	11	\$ 29,062.58	\$ 43,999.67
	harvested crops	1	\$ 1,000.00	
	livestock/beehives/personal property	14	\$ 13,937.09	

12	growing crops	3	\$ 8,575.00	\$ 8,575.00
13	growing crops/forage	13	\$ 17,293.80	\$ 19,946.60
	livestock/beehives/personal property	9	\$ 2,296.35	
	nursery/garden	2	\$ 356.45	
14	harvested crops	1	\$ 1,236.20	\$ 6,870.43
	livestock/beehives/personal property	7	\$ 5,634.23	
15	growing crops	2	\$ 7,024.18	\$ 39,087.48
	harvested crops	1	\$ 4,664.40	
	livestock/beehives/personal property	34	\$ 27,398.90	
16	growing crops	1	\$ 1,211.87	\$ 31,316.76
	harvested crops	1	\$ 2,875.00	
	livestock/beehives/personal property	14	\$ 27,229.89	
17	growing crops/forage	6	\$ 15,195.64	\$ 16,897.64
	livestock/beehives/personal property	4	\$ 1,702.00	
18	growing crops	13	\$ 37,273.06	\$ 56,332.98
	livestock/beehives/personal property	16	\$ 19,059.92	

TOTAL PAID IN CLAIMS

289

\$ 592,088.22

FY 11 Game Damage Claims – Denied Claims

Area	Damage Type		Species	BASIS FOR DENIAL	Denied Amount
1		Golf course	Elk	Golf courses are not an agricultural product. As such, the state is not liable for damage nor the reimbursement of expenses for fencing, labor, materials.	\$1,110.50
1	Growing Crops	Hay	Elk / Mule Deer	<p>Claimant submitted a late (in excess of the 10-day requirement) Discovery of Damage form and multiple 10-day forms to Former DOW Director Remington instead of area personnel. He has been advised repeatedly by CPW field staff he is required to consult with local DWM/AWM. He has been advised if he fails to follow this requirement, his claims will be denied. Additionally, it is unclear if Claimant is eligible to file a claim: Claimant has personally “never charged a nickle” for hunters and is unsure of the amount of any monies accepted by his mother who managed hunters.</p> <p>He has a history of submitting incomplete/ outdated forms. He has been told repeatedly if he does not use the appropriate forms, his claim will be denied</p> <p>Claimant never provided 24 hrs notice to CPW prior to conducting counts of elk/deer allegedly using his hay fields. DWM repeatedly told claimant he wished to be present for all head counts and that failure to notify CPW would lead to his claim being denied. Claimant knowingly failed to follow the required head count protocol and his reported counts of elk/deer can not be considered for any calculation of damage.</p> <p>By Claimant’s own admission, he does not actively manage that field in any way (no replanting, no fertilization, no irrigation, no effort to control extensive noxious weed problem, no attempt to harvest in 2010). Noxious weeds represent the largest component of vegetation on that field. DWM legally and in good conscience can not consider this an actively managed hay field, and it does not qualify for game damage consideration.</p>	\$948.00
2	Livestock	Butcher heifer	Bear	Failure to mitigate. Heifer could not be locked up in the barn because the barn was boarded up. No signs were found consistent with bear/lion predation.	\$900.00
5	Livestock	Horse	Mtn Lion	DWM’s previous training and experience indicate horse was more likely injured by a Tee-post than big game. Wound was more consistent with a puncture and tear of the front shoulder than with the expected method of attack from a big game animal. Incident occurred during the night of / morning after a severe wind storm in the area.	\$1,500.00
13	Livestock	Sheep	Coyote	The claimant’s position is he has the constitutional right to the “pursuit of happiness” and the coyotes were keeping him from doing that, and as a result we were violating his rights. He wants CPW to pay for the removal of the animals causing damage to his sheep. Coyotes that belonged to us were making it hard for him to make a living and he was not going to pay any	\$150.00

				money out of his own pocket to control coyotes.	
16	Livestock	Calf	Bear / Mtn Lion	DWM's field necropsy at the site showed no signs of predation on the carcass.	\$500.00
18	Livestock	Horse	Bear	Claimant who boards his horses at 2 nd party residence said his horse was injured after being run through a fence possibly by a mountain lion. Another horse had been injured a month prior. 2 nd party stated a portion of a 4-strand hi-tensile coated wire fence was down and 2 horses injured. DWM did not find any sign of black bear and/or mountain lion tracks, hair or scat. Claim is for vet bills from 1/28 – 2/19. These are payment for damages for which CPW was not notified about within 10 days of discovery.	\$558.00

