

# FY 11-12 GAME DAMAGE PROGRAM REPORT

## Overview

**Game Damage Program: Annual Allocation for Claims & Prevention \$1,282,000**

**FY 11-12 Expenditures for Claims & Prevention \$1,456,443**

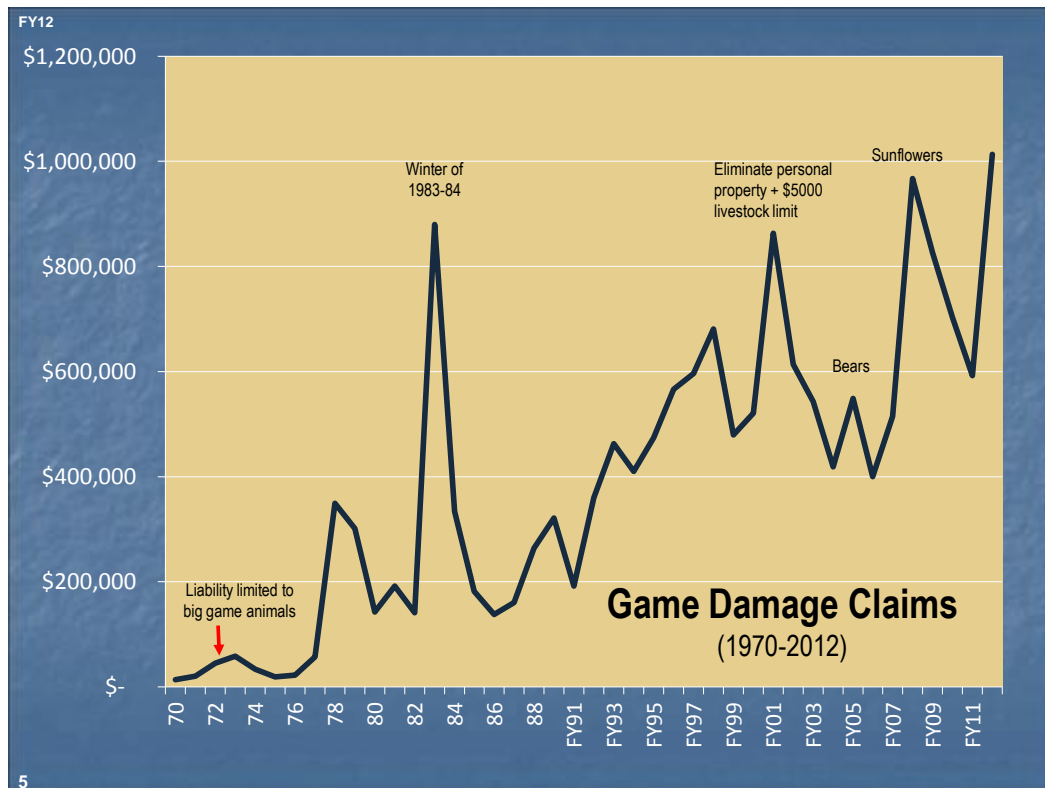
Big game wildlife and big game hunting are integral to Colorado's economy. The State of Colorado compensates ranchers, farmers and landowners for damage by big game animals. The Game Damage Program is funded by the appropriation of sportsmen's dollars from the Game Cash Fund. Of the 10 states that address 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 into Claims & Prevention 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

**\$1,013,373 in FY11-12**

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 previous 4 years, CPW has paid out \$770,500 on 320 claims yearly. This year CPW paid out \$1,013,373 to pay 297 claims.



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.

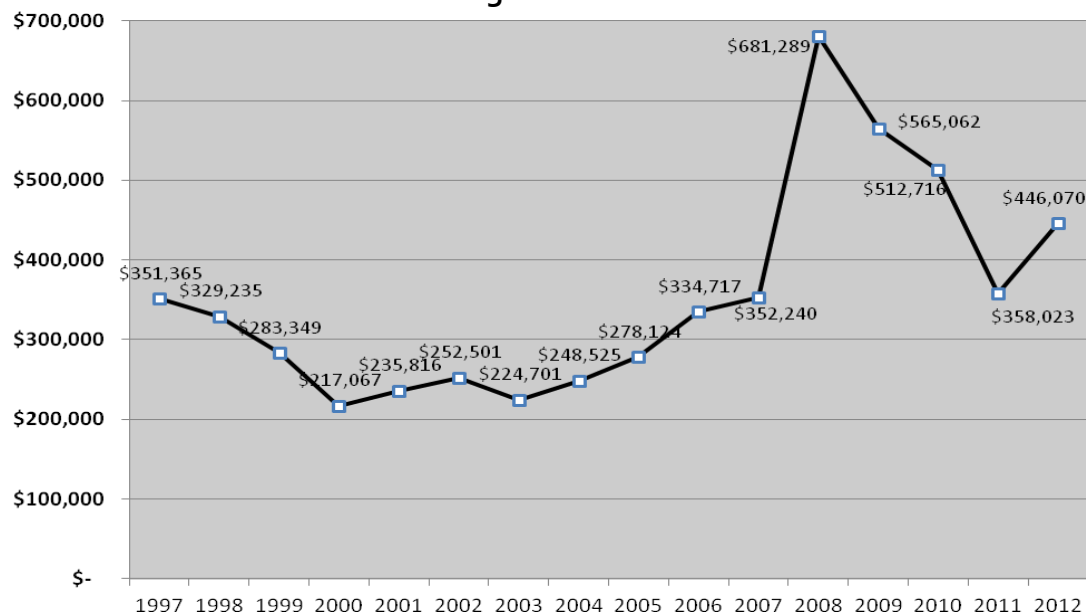
Typically, <3% of claims are denied and most of these were because the claimant could not prove that big game caused the damage. Claims over \$20,000 and all denied claims are reviewed by the CPW Commission. This provides an opportunity for the claimant to offer additional support for the claim.

