

Brainard Lake Moose Hunting Working Group Update

Summary:

- At their November 2014 meeting the P&W Commission requested a working group to form in an effort to develop a compromise solution on moose hunting at Brainard Lake
- Brainard Lake Recreation Area is administered by United States Forest Service who deferred to CPW on implementing a solution
- The working group had two pro-hunting members, two members from the group submitting the Citizen's Petition, one member from USFS, and CPW staff
- The working group met twice
- The group agreed that the fundamental conflict issues are that recreationists coming to Brainard Lake were unaware that there was a moose season starting when harvest took place, and that some people are deeply offended by being placed in close proximity to moose hunters and may be subjected to seeing the killing of a moose.
- The group all agreed that increased educational efforts on moose and hunting, and signage at Brainard would be instrumental in achieving a solution
- A variety of spatial and temporal closures were discussed as options for separating moose hunters from general recreationists at Brainard Lake
- There was no agreement by the group on a spatial or temporal closure that would solve the issue for both sides
- Citizen's petition representatives agreed that a $\frac{1}{4}$ mile closure to moose hunting from the high water line of Brainard Lake through October 1st was minimally acceptable with educational efforts and signage
- Representatives supporting moose hunting felt that they could not support any spatial closure to hunting at Brainard Lake, but agreed educational efforts and signage should be implemented to better inform the public
- There is a standing Citizen's Petition before the Commission recommending a one mile closure from Brainard Lake to hunting through all seasons
- There is a standing CPW Issue Paper before the Commission recommending to **close moose hunting $\frac{1}{4}$ mile from the high waterline of Brainard Lake until USFS gate closes, and increase education of visitors, hunters with moose licenses, and campground staff about the closure. This alternative should be considered the CPW staff recommendation.**

Following the harvest of a bull moose on opening morning of the GMU 20 and 29 archery moose season at Brainard Lake Recreation Area administered by the United States Forest Service, Colorado Parks and Wildlife (CPW) received a good deal of input from the public concerned with the kill as well as input in favor of the hunt and harvest. Public input was also received by the governor's office and a variety of elected officials and local agencies. A citizen's petition requesting a one mile hunting closure and a CPW prepared issue paper on the subject were presented at the Parks and Wildlife Commission at their November 2014 meeting in Burlington. Public input from persons for and persons against moose hunting at Brainard and agency input were also provided to the commissioners. After brief discussion by the commission the petition and issue paper were both tabled until a working group could be assembled to discuss the issue and see if a middle of the road consensus solution could be worked out and brought back to the commission at their January 2015 regular meeting.

The working group was assembled by Area Two staff and included:

Nancy Rynes-author and presenter of the Citizens Petition to the Parks and Wildlife Commission

Tom Gootz-Who presented in favor of the Citizens Petition at the Parks and Wildlife Commission November meeting

Andy Treharne-Representing the Congressional Sportsman's Foundation, who submitted a letter to the Commission on behalf of several sportsmen groups in favor of continued moose hunting at Brainard, and provided supporting testimony at the Commission meeting in Burlington

Tim Brass-Representing Backcountry Hunters and Anglers Association, and a resident of Boulder County who is active in wilderness hunting issues in Boulder and beyond

Bev Baker-United States Forest Service Biologist on the Boulder Ranger District, the administering land agency for the Brainard Lake Recreation Area

Larry Rogstad-Area Wildlife Manager, Area 2, organizer of the working group

Janet George- Senior Terrestrial Biologist for CPW northeast region

Jason Duetsch-DWM Longmont South district including a portion of the Brainard Lake Recreation Area, who was on scene when the moose was killed

Kristin Cannon-DWM Boulder North district which includes a portion of Brainard Lake Recreation area, who kept the meeting minutes for the working group

Kris Middeldorf-DWM Boulder South district that has a keen interest in issues in Boulder County

Sam Less-Intern for Area 2, who sat in on the meeting to get a sense of how wildlife issues are resolved at the community level

The initial meeting occurred on December 9, 2014 and was facilitated by Jody Kennedy, from the CPW Policy and Planning Section, and NE Regional Manager Steve Yamashita opened the meeting with comments. Bev Baker provided the USFS perspective on how Brainard Lake is managed and on the multiple use concept of managing recreation including hunting. Jason Duetsch provided input on what he directly observed as he was on scene when the moose was killed and taken care of. He read from the report he prepared after the event. The group moved toward identifying what the true issues versus perceived issues were in this incident. The perceived public safety risk was discussed. This was ultimately rejected as a true issue based on Duetsch's firsthand account of what had actually happened and statistical information indicating that hunting is a very safe sport. The fundamental issue seemed to be that much of the public going to Brainard that morning were unaware that not only does moose hunting occur in Colorado it was actually taking place on the date and at the location they came to enjoy the great outdoors. Secondly, some people were offended and upset that they were placed in a position of having to witness or were made aware that a moose died at the hands of a hunter at a place they felt was a "park". It should be mentioned that the actual kill took place at 6:30 in the morning when very few people, excepting photographers, were out and about to witness the kill.

