

CHAPTER 331

NATURAL RESOURCES

HOUSE BILL 00-1098

BY REPRESENTATIVES Johnson, Alexander, Coleman, George, Gotlieb, Larson, Miller, and Taylor;
also SENATORS Dennis, Chlouber, and Wattenberg.

AN ACT

CONCERNING AUTHORITY FOR IMPLEMENTATION OF THE WILDLIFE CONSERVATION LANDOWNER
HUNTING PREFERENCE PROGRAM FOR WILDLIFE HABITAT IMPROVEMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 33-4-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-4-103. Landowner preference for hunting license. (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE WILDLIFE RESOURCES OF THE STATE ARE IN DANGER OF DECLINE FROM INCREASING POPULATION PRESSURES AND THE LOSS OF WILDLIFE HABITAT. IN ORDER TO ENCOURAGE PRIVATE LANDOWNERS TO PROVIDE HABITAT FOR WILDLIFE, DISCOURAGE THE HARBORING OF GAME ANIMALS ON PRIVATE LANDS DURING PUBLIC HUNTING SEASONS, AND RELIEVE HUNTING PRESSURE ON PUBLIC LANDS BY INCREASING GAME HUNTING ON PRIVATE LANDS, THE GENERAL ASSEMBLY FINDS THAT IT IS NECESSARY TO PROVIDE AN INCENTIVE-BASED SYSTEM TO LANDOWNERS TO PROVIDE HABITAT FOR WILDLIFE THROUGH A HUNTING LICENSE ALLOCATION PROGRAM THAT ALLOWS HUNTERS ACCESS TO THE STATE'S WILDLIFE UNDER THE COOPERATIVE CONTROL OF THE PRIVATE LANDOWNER.

(b) AS AN ALTERNATIVE TO THE LANDOWNER LICENSE PREFERENCE PROGRAM ESTABLISHED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, AND WITHIN THE FIFTEEN PERCENT LIMIT ESTABLISHED FOR LIMITED LICENSE UNITS, A LANDOWNER WHO IS AN OWNER AS SHOWN BY A RECORDED DEED OF A PARCEL OF AGRICULTURAL LAND OF ONE HUNDRED AND SIXTY ACRES OR MORE IS ELIGIBLE TO PARTICIPATE UNDER THIS SUBSECTION (3) IN THE WILDLIFE CONSERVATION LANDOWNER HUNTING PREFERENCE PROGRAM FOR WILDLIFE HABITAT IMPROVEMENT, HEREINAFTER REFERRED TO AS THE "WILDLIFE CONSERVATION APPLICATION PROGRAM" OR "PROGRAM". THIS PROGRAM

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

IS DESIGNED TO ENCOURAGE HUNTER ACCESS TO PRIVATE LAND BY ENABLING LANDOWNERS TO APPLY FOR LICENSES USING APPLICATIONS BASED UPON LAND OWNERSHIP AND BENEFIT TO WILDLIFE.

(c) (I) A LANDOWNER THAT APPLIES TO PARTICIPATE IN THE WILDLIFE CONSERVATION APPLICATION PROGRAM SHALL HAVE ISSUED TO THAT LANDOWNER APPLICATIONS FOR LICENSES PERMITTING THE HUNTING OF DEER, ELK, ANTELOPE, AND SUCH OTHER SPECIES, EXCEPT FOR MOOSE, ROCKY MOUNTAIN BIG HORN SHEEP, DESERT BIG HORN SHEEP, AND ROCKY MOUNTAIN GOAT, AS DETERMINED BY THE COMMISSION TO MEET ANIMAL MANAGEMENT OBJECTIVES FOR THE GAME MANAGEMENT UNIT IN WHICH THE PROPERTY LIES, AS LONG AS SUCH SPECIES INHABITED THE LAND FOR WHICH A LICENSE IS REQUESTED DURING THE GREATER PORTION OF THE YEAR PREVIOUS TO THE APPLICATION. THESE APPLICATIONS SHALL BE ISSUED UNDER THE RESTRICTIONS SET FORTH IN THIS SUBSECTION (3) AND AS A FIRST PRIORITY FOR LICENSES OVER THE PREFERENCES ISSUED UNDER SUBSECTIONS (1) AND (2) OF THIS SECTION. FIFTEEN PERCENT OF THE TOTAL NUMBER OF LICENSES ESTABLISHED FOR THE GAME MANAGEMENT UNIT WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED FOR THE SPECIES FOR WHICH THE LICENSE IS REQUESTED SHALL BE MADE AVAILABLE TO LANDOWNERS WHO MEET THE QUALIFICATIONS OF THIS SECTION.

(II) THE APPLICATIONS AVAILABLE UNDER THIS SUBSECTION (3) SHALL BE ALLOCATED TO ANY PARTICIPANT BASED UPON THE FOLLOWING SCHEDULE:

(A) FOR OWNERS OF ONE HUNDRED SIXTY TO SIX HUNDRED THIRTY-NINE ACRES, ONE APPLICATION;

(B) FOR OWNERS OF SIX HUNDRED FORTY TO ONE THOUSAND ONE HUNDRED NINETY-NINE ACRES, TWO APPLICATIONS;

(C) FOR OWNERS OF ONE THOUSAND TWO HUNDRED ACRES TO TWO THOUSAND THREE HUNDRED NINETY-NINE ACRES, THREE APPLICATIONS;

(D) FOR OWNERS OF TWO THOUSAND FOUR HUNDRED ACRES TO THREE THOUSAND NINE HUNDRED NINETY-NINE ACRES, FOUR APPLICATIONS;

(E) FOR EACH ADDITIONAL ONE THOUSAND ACRES AN ADDITIONAL APPLICATION SHALL BE ALLOCATED UP TO A MAXIMUM OF SIX APPLICATIONS FOR OWNERS OF ACREAGE IN EXCESS OF SIX THOUSAND ACRES.

