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**LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY**



**AN ANALYSIS OF  
1992 BALLOT PROPOSALS**

**Research Publication No. 369  
1992**

**Black Bear Hunting**  
**AMENDMENT 10 – STATUTORY AMENDMENT**  
**INITIATED BY PETITION**

**Black Bear Hunting**

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**Ballot Title:** *An amendment to the Colorado Revised Statutes to prohibit the taking of black bears by the use of bait or dogs at any time, and to prohibit the taking of black bears by any means between March 1 and September 1 of any calendar year, and subjecting violators to misdemeanor penalties and a loss of hunting privileges. \**

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**Provisions of the Proposed Statute**

The proposed amendment to the Colorado Revised Statutes would:

- prohibit the taking of black bears from March 1 to September 1 of any year and prohibit the taking of black bears at any time with the use of bait or dogs;
- provide exemptions from the above restrictions for employees of the Division of Wildlife and the United States Department of Agriculture, when acting in their official capacities, or for anyone who takes a black bear in defense of life and property;
- provide that violation of this statute shall be a class 1 misdemeanor, and, if convicted, there shall be a five-year suspension of wildlife license privileges for a first offense and a permanent suspension of such privileges for a second offense; and
- prohibit the Wildlife Commission from adopting any regulation in conflict with provisions of this new section.

**Comments on the Proposed Amendment**

The Colorado black bear population is estimated to be between 8,000 and 12,000 and is considered by the Division of Wildlife to be healthy. Black bear habitat is west of Interstate 25, with the greatest concentrations found in southwestern Colorado.

Female black bears give birth to an average of two cubs every other year in late January. During a normal life span, typically 15 years, a female black bear can produce five litters of two cubs each, or a total of ten cubs. The cubs are dependent on their mother until weaned in mid-August, and the female usually stays with them through the next spring. In Colorado, female black bears and their cubs hibernate in dens from mid-October through mid-May.

Prior to spring 1992, the black bear hunting season in Colorado usually consisted of a spring season during April and May, with a limited number of licenses available, and a fall season in October and November with an unlimited number of licenses available. Bait and dogs have been permitted for bear hunting. The taking of female black bears, with cubs present, is illegal, both in the spring and fall. However, it is difficult to distinguish male and female black bears from a distance, and female black bears frequently conceal their cubs when alarmed. As a result, some females which were nursing their cubs have been taken in the spring seasons. Six nursing females were confirmed to have been taken in spring 1990, eight in spring 1991, and 22 in spring 1992. Extending the closing date of the spring season from May 15 to May 31 resulted in the taking of more female black bears in 1992 than in the two previous years because female black bears are denned or relatively inactive until mid-May. The total number of black bears, male and female, taken in these spring seasons was 161 in 1990, 151 in 1991, and 303 in 1992. These numbers compare with an average of 530 per spring season during the 1980s.

The Colorado Wildlife Commission has adopted changes in its rules and regulations regarding the black bear hunting seasons and the number of licenses to be issued for 1992, 1993, and 1994. Beginning with 1992, the spring season starts, as usual, on April 1 but now closes on May 31; the fall season will be held September 1 through 30. The number of black bear hunting licenses are being limited. Licenses will be allocated by a lottery selection from a pool of applicants. For the two seasons in 1992, a total of 2,082 licenses were available, 50 percent issued in the spring and 50 percent in the fall. The total licenses for 1993 and 1994 have not been established, but for 1993, 30 percent of the licenses will be issued in the spring and 70 percent in the fall. In 1994, 10 percent of the licenses will be for the spring and 90 percent for the fall. Hunting with dogs will be permitted in the spring, but not in the fall, and the use of bait will be allowed in both the spring and fall seasons. In 1994, the Wildlife Commission will reconsider black bear hunting regulations for the years 1995 through 1997.

**Arguments For**

1) Animals whose reproductive biology is slow should be managed conservatively. The black bear population is vulnerable to over-hunting and, once that happens, the population is slow to recover. This proposal prohibits the taking of black bears in the spring when the females are still with dependent cubs and when there is a risk of eliminating entire families because the cubs are not capable of fending for themselves. In the interest of managing the black bear population, the proposal does not limit the number of licenses that may be issued for the fall season and allows for the taking of black bears that become problem animals.

2) The proposal provides for the management of the black bear population in a manner consistent with that of nearly every other big game species in Colorado. The state does not allow the hunting of any other big game species, except the mountain lion, during the time of the year when females are nursing their young. The black bear and the mountain lion are the only big game animals hunted in Colorado for which bait and hounds may be

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used. As for illegal activity, poachers take an unknown, but presumably large, number of black bears in addition to those taken legally by licensed hunters. Poachers frequently use bait and dogs. Since the proposal outlaws bait and dogs, poachers who continue to follow these practices will be more easily discovered because evidence of these practices can be found.

3) The proposal addresses several practices which many regard as unethical. First, it is considered by many to be unethical to kill female bears with dependent cubs when the result is that these cubs will be orphaned and left to die in the woods. Next, many believe that the use of dogs to chase wild animals violates the concept of "fair chase." Further, many consider it unethical to entice animals to come to a bait station for food for purposes of killing them when the natural food supply is scarce. Another problem with the use of bait is that it may contribute to nuisance bear problems by teaching bears to associate humans with food.

### Arguments Against

1) The hunting of bears in the spring season is not a serious biological problem. The number of bears taken in the spring seasons of 1990, 1991, and 1992 (161, 151, and 303, respectively) represents significant reductions from the spring season average of 530 in the 1980s. The Colorado Wildlife Commission has approved a new structure for the spring and fall seasons in 1992, 1993, and 1994. The spring season runs from April 1 through May 31, and the fall season from September 1 through 30. The percentage of the total licenses issued for the spring season will be reduced for these three years from 50 percent of the total in 1992, to 30 percent in 1993, and 10 percent in 1994. Reducing the number of spring licenses issued will assure that fewer female black bears will be taken in the spring.

2) This initiative will reduce the flexibility necessary for responsive wildlife management. Questions related to the length of a hunting season, the number of animals that may be taken, and restrictions on hunting practices should involve game management experts so that a balance in the state's wildlife population is possible. The process for making these decisions is well established. The Division of Wildlife conducts extensive reviews, develops accurate data, and submits management recommendations to the eight-member Wildlife Commission. The Commission then holds public hearings regarding the status of the wildlife population and makes its decisions based on the information received from these sources. These decisions can be changed by a majority vote of the Commission at any time in response to changes in hunting and life conditions of wildlife. This initiative, however, overrides procedures and findings of the Commission and makes it more difficult to change management policies concerning black bears. Changes to this law could be accomplished only by action of the General Assembly or by voters in a general election.