Once the true issues had been distilled by the group the rest of the first meeting was spent discussing what is needed in terms of site/resource management and to begin considering remedies that may be implemented to reduce future conflict with moose hunting. CPW staff explained that moose are new to Boulder County and points beyond having pioneered into the area in the last ten years or so. USFS explained that willow carr habitat in Boulder County is limited and isolated and that the Brainard willow carr is one of the most extensive. CPW agreed and explained that this is different than in Larimer and Jackson Counties and other moose rich habitat where willow bottoms are continuous and interconnected. Moose seek willow carrs as essential habitat, linger at these sites and because of the isolated nature of montane willow habitat in Boulder County there is opportunity for moose populations to build to a point where there may be over use of willows and potential setback to habitat which would ultimately adversely impact other species dependant on willow carrs. Both USFS and CPW acknowledged that this is a major concern and we are monitoring moose populations and willow use, and that the moose population is building quickly in Boulder County especially in the Brainard Lakes area. Because of the building moose population along the Front Range CPW initiated moose hunting seasons in GMU 20 and 29 three years ago, and as the population builds we will increase licenses for both bulls and cows to keep the population in balance with existing habitat. Both USFS and CPW expressed concern for moose in proximity to

humans, especially with their dogs, and that we are increasingly dealing with moose chasing and sometimes stomping and injuring people, consequently there is need for educating the public that these large, seemingly complacent creatures can pose a risk to public safety. We all agreed that agencies as well as the public need to be involved in resolving moose conflicts and properly managing this magnificent resource.

In beginning to come up with remedies for resolving moose/recreation issues at Brainard all in the room strongly focused on education and signage as crucial tools in developing sound management of moose on a site with high density people use with multiple recreational opportunities.

Educational needs include:

- Training for USFS site hosts at the beginning of the season on moose, management, and FS multiple use management.
- Campground style talks for the public on moose, management, hunting, and USFS management of lands.
- Through letters, phone or personal contact informing successful moose hunt applicants in GMU 20 and 29 of any special regulations at Brainard, and consideration for non hunting public in vicinity of where they are hunting as a way hunters may help minimize conflict.
- Update USFS and CPW web to inform public of hunting as one of the allowed multiple uses at Brainard Lake Recreation Area.
- Through periodic contact with the public by DWM's when they are patrolling Brainard (ongoing)

Potential signage needs include:

- Large lit sign at beginning of access road informing public when moose seasons are occurring.
- Sandwich board signs at the entrance station and other main pullouts informing of moose hunting
- Signs on kiosks and USFS message boards about moose hunting and seasons when opened
- A multi-panel interpretive sign placed in the proper spot about moose history, biology, natural history, role of hunting, exercising caution around moose especially with dogs etc.

Concerns with implementing a significant education-sign campaign on moose at Brainard include:

- Limited staffing in both USFS and CPW restricts ability to implement however will set priority in both agencies on deliverables.
- CPW volunteers may be enlisted to help with the educational outreach, but would need to be trained.
- USFS has sign standards that would need to be adhered to.
- Posting too many signs leads to "sign blight" which needs to be avoided.
- Signs are expensive and USFS and CPW have very limited funding to take on new projects.
- Both CPW and/or USFS will have to seek and obtain additional funding to manufacture and install interpretive signs. Upkeep has costs too.
- Other sources of funding beyond agencies may be needed to fabricate and install signs.

Towards the end of the meeting the group began to discuss temporal and spatial closure options as a way to separate moose hunters from non hunters that may object to seeing the killing of a moose. Several scenarios were briefly discussed. The citizen's petition advocates began by mentioning a one mile closure from the high water line of Brainard Lake. The pro-hunting advocates expressed that they were uncomfortable with accepting either spatial or temporal closures as being unneeded based on the hunt that precipitated the petition. Several closure alternatives were briefly mentioned. At the end of the meeting CPW staff agreed to prepare a list of potential closures for people to consider in the second meeting.

The second and final meeting occurred on December 16, 2014. Bev Baker and Tim Brass were unable to attend. Nancy Rynes had previously called CPW staff to ask if an acquaintance could attend just to