### Game Damage Prevention Materials

**\$446,070 in FY11-12**

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 11-12, CPW traveled ~29,850 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

**\$660,208 in FY11-12**

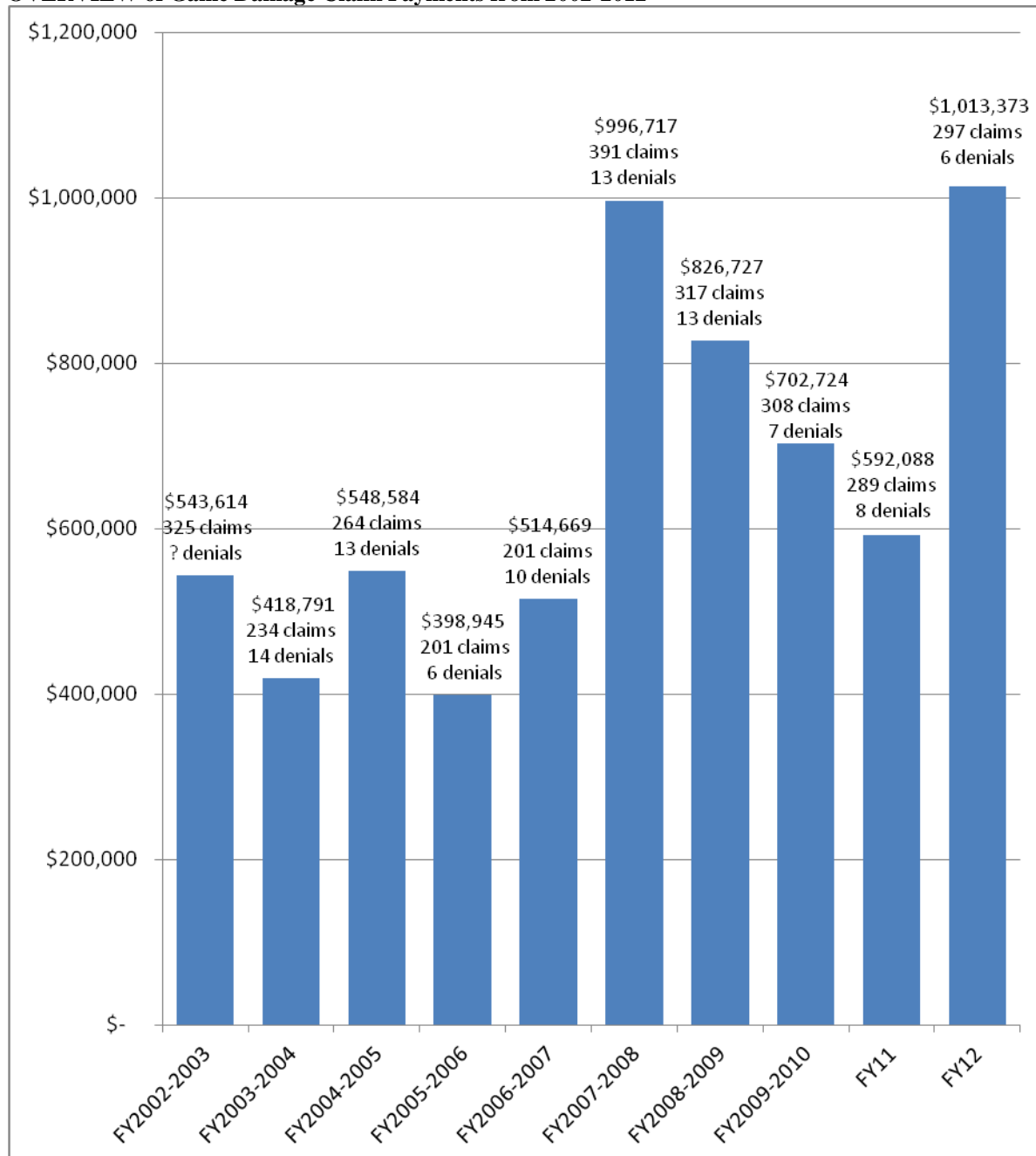
Each area office has associated costs with game damage, usually involved with claim investigations. This is reflected in the proportional amount of time spent in each area for investigations and landowner contacts under Salaries/Benefits. The "Purchased Services" is the Wildlife Services contract for 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 11-12 Game Damage Claims REPORT