(III) THE COMMISSION MAY BY RULE ALLOW FOR THE ISSUANCE OF ADDITIONAL APPLICATIONS TO LANDOWNERS IN CONSIDERATION OF THE PROVISION OF VALUABLE GAME HABITAT, THE PROVISION OF HABITAT MANAGEMENT, THE PROVISION OF VOLUNTARY ACCESS TO PUBLIC HUNTING, OR OTHER FACTORS, TO ACHIEVE GAME MANAGEMENT OBJECTIVES.

(d) IN ADDITION TO THE LIMITATION ON THE NUMBER OF APPLICATIONS AVAILABLE UNDER THE PROGRAM AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (3), THE PROGRAM SHALL HAVE THE FOLLOWING ADDITIONAL REQUIREMENTS:

(I) THE COMMISSION MAY BY RULE PROVIDE FOR THE ISSUANCE OF LICENSES IN ADDITION TO THE METHOD SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (3) BASED UPON GAME MANAGEMENT OBJECTIVES. IF THE COMMISSION DECIDES TO ESTABLISH SUCH RULES, A MINIMUM OF THREE DIFFERENT TYPES OF MANAGEMENT UNITS SHALL BE ESTABLISHED: AREAS ON THE EASTERN PLAINS EAST OF INTERSTATE HIGHWAY 25 BASED UPON LARGE PERCENTAGES OF PRIVATE LAND OWNERSHIP; AREAS SPECIFICALLY MANAGED FOR QUALITY ANIMAL HUNTING OR QUALITY HUNTING EXPERIENCE; AND AREAS MANAGED FOR MAXIMUM HUNTER OPPORTUNITY. ANY ADDITIONAL LICENSES ISSUED PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE RESTRICTED TO PRIVATE LANDS ONLY, UNLESS THE COMMISSION EXEMPTS ANY INTERMINGLED LANDS FROM SUCH REQUIREMENT.

(II) SUCCESSFUL APPLICANTS UNDER THIS SUBSECTION (3) WILL RECEIVE A VOUCHER THAT MAY BE TRANSFERRED TO ANY PERSON WHO IS ELIGIBLE FOR A BIG GAME LICENSE FOR THAT SPECIES TO BE USED FOR THE PURCHASE OF A LICENSE TO BE USED ONLY WITHIN THE APPLICANT'S GAME MANAGEMENT UNIT FOR THAT SPECIES.

(III) WHERE AN APPLICATION IS BEING SUBMITTED UNDER THE PROGRAM IN THOSE GAME MANAGEMENT UNITS WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED FOR THE SPECIES FOR WHICH AN APPLICATION IS BEING SUBMITTED, THE LANDOWNER WHOSE APPLICATION DOES NOT YIELD ALL LICENSES SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (3) FOR THE CURRENT SEASON SHALL BE IN PRIORITY FOR APPLICATION PREFERENCE IN THE SUCCEEDING YEAR.

(IV) HUNTING SEASONS FOR MALE LICENSES ISSUED UNDER THIS PROGRAM SHALL BE CONCURRENT WITH PUBLIC HUNTING SEASONS OR DESIGNATED BY THE COMMISSION TO MEET GAME MANAGEMENT OBJECTIVES.

(V) FOR PURPOSES OF ANTLERLESS MANAGEMENT, BY RULE, THE COMMISSION MAY REQUIRE, FOR GAME MANAGEMENT OBJECTIVES, AS A CONDITION TO PARTICIPATION IN THE PROGRAM, THAT LANDOWNERS ALLOW HUNTING ON THEIR LAND BY PROPERLY LICENSED HUNTERS FOR THE SPECIES THAT MALE LICENSES WERE ISSUED TO LANDOWNERS UNDER THE PROGRAM, USING DIVISION-PUBLISHED MALE/FEMALE RATIOS FOR GAME MANAGEMENT PURPOSES FOR THE APPLICABLE GAME MANAGEMENT UNIT OR DATA ANALYSIS UNIT. SUCH HUNTS SHALL BE CONDUCTED DURING A SEPARATE SEASON. VOUCHERS FOR SUCH LICENSES SHALL BE ISSUED TO LANDOWNERS DETERMINED ELIGIBLE, AND THE LANDOWNER SHALL ENSURE THAT ALL SUCH VOUCHERS ARE DISTRIBUTED TO ELIGIBLE HUNTERS. THE LANDOWNER SHALL NOT CHARGE AN ACCESS FEE OF MORE THAN TWENTY-FIVE DOLLARS TO PARTICIPATE IN SUCH HUNTS.

(VI) IN THOSE GAME MANAGEMENT UNITS WHERE HUNTING IS TOTALLY LIMITED FOR A SPECIES AND THE PRIVATE LANDOWNER POOL OF LICENSE PREFERENCES AND APPLICATIONS DOES NOT USE THE NUMBER OF LANDOWNER LICENSES ESTABLISHED FOR A SPECIES FOR THAT MANAGEMENT AREA, THEN THOSE UNUSED LICENSES SHALL BE MADE AVAILABLE TO PRIVATE LANDOWNERS IN THAT PARTICULAR GAME MANAGEMENT UNIT OR DATA ANALYSIS UNIT AS A FIRST PRIORITY BEFORE BECOMING AVAILABLE TO THE GENERAL PUBLIC HUNTER.

(e) THE COMMISSION SHALL ADOPT RULES TO IMPLEMENT THIS SECTION PRIOR TO

JULY 1, 2001.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2000