observe the process, and not as a participant, and was told that would be ok. Gary Grey was that person and he said that he is an avid photographer. Later in the meeting he mentioned he was representing the press, and also that he ran a commercial business that takes other photographers out in the field to photograph moose. Considerable time was spent updating Gary on what had been previously discussed. It was agreed to that regardless of outcome education and signage would be a mutually agreed upon need. The rest of the meeting was spent discussing closure options both spatial and temporal. During the discussion it appeared that a ¼ mile closure from high water line of Brainard Lake would be minimally adequate to persons wanting a closure, if implemented for providing separation between moose hunters and other recreationists. Knowing that the citizen's petition had requested a one mile closure Rogstad specifically asked Nancy Rynes if she and the people she represent could live with a ¼ mile closure as minimally acceptable. Nancy said she would check with her affiliates and would report back to Rogstad. At the same time it appears that a ¼ mile closure would be excessive to those advocating for continued moose hunting at Brainard. Andy Treharne was asked if he could accept ¼ mile closure, and he reiterated that as the person who sent a letter to the commission on behalf of multiple others signing with expectation that they would object to any closure he could not endorse a closure based on one incident unless his affiliates also endorsed it. There was a discussion about how CPW would look if some innocent child was shot by a hunter. CPW reiterated that chances of that are miniscule, and that no law enacted by any agency could conceivably protect all people from all circumstances. That is an unreal expectation. In an email communication after the meeting Tim Brass reiterated his support for the position taken by Andy Treharne, that their preferred course of action would be to implement education and signage first then re-evaluate if needed, and that Tim would not support or oppose temporal weekend closure but could not support any spatial closure at this time.

In the end all involved agreed on the education-signage component without hesitation. We all recognized that on closures there was no resolution, as the advocates for continued moose hunting had obligations to be firm on taking a no closure position. **Therefore, the moose hunting advocates stayed firm that their preference remained that a strong educational program be initiated for both hunters and other users of the Brainard Lake Recreation Area to enhance awareness of moose habits and multiple use of the area including hunting. In their opinion no additional restrictions should be placed upon moose hunters in the Brainard Lake area.**

An option that was discussed at length was closing moose hunting at Brainard Lake Recreation Area for ¼ mile from the high water line of Brainard Lake on weekends through October 1 of each year. While this closure seemed to come closest to meeting the diverse needs of the group involved it was clear that **neither side found this option fully acceptable. Therefore this alternative has been discarded.**

Advantages:

- It would close off moose hunting on peak use days for general recreationists at Brainard Lake.
- It would allow hunters to continue to hunt the willow carr weekdays.
- It would allow hunters to hunt the rest of GMU 20 and 29 on weekends when Brainard is closed.
- It would allow continued necessary harvest of moose on the willow carr prone to overutilization.

Disadvantages:

- On weekdays moose hunters still may come into conflict with other recreationists.
- During the first 3 weeks of September there is still high use of Brainard by general recreationists seven days a week.
- There is still a chance that another moose may be killed in a manner that causes rancor for other recreationists.
- If that occurs we will be back in the same situation we have been trying to resolve opening the door to legislation or citizen referendums placing a more drastic limitation on hunting.

At the end of the meeting I specifically asked Nancy Rynes if a ¼ mile closure to moose hunting from the High water line of Brainard Lake would be minimally acceptable to the group that put the citizen's petition together, as the petition had recommended a one mile closure. She asked if she could go back and visit some of her cohorts and come back to me with a group opinion. On Monday, December 22nd I spoke with Nancy by phone. She related that a ¼ mile closure to moose hunting would be minimally acceptable to her group however they definitely did not embrace a weekend only closure. **They felt as a minimum recommendation that a closure implemented should be at least ¼ mile from high water line of Brainard Lake, seven days a week, from opening of archery season until October 1st, when site visitation decreases significantly.**

Advantages:

- Reduces conflict between hunters and other user groups
- Allows for increase in moose licenses without adding conflict hunters and others
- Is consistent with other spatial closures in Colorado designed to minimize conflict between hunters and other recreationists currently implemented for moose, sheep and goat hunting

Disadvantages:

- ¼ mile closure boundary around Brainard Lake may be difficult for the public, including hunters, to discern making enforcement problematic
- Reduces hunter opportunity for access to some of the best moose habitat in Game Management Units 20 and 29.

Finally, as options are being considered it is important to remember that CPW staff presented an issue paper with staff recommendation on this matter at the November Parks and Wildlife Commission meeting in Burlington. The preferred alternative in this issue paper was:

Alternative #2 (**Preferred alternative**): **Close moose hunting ¼ mile from the high waterline of Brainard Lake until USFS gate closes.** Increase education of visitors, hunters with moose licenses, and campground staff about the closure.

Advantages:

- Reduces conflict between hunters and other user groups
- Allows for increase in moose licenses without adding to conflict between hunters and others
- Is consistent with other spatial closures in Colorado designed to minimize conflict between hunters and other recreationists currently implemented for moose, sheep and goat hunting
- The ¼ mile closure should still allow harvest of enough moose in the vicinity to minimize impact on the willow carr within the closure area

Disadvantages:

- Reduces ability to manage moose population that depends on willow carr within the closure area
- ¼ mile closure boundary around Brainard Lake may be difficult for the public, including hunters, to discern making enforcement problematic
- Reduces hunter opportunity for access to some of the best moose habitat in Game Management Units 20 and 29

Submitted by, Larry Rogstad, Area Wildlife Manager, on behalf of the Brainard Lake working group