

ISSUES SUBMITTAL FORM

Date: February 11, 2021

ISSUE: **Should CPW prohibit hunters from attaching objects to their bows or firearms that make the hunter look like wildlife?**

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

Decoys that mimic wildlife species have been used for generations as an effective tool to increase harvest success, improve ethical shot selection and improve the effectiveness of wildlife management for certain species. For example, decoys are frequently used as a management tool for hunting snow geese. Decoys are commonly used for turkey hunting, waterfowl hunting, pronghorn hunting and archery hunting for multiple big game species across the United States, and doing so is a widely known and accepted practice authorized by existing CPW regulations.

However, in recent years, more products that physically attach to a bow or firearm that mimic wildlife have hit the market. There is a concern that the use of such decoys, or other attachments that mimic wildlife parts (for example a turkey fan) that are affixed to a bow or firearm, may pose a greater risk to the safety of the hunter because the hunter could be mistaken as game by other hunters ("Affixed Decoys").

There are pros and cons to the use of Affixed Decoys to consider:

PROS:

- Hunters are able to get closer to game, often allowing the animals to remain calm, resulting in higher percentage, ethical shots and less wounding loss
- Especially on the eastern plains, Affixed Decoys are often used to aid hunters to get closer to pronghorn and deer where there is very little cover, improving success rates
- The use of Affixed Decoys increases harvest, which may aid at reducing herd numbers for management purposes (High CWD units, snow goose management)

CONS:

- Hunters using Affixed Decoys are often in camouflage, more readily disguising their location and increasing the possibility of being involved in a hunting accident involving other hunters.
- In the event that an Affixed Decoy is shot at accidentally by another hunter, the hunter using such a decoy is more likely to be directly in the line of fire.
- Some consider such attachments a violation of fair chase principles. The Commission's 2016 policy on Fair Chase states in part "...*The Colorado Parks and Wildlife Commission defines Fair Chase as the ethical, sportsmanlike, and lawful pursuit and taking of free-ranging Colorado wildlife in a manner that does not give a hunter or angler improper or unfair advantage over such wildlife...The Commission recognizes that new or evolving technologies and practices may provide hunters or anglers with an improper or unfair advantage in the pursuit and taking of wildlife. Improper advantage includes conditions such as:*
 1. *A technology or practice that allows a hunter or angler to locate or take wildlife without acquiring necessary hunting and angling skills or competency.*
 2. *A technology or practice that allows a hunter or angler to pursue or take wildlife without being physically present and pursuing wildlife in the field.*
 3. *A technology or practice that makes harvesting wildlife almost certain when the technology or practice prevents wildlife from eluding take.*"

It is possible that the safety risk created by the use of Affixed Decoys could be mitigated by requiring hunters to wear fluorescent orange or pink clothing when using such a decoy. This requirement should increase the likelihood that other hunters will more readily identify that the decoy attachment as being near a fellow hunter, minimizing the risk of an accident.

Hunter densities are generally lower and they often have knowledge of other prospective hunters while hunting on private lands. Therefore, the inherent risk of hunting with the use of Affixed Decoys is likely mitigated when hunting on private lands with permission.

NOTE: According to CPW hunter education records, there has not been a recorded incident in Colorado where a hunter was shot or injured when using an Affixed Decoy dating back to the year 2000. The products have been on the market for 10 years or less. The only remotely similar incident in Colorado in the last 20 years occurred in 2002, when two turkey hunters were shot while sitting behind a traditional decoy. The investigation showed that the wind blew the traditional decoy, causing a third hunter to shoot at the movement, hitting the first two hunters with turkey shot.

Existing regulations do not differentiate between traditional decoys and Affixed Decoys:

PWC Reg #004 Aids in Taking Wildlife

A. Aids Used in Taking Big Game, Small Game and Furbearers - Except as expressly authorized by these regulations, the use of baits and other aids in hunting or taking big game, small game and furbearers is prohibited.

3. Other Aids

- c. Decoys may be used

PWC Reg #203 Manner of Take

A. The following are legal methods of take for all species and seasons listed in this chapter, except as otherwise noted. Any method of take not listed herein shall be prohibited, except as otherwise provided by statute or these regulations:

3. Handheld bows, including compound bows, using arrows equipped with a broadhead with an outside diameter or width of at least 7/8ths of an inch with no less than two steel cutting edges. Each cutting edge must be in the same plane throughout the length of the cutting surface.

- a. During the archery seasons for deer, elk, pronghorn, bear, sheep, goat, and moose, only lawful hand-held bows may be used by archery license holders.
- b. Bows must have a minimum draw weight of 35 pounds. The let-off percentage shall not exceed 80%.
- c. No portion of the bow's riser (handle) or any track, trough, channel, arrow rest or other device, excluding the cable(s) and bowstring, that attaches to the bow's riser can contact, support and/or guide the arrow from a point rearward of the bow's brace height.
- d. Bows can propel only a single arrow at a time and no mechanism for automatically loading arrows is allowed.
- e. Equipment using scopes, electronic or battery-powered devices cannot be incorporated into or attached to the bow or arrow, with the exception of lighted nocks on arrows and recording devices on bows that cast no light towards the target and do not aid in range finding, sighting, or shooting the bow.
- f. Hydraulic or pneumatic technology cannot be used to derive or store energy to propel the arrow. Explosive arrows are prohibited.

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*.**

Archery hunters, Rifle, Shotgun and Muzzleloader hunters in general, Colorado Bowhunters Association, Colorado State Muzzleloader Association, Colorado Outfitters Association, Colorado Trappers and Fur Hunters Association

No external stakeholders have been consulted.	
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
Preferred Alternative 1: Modify current regulations to prohibit hunters from using Affixed Decoys on public land (if a safety concern).	
Alternative 2: Modify current regulations to prohibit hunters from using Affixed Decoys statewide (if either a safety or fair chase concern).	
Alternative 3: Modify current regulations to impose a fluorescent orange or pink clothing and or hat requirement for hunters using Affixed Decoys (if a safety concern).	
Alternative 4: Status quo.	
Issue Raised by:	
Author of the issue paper (if different than person raising the issue):	Ty Petersburg, Brian Dreher, Travis Black, Garrett Watson, Adrian Archuleta
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	
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	Information and Education Policy, Planning, Research
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES X NO