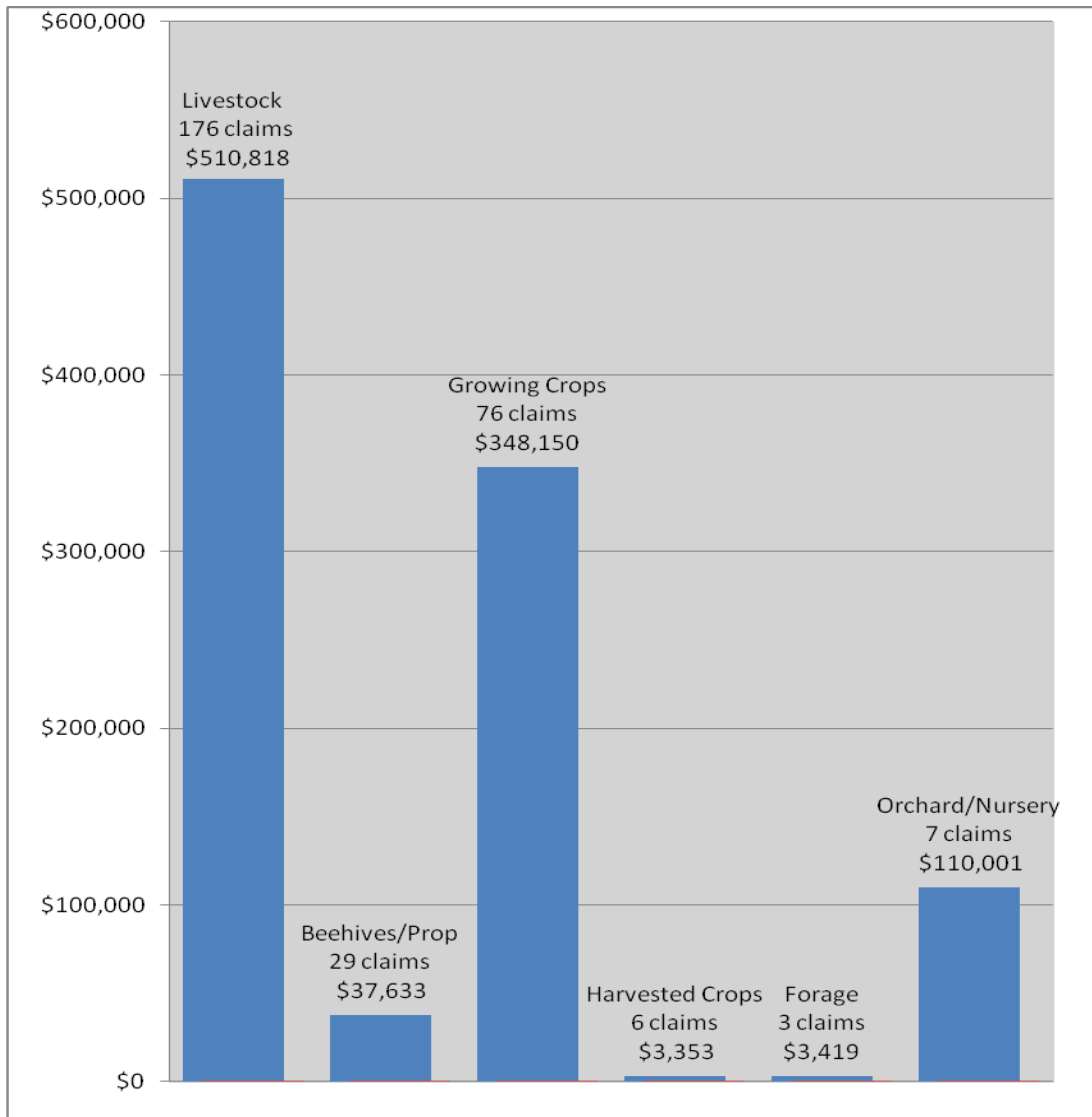
In FY11-12, CPW paid-out \$1,013,373 to settle 297 claims. 6 claims were denied; 2 claims were negotiated for lower payments. \*2 claims totaling \$77,483 were paid from FY13 funds. These claims are included in the report for FY11-12 to reflect actual on-the-ground damage for FY11-12.

### OVERVIEW of Game Damage Claim Payments from 2002-2012



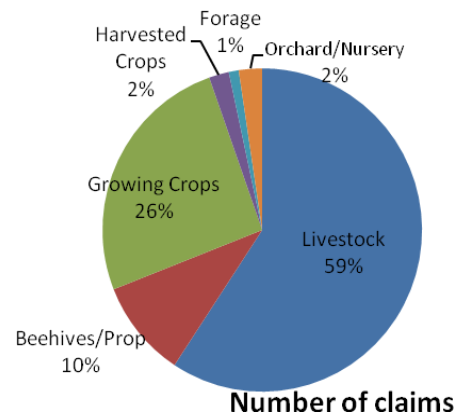
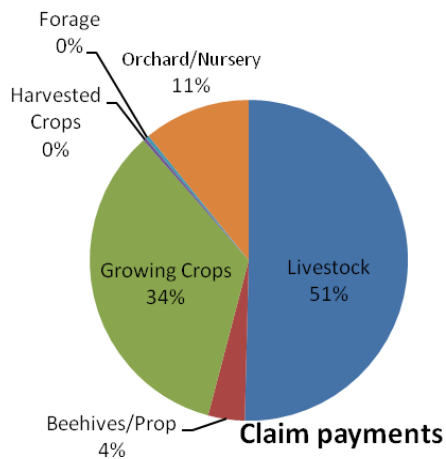
Dollar amounts do not include operating/administrative costs