FY11 Game Damage Claims – Partially Denied Claims

Area	Damage Type	Species	BASIS FOR DENIAL	Denied Amount	
6	Livestock	Sheep	Bear / Mtn Lion	<p>Claimant reported 18 sheep killed by lion – reported in person and again by phone. Then she claimed an additional 56 lambs using a 10-day notice form. This is not her customary practice. She stated the 56 lambs were the number they were short after they left the Ranch. She was unable to meet DWM to verify losses. DWM went to kill site and only found 9 lambs/portions of lambs of those originally reported.</p>	<p>\$15,276.00</p> <p>PARTIAL payment of \$6924.40</p> <p>\$8352.20 denied</p>
18	Livestock	Domestic elk	Mtn Lion	<p>Claimant unable to document market value of animal as breeding animal; can document market value of meat production. DWM offered payment of \$1400 for meat salvage value of elk.</p>	<p>\$2900.00</p> <p>PARTIAL payment of \$1400</p> <p>\$1500 denied</p>
TOTAL VALUE OF DENIED + partially denied CLAIMS				\$16,999.90	

FY10-11 Game Damage Preventive Materials REPORT

The Game Damage Program filled 164 requests for Preventive Materials throughout the state. 18 miles of fencing were delivered. Deliveries required traveling over 29,600 miles.

Area offices received stockpiles of pyrotechnics & wood elk panels to provide landowners with immediate relief from big game damage.

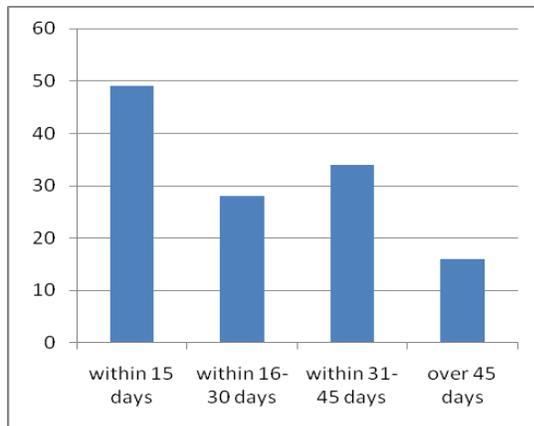
Habitat Partnership Program (HPP) requested materials for cooperative habitat projects with landowners who did not meet the qualifications for game damage permanent materials.

Facility Type	Number	FY11
Apiary	72	\$40,276
Commercial Garden	4	\$14,592
Nursery	3	\$11,845
Orchard	10	\$32,419
Vineyard	4	\$11,202
Stackyard	71	\$103,202
Growing Crops (chemical deterrents)		\$4,849
TEMPORARY MATERIALS for distribution by area offices	Pyro-Technics stockpiles	\$80,520
	Wood Elk Panel stockpiles	\$25,524
Habitat Partnership Program (HPP)		\$33,594
TOTALS	164	\$358,023

