

ISSUES SUBMITTAL FORM

Date: October 13, 2021

ISSUE:	Should there be changes to season timing or daylight fluorescent orange/pink requirements to address conflict between archery and muzzleloader hunters?
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DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

Current State Statute:

CRS 33-6-121. Hunters to wear fluorescent pink or daylight fluorescent orange garments

- (1) Unless otherwise provided by commission rule, it is unlawful for any person to hunt or take elk, deer, pronghorn, moose, or black bear with any firearm unless the person is wearing fluorescent pink or daylight fluorescent orange garments that meet the following requirements:
 - (a) Garments are solid fluorescent pink or daylight fluorescent orange colored material and are of sufficient brightness to be seen conspicuously from a reasonable distance.
 - (b) Garments shall be a minimum of five hundred square inches and shall be worn as an outer garment above the waist, part of which shall be a hat or head covering visible from all directions.
- (2) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of five license suspension points.

Current Regulations:

#209 - SPECIAL RESTRICTIONS

D. Fluorescent Orange or Pink Garments

- 1. Except for archers hunting during a limited bear season, archers with an auction or raffle deer, elk, pronghorn or moose license hunting outside of a regular rifle season, private hunters hunting with archery equipment under the Ranching for Wildlife program, and archers hunting with an archery bear, deer, elk, pronghorn, or moose license, all persons hunting bear, deer, elk, pronghorn or moose shall be required to wear daylight fluorescent orange or fluorescent pink garments which comply with the requirements of §33-6-121, C.R.S.

Background

Archery and muzzleloader hunting seasons are considered primitive seasons in Colorado. Therefore, the types of technology that can be used during these seasons have been greatly restricted through regulation. Archery and muzzleloader hunters rely on hunting during the rut in order to call animals within range. This is especially true for archers. To accommodate this extra challenge, archers have historically requested a month-long season. Muzzleloader hunters also prefer to hunt during the rut. It is very challenging to completely separate the archery and muzzleloader seasons while also meeting the following three objectives: 1) providing the archers a full month to hunt during the rut; 2) offering the muzzleloader hunters two-full weekends to also hunt during the rut; and 3) giving animals a resting period before the rifle seasons begin to breed and redistribute out of refuges and remote areas. Archery and muzzleloader elk seasons have overlapped during the month of September in Colorado since 1977.

* Language greatly adapted from a December 2016 Issue Paper raised by Richard Thompson

Muzzleloader and Archery Hunter Conflicts in Colorado

Both muzzleloader and archery big game hunters continue to solicit CPW for the opportunity to hunt during the elk rut, roughly the 3rd and 4th week of September. Repeatedly, these stakeholder groups have voiced this strong preference, by and large showing satisfaction with the current season structure.

According to CPW Hunter Education records, since 1996, there have been 3 incidents related to muzzleloader hunters shooting at or near archery hunters that are mistaken for game during the overlapped seasons (roughly the third week of September). Two of these incidents have been fatal. This issue is emphasized by the recent incident in Dolores County, where a muzzleloader hunter appeared to have mistakenly identified an archery hunter for the bull elk that he was stalking, tragically killing him in the Lizard Head Wilderness Area.

Several solutions and recommendations have been brought to the table over the last twenty years to address this concern. However, none have been acceptable to all stakeholders. These solutions range from separating the archery and muzzleloader seasons to increasing the number of scenarios that hunters must wear daylight fluorescent orange or pink. This paper is being brought forward to continue the discussion of this issue and determine if there is currently a regulatory scenario that is acceptable to all stakeholders.

STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:

***IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.**

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. **Preferred Alternative:** Require archery deer, elk, bear and moose hunters to wear solid daylight fluorescent orange or fluorescent pink during the period of overlap during the September archery and muzzleloader seasons west of I-25 on *public land only*. This includes a minimum of 500 square inches of solid orange or pink that must be worn as an outer garment above the waist, part of which must be a head covering visible from all directions
2. Require archery deer, elk, bear and moose hunters to wear solid daylight fluorescent orange or fluorescent pink during the period of overlap during the September archery and muzzleloader seasons west of I-25. This includes a minimum of 500 square inches of solid orange or pink that must be worn as an outer garment above the waist, part of which must be a head covering visible from all directions
3. Separate the regular archery and muzzleloader seasons by date (This may include shortening archery season days or extending muzzleloader season into October)
4. Status Quo

Issue Raised by:	Ty Petersburg
Author of the issue paper (if different than person raising the issue):	
CC:	CPW Leadership Team
APPROVED FOR FURTHER CONSIDERATION BY:	Heather Dugan
REQUIRES NEW SPACE IN THE BROCHURE?	X- YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	X- YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Field Services
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES X- NO