## FY 12 Game Damage Claims - Summary by Damage Target



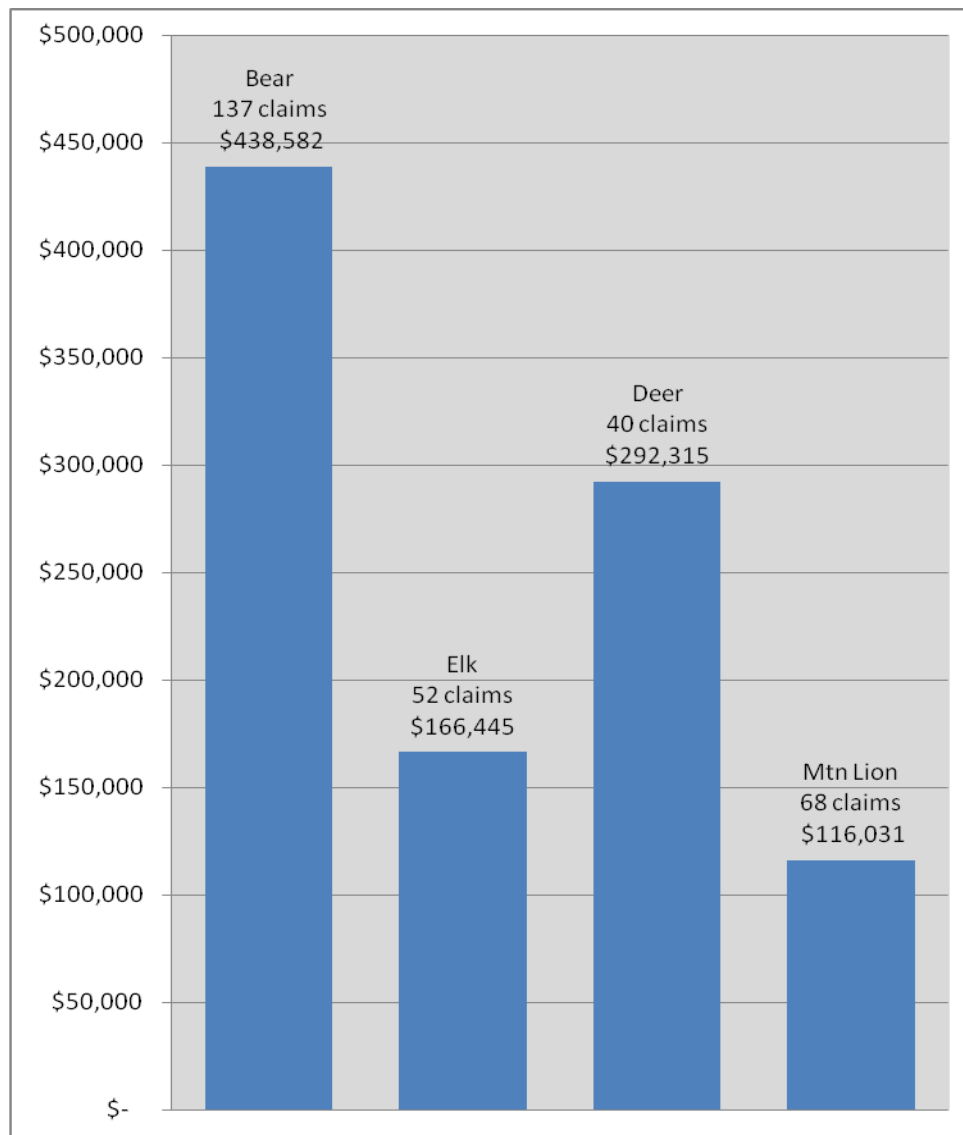
*Dollar amounts do not include operating/administrative costs*

Same data in pie chart views:



## FY12 Game Damage Claims - Summary by Species

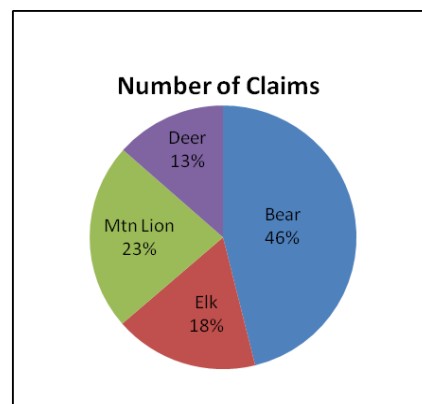
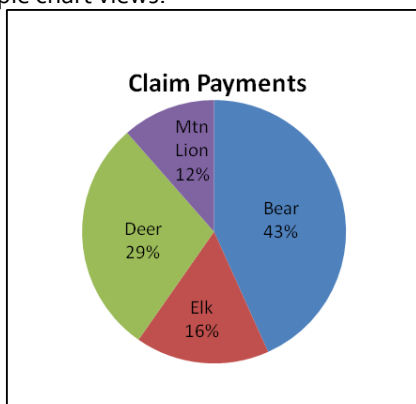
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*Dollar amounts do not include operating/administrative costs*