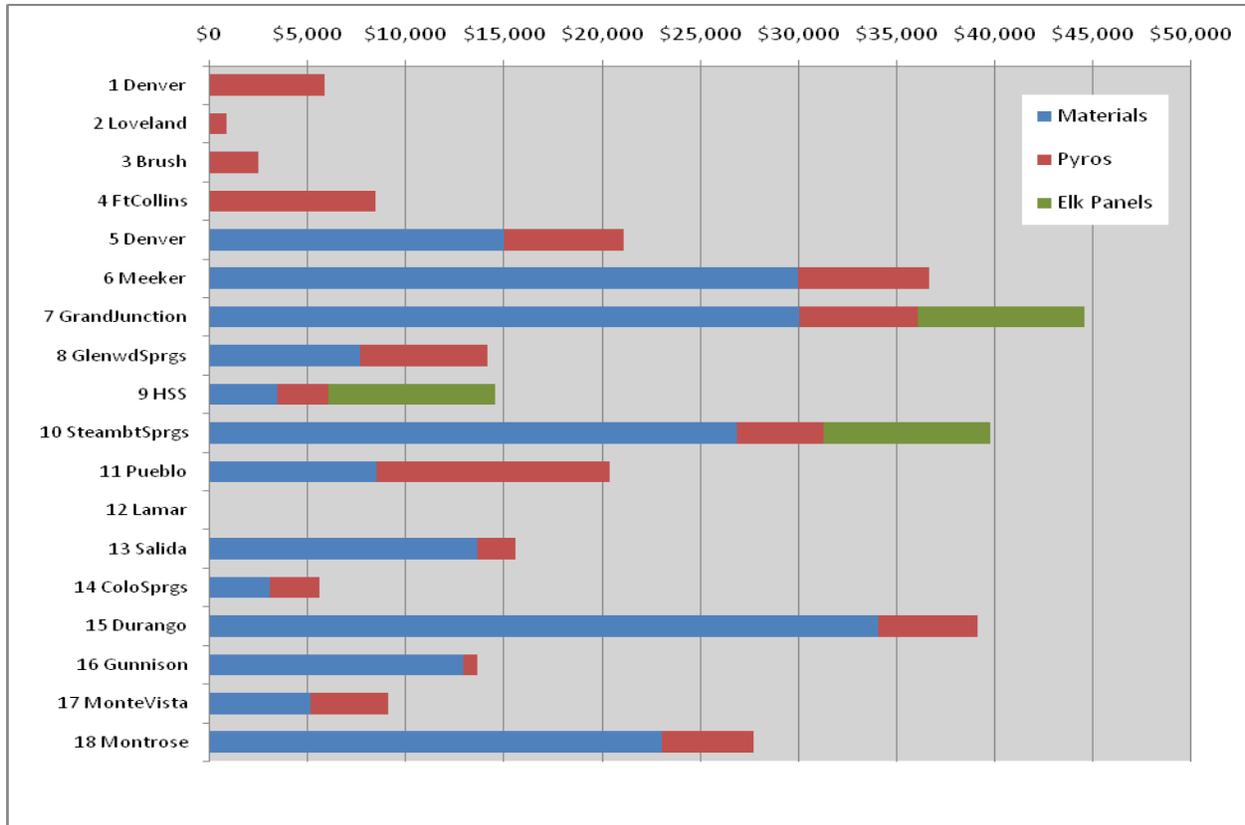
DELIVERY TIME SPANS

Effective July 1, 2009: new delivery deadlines were enacted by Senate Bill 09-024. Delivery was required within 45 days of notification.

16 deliveries fell outside the mandated deadline. 13 delivery deadlines were waived by the landowner for either weather or convenience issues. Three of the deliveries were late because of delays in processing the paperwork. None of the late deliveries required CPW to erect fencing.



FY10-11 - Distribution of Materials to Area Offices



*Dollar amounts do not include operating/administrative costs
Refer to map on page 15*

APPENDIX

Operating /Administrative Costs by Area/Region.

	Personal Services Salary & Benefits (Perm/Temp)	Personal Services Contracts	Personal Services Intergovernmental	Operating	Total
Area 1	\$ 6,537.16	\$ -	\$ -	\$ -	\$ 6,537.16
Area 2	\$ 4,967.48	\$ -	\$ -	\$ -	\$ 4,967.48
Area 3	\$ 7,214.70	\$ -	\$ -	\$ 778.78	\$ 7,993.48
Area 4	\$ 1,085.69	\$ -	\$ -	\$ 566.72	\$ 1,652.41
Area 5	\$ 10,011.12	\$ -	\$ -	\$ -	\$ 10,011.12
NE Region	\$ 1,483.41	\$ -	\$ -	\$ -	\$ 1,483.41
NE Total	\$ 31,299.56	\$ -	\$ -	\$ 1,345.50	\$ 32,645.06
Area 6	\$ 41,760.26	\$ -	\$ -	\$ 854.45	\$ 42,614.71
Area 7	\$ 17,642.71	\$ -	\$ -	\$ -	\$ 17,642.71
Area 8	\$ 10,011.22	\$ -	\$ -	\$ 152.00	\$ 10,163.22
Area 9	\$ 4,023.02	\$ -	\$ -	\$ -	\$ 4,023.02
Area 10	\$ 29,822.03	\$ 13,865.00	\$ -	\$ 845.98	\$ 44,533.01
NW Region	\$ -	\$ -	\$ 55,000.00	\$ -	\$ 55,000.00
NW Total	\$ 103,259.24	\$ 13,865.00	\$ 55,000.00	\$ 1,852.43	\$ 173,976.67
Area 11	\$ 11,369.85	\$ -	\$ -	\$ 575.86	\$ 11,945.71
Area 12	\$ 6,706.06	\$ -	\$ -	\$ -	\$ 6,706.06
Area 13	\$ 8,668.36	\$ -	\$ -	\$ -	\$ 8,668.36
Area 14	\$ 3,796.67	\$ -	\$ -	\$ 263.12	\$ 4,059.79
SE Total	\$ 30,540.94	\$ -	\$ -	\$ 838.98	\$ 31,379.92
Area 15	\$ 30,667.33	\$ -	\$ -	\$ 1,255.70	\$ 31,923.03
Area 16	\$ 13,461.71	\$ -	\$ -	\$ -	\$ 13,461.71
Area 17	\$ 18,502.23	\$ -	\$ -	\$ 8,250.00	\$ 26,752.23
Area 18	\$ 22,166.00	\$ -	\$ -	\$ 84.00	\$ 22,250.00
SW Region & Game Damage	\$ 205,238.40	\$ -	\$ 45,000.00	\$ 22,796.83	\$ 273,035.23
SW Total	\$ 290,035.67	\$ -	\$ 45,000.00	\$ 32,386.53	\$ 367,422.20
Grand Total	\$ 455,135.41	\$ 13,865.00	\$ 100,000.00	\$ 36,423.44	\$ 605,423.85

CPW MAPS FOR REFERENCE