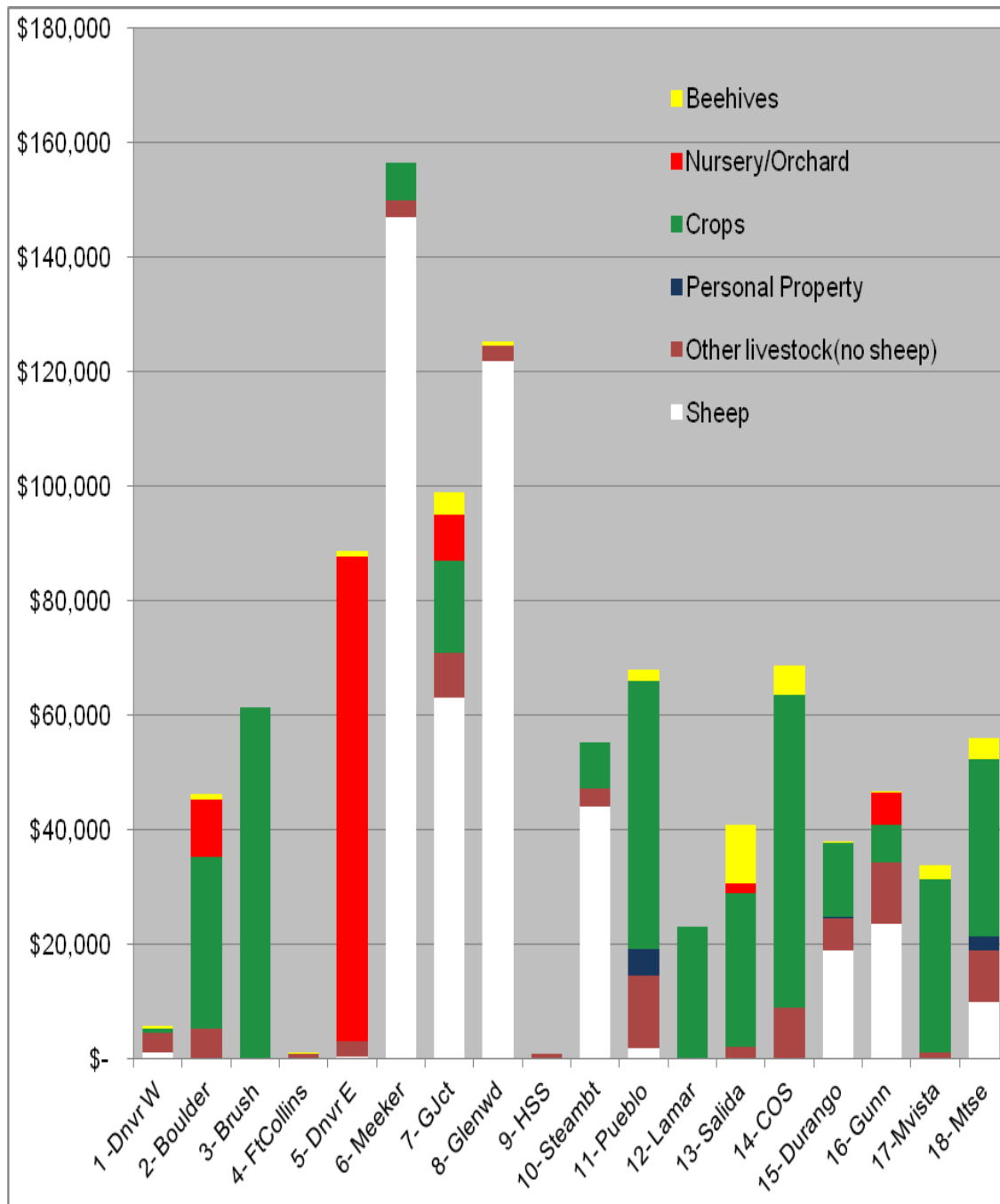
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Same data in pie chart views:



## FY12 Game Damage Claims - Summary by Area Office

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



## FY12 Game Damage Claims – Payments by Area

Area Office	Damage Target	# of Claims	Amount Paid	TOTAL
<b>1</b>	growing crops	1	\$ 450.00	<b>\$ 5,577.67</b>
	harvested crops	2	\$ 234.47	
	livestock/beehives/personal property	9	\$ 4,893.20	
<b>2</b>	growing crops	4	\$ 30,016.55	<b>\$ 46,285.80</b>
	livestock/beehives/personal property	10	\$ 6,260.00	
	nursery	1	\$ 10,009.25	
<b>3</b>	growing crops	7	\$ 61,407.25	<b>\$ 61,407.25</b>
<b>4</b>	livestock/beehives/personal property	2	\$ 948.78	<b>\$ 948.78</b>
<b>5</b>	nursery	2	\$ 84,729.40	<b>\$ 88,508.75</b>
	livestock/beehives/personal property	8	\$ 3,779.35	
<b>6</b>	growing crops	3	\$ 6,222.16	<b>\$ 156,403.70</b>
	harvested crops	1	\$ 360.00	
	livestock/beehives/personal property	26	\$ 149,821.54	
<b>7</b>	growing crops	5	\$ 16,058.67	<b>\$ 98,921.89</b>
	livestock/beehives/personal property	14	\$ 74,781.77	
	nursery	2	\$ 8,081.45	
<b>8</b>	livestock/beehives/personal property	13	\$ 125,156.09	<b>\$ 125,156.09</b>
<b>9</b>	livestock/beehives/personal property	1	\$ 879.00	<b>\$ 879.00</b>
<b>10</b>	growing crops	2	\$ 7,015.51	<b>\$ 55,171.61</b>
	harvested crops	1	\$ 978.75	
	livestock/beehives/personal property	11	\$ 47,177.35	
<b>11</b>	growing crops	16	\$ 46,109.61	<b>\$ 67,808.49</b>
	harvested crops	1	\$ 720.00	
	livestock/beehives/personal property	28	\$ 20,978.88	
<b>12</b>	growing crops	3	\$ 23,070.26	<b>\$ 23,070.26</b>

<b>13</b>	growing crops/forage	11	\$ 26,917.74	<b>\$ 40,788.40</b>
	livestock/beehives/personal property	14	\$ 12,270.66	
	nursery	1	\$ 1,600.00	
<b>14</b>	growing crop	1	\$ 53,655.00	<b>\$ 68,526.84</b>
	harvested crops	1	\$ 1,060.00	
	livestock/beehives/personal property	8	\$ 13,811.84	
<b>15</b>	growing crops	3	\$ 12,792.36	<b>\$ 37,747.25</b>
	livestock/beehives/personal property	31	\$ 24,954.89	
<b>16</b>	growing crops	2	\$ 6,686.92	<b>\$ 46,498.85</b>
	livestock/beehives/personal property	12	\$ 34,231.35	
	orchard	1	\$ 5,580.58	
<b>17</b>	growing crops/forage	8	\$ 30,197.45	<b>\$ 33,697.45</b>
	livestock/beehives/personal property	4	\$ 3,500.00	
<b>18</b>	growing crops	13	\$ 30,969.14	<b>\$ 55,974.89</b>
	livestock/beehives/personal property	14	\$ 25,005.75	
<b>TOTAL PAID IN CLAIMS</b>		<b>297</b>	<b>\$ 1,013,372.97</b>	

## FY 12 Game Damage Claims – Denied Claims

Area	Damage Type	BASIS FOR DENIAL
1	Hay by Elk \$1,284.00	<ul style="list-style-type: none"> <li>Claimant refuses to contact local DWM/AWM; refuses to provide written or verbal notification to local DWM/AWM. He has been advised if he fails to follow this requirement any game damage claim will be denied.</li> <li>Claimant submitted incomplete game damage forms. He provided no tangible evidence of damage.</li> <li>Claimant did not provide 24 hrs notice to Division prior to conducting counts of elk/deer allegedly using his hay fields. Claimant knowingly failed to follow the required head count protocol.</li> <li>Field survey revealed alfalfa component was 20-30% and noxious weeds represented largest component of field. By regulation #1700B seeded alfalfa must be established to the extent that 50% or more of useable livestock forage is alfalfa.</li> <li>By Claimant's own admission in 2010, 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). Claimant has not changed management practices, nor is there evidence that he attempted to harvest fields in 2011.</li> <li>Preventive Materials: Claimant claims to use privately purchased pyrotechnics. He has not contacted DWM/AWM to report damage or request any damage prevention materials. He was previously offered fencing for cultivated fields in 2009 and denied offer. Fencing was again discussed in 2010 and he rejected possibility of fencing fields because of rocky soils. Fences are constructed on rocky soils.</li> </ul>
2	Sheep by Coyote \$165.00	<ul style="list-style-type: none"> <li>There is no evidence that predation of the lamb was caused by or fed upon by a mountain lion. The site where the lamb was killed is more typical coyote habitat, and coyotes have been documented nearby.</li> </ul>
2	Beehives by Bear \$780.00	<ul style="list-style-type: none"> <li>Claimant received fencing system and failed to maintain fencing in a manner that would discourage bears from entering the bee yard.</li> </ul>
2	Llama by Mtn Lion \$4,000.00	<ul style="list-style-type: none"> <li>Claimant presented a llama carcass several days after the animal had died. There was no evidence that the carcass had been cached or buried, no presentable scat or tracks, and the state of decomposition (the carcass had active maggots working under the skin) of the carcass was such that it was impossible to determine bite wounds, hemorrhage due to attack by lion or other potential predators, or the proximate or ultimate cause of death.</li> </ul>
14	Beehives by Bear \$320.80	<ul style="list-style-type: none"> <li>Proof of Loss and Itemized losses statements were a month late</li> </ul>
17	Hay by Elk \$8,571.00	<ul style="list-style-type: none"> <li>During site inspection, landowner was offered and did not accept claim forms. State did not have proper notification regarding dates, numbers of animals causing damage, date of discover and estimated extent to damage. Big game counts were not conducted in agreement between claimant and the State to determine the extent of damage. Claimant failed to notify the State when the damage was occurring throughout the summer months.</li> <li>Data is not sufficient to determine the amount of loss based on calculations by the claimant. State was unable to determine loss due to an absence of an on-the-ground inspection or field investigation.</li> </ul>

## FY12 Game Damage Claims – Partially Denied Claims

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Area	Damage Type	BASIS FOR DENIAL	Denied Amount
14	Corn by Deer \$71,541.55	<ul style="list-style-type: none"> <li>Claimant's initial calculation attributed all damage to deer. Claimant was not willing to come up with the amount attributable to deer after conceding initial amount reflected total loss to multiple factors. Crop adjuster placed deer damage at \$13,770. Crop adjuster referenced heat damage during pollination, presence of some hail damage. Claimant refused to accept Crop adjuster's figure and was unwilling to come up with a figure or percentage of the total damage that he had submitted as attributable to deer.</li> </ul>	PARTIAL payment of \$53,655  Denied \$17,886.55
18	Alpaca by Mtn Lion \$20,633.50	<ul style="list-style-type: none"> <li>One alpaca was verified as killed by mountain lion. Subsequently, a collared lion was killed by Wildlife Services. Another 3 alpacas were injured at a later date. Under statute guidance, claimant was offered \$5000 for dead alpaca and \$633.50 for vet bills for 3 alpacas.</li> </ul>	Paid \$5,556.50 for alpaca + vet bills  Denied \$15,077

# FY12 Game Damage Preventive Materials ANNUAL REPORT

The Game Damage Program filled 188 requests for Preventive Materials throughout the state.

30 miles of fencing were delivered. Deliveries required traveling over 29,850 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. Game Damage Program delivered \$36,405 worth of materials for 13 HPP projects.

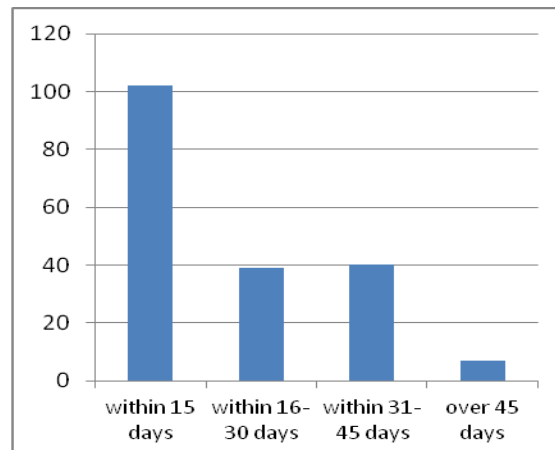
Facility Type	Number	FY12
Apiary	88	\$58,110
Commercial Garden	4	\$16,093
Nursery	12	\$71,214
Orchard	22	\$71,915
Vineyard	5	\$15,737
Stackyard	57	\$83,921
Growing Crops (chemical deterrents)		-
TEMPORARY MATERIALS for distribution by area offices	Pyro-Technics stockpiles	\$55,220
	Wood Elk Panel stockpiles	\$73,861
	188	\$446,070

## DELIVERY TIME SPANS

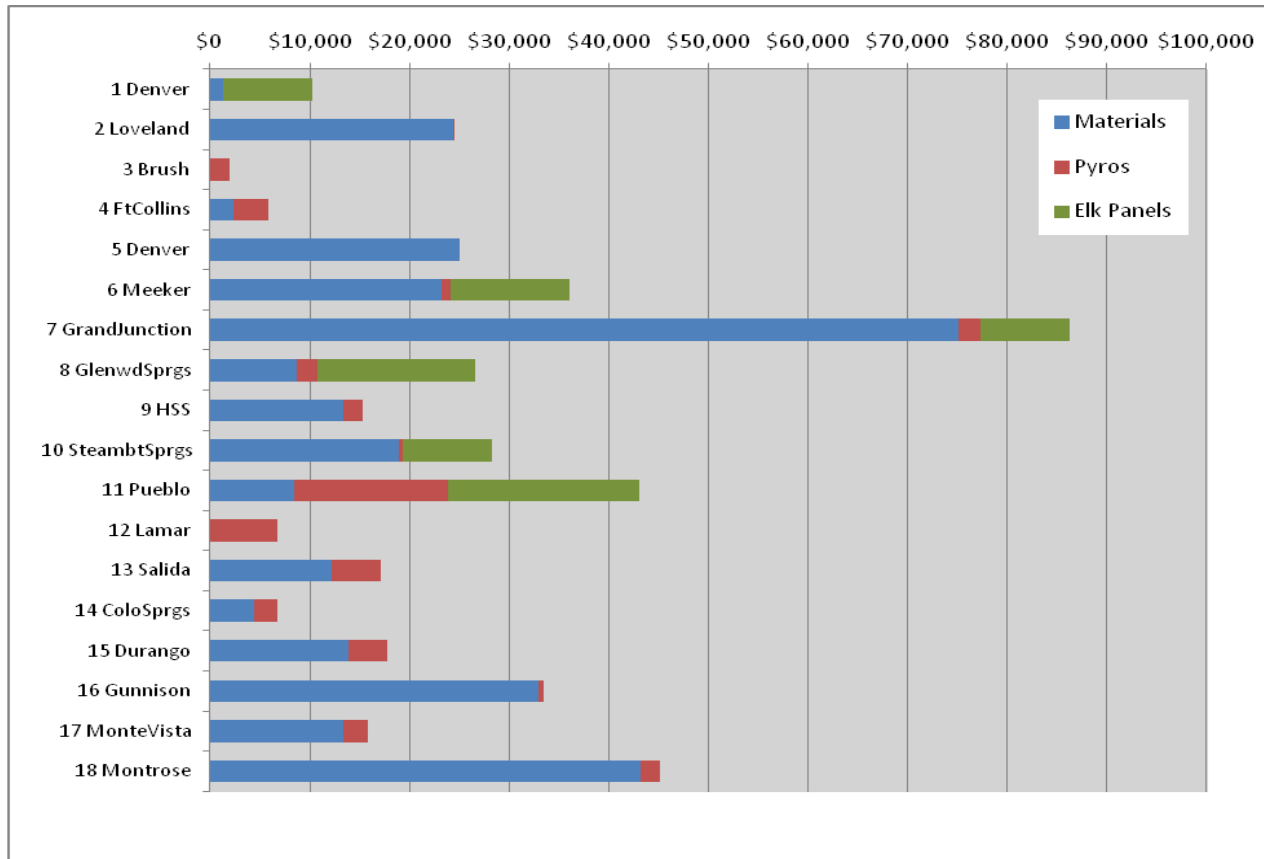
*Effective July 1, 2009: Senate Bill 09-024 required delivery within 45 days of notification.*

Requests for apiary fencing were facilitated by availability of materials in stockpiles located near area offices statewide (15-day deadline).

Seven (7) deliveries fell outside the mandated deadline. All delivery deadlines were waived by the landowner for either weather or convenience issues. None of the late deliveries required DOW to erect fencing.



## FY12 - 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.

CPW Organizations	Personal Services Salary & Benefits (Perm/Temp)	Personal Services Contracts	Personal Services Intergovernmental	Operating	Total
Area 1	\$4,229.48				\$4,229.48
Area 2	\$5,351.35			\$17,908.21	\$23,259.56
Area 3	\$9,208.95			\$894.63	\$10,103.58
Area 4	\$1,518.91				\$1,518.91
Area 5	\$14,260.36			\$12,607.30	\$26,867.66
NE Region Admin.	\$1,914.12				\$1,914.12
<b>NE Region Total</b>	<b>\$36,483.17</b>			<b>\$31,410.14</b>	<b>\$67,893.31</b>

Area 6	\$18,317.59			\$16,882.93	\$35,200.52
Area 7	\$16,827.32			\$34,939.72	\$51,767.04
Area 8	\$9,080.19			\$15,789.50	\$24,869.69
Area 9	\$2,580.42			\$167.97	\$2,748.39
Area 10	\$17,792.31	\$1,907.82		\$401.06	\$20,101.19
NW Region Admin.			\$55,000.00		\$55,000.00
NW VIEW	\$519.20				\$519.20
<b>NW Region Total</b>	<b>\$65,117.03</b>	<b>\$1,907.82</b>	<b>\$55,000.00</b>	<b>\$68,181.18</b>	<b>\$190,206.03</b>

Area 11	\$9,024.83			\$10,170.69	\$19,195.52
Area 12	\$5,959.60				\$5,959.60
Area 13	\$8,983.63			\$1,600.00	\$10,583.63
Area 14	\$11,575.93	\$740.51			\$12,316.44
<b>SE Region Total</b>	<b>\$35,543.99</b>	<b>\$740.51</b>		<b>\$11,770.69</b>	<b>\$48,055.19</b>

Area 15	\$20,721.45			\$1,860.93	\$22,582.38
Area 16	\$12,552.16				\$12,552.16
Area 17	\$14,891.50			\$21.30	\$14,912.80
Area 18	\$20,053.28			\$26,343.23	\$46,396.51
SW Region Admin.			\$45,000.00		\$45,000.00
SW VIEW	\$196,820.77			\$15,789.35	\$212,610.12
<b>SW Region Total</b>	<b>\$265,039.16</b>		<b>\$45,000.00</b>	<b>\$44,014.81</b>	<b>\$354,053.97</b>

<b>Game Damage Unit</b>					
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<b>Grand Total</b>	<b>\$402,183.35</b>	<b>\$2,648.33</b>	<b>\$100,000.00</b>	<b>\$155,376.82</b>	<b>\$660,208.50</b>
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*Note: This summary excludes costs associated with the CPW Game Damage Claims and Prevention Long Bill appropriation*

# CPW MAPS FOR REFERENCE

