

Slide 1 -Limited Elk Draw Trends –All data from CPW Statistics on CPW Website

Total Choice One Applicants- Limited Elk Draw 2015 to 2023. Nonresident are up 55% nearly 45,000.			Colorado Limited Elk Tags "Drawn" Primary Draw Results - 2015 to 2023.						
	Limited Elk Choice 1 Applicants Total Resident	Limited Elk Choice 1 Applicants Total Nonresidents	Limited Elk Tags Drawn Residents	Limited Elk Tags Drawn Non Residents	Limited Elk Tags Drawn Resident Youth	Limited Elk Tags Drawn Non Resident Youth	Total Limited Elk Tags Drawn Residents	Total Limited Elk Tags Drawn Non Residents	Grand Total Limited ELK Tags Drawn (R+NR)
2023	127260	119741	51075	25350	5640	1194	56715 (68%)	26544 (32%)	83,259
2022	127018	110924	56356	27359	6354	1329	62710	28688	91,398
2021	138312	108277	59082	26406	6929	1320	66011	27726	93,737
2020	124974	88236	58844	23242	6639	1009	65483	24251	89,374
2019	118530	84565	57959	23833	6765	1001	64724 (72%)	24834 (28%)	89,558
2018	131625	98370	61606	24947	7624	1075	69230	26022	95,252
2017	126688	75541	62883	24381	8457	1095	71340	25476	96,816
2016	124444	75124	64173	25095	8714	1147	72887	26242	99,129
2015	125099	75254	64977	25085	8986	1117	73963 (74%)	26202 (26%)	100,165
									*Includes cow tags

1. Since 2015 Total Residents who have drawn a limited elk license have dropped from 73,963 to 56,715 = 17,248 (23 % drop). Nonresident is up since 2015.
2. Since 2015 Resident Youth who have drawn a limited elk license have dropped from 8,986 to 5,640 = 3,346 (37% drop). Nonresident youth are up by 7%.
3. Since 2015 the Resident overall % of limited elk licenses drawn has dropped from 74% to 68% and the Nonresident % has increased from 26% to 32%.
4. Why have the number of limited elk tags drawn for Residents dropped by 23% since 2015, nonresidents increased since 2015 = Fake Tag Caps.
5. Having cow elk tags as part of these numbers softens the trends since residents end up with 90% of cow tags. If someone did the stats on just bull elk units it would expose the fake tag cap impacts to Residents even more. CPW tag allocation caps only apply to first draw choice= Fake Tag Caps
6. Overall limited elk tags drawn are down by 16,906 since 2015. From 100,165 to 83,259 a drop of 17%.
7. Nonresident Limited Elk Applicants have surged by nearly 45,000 since 2015, Resident Applicants are up by about 2,000 since 2015.

Slide 2- Limited Elk Applicants, Primary Draw - 2015 to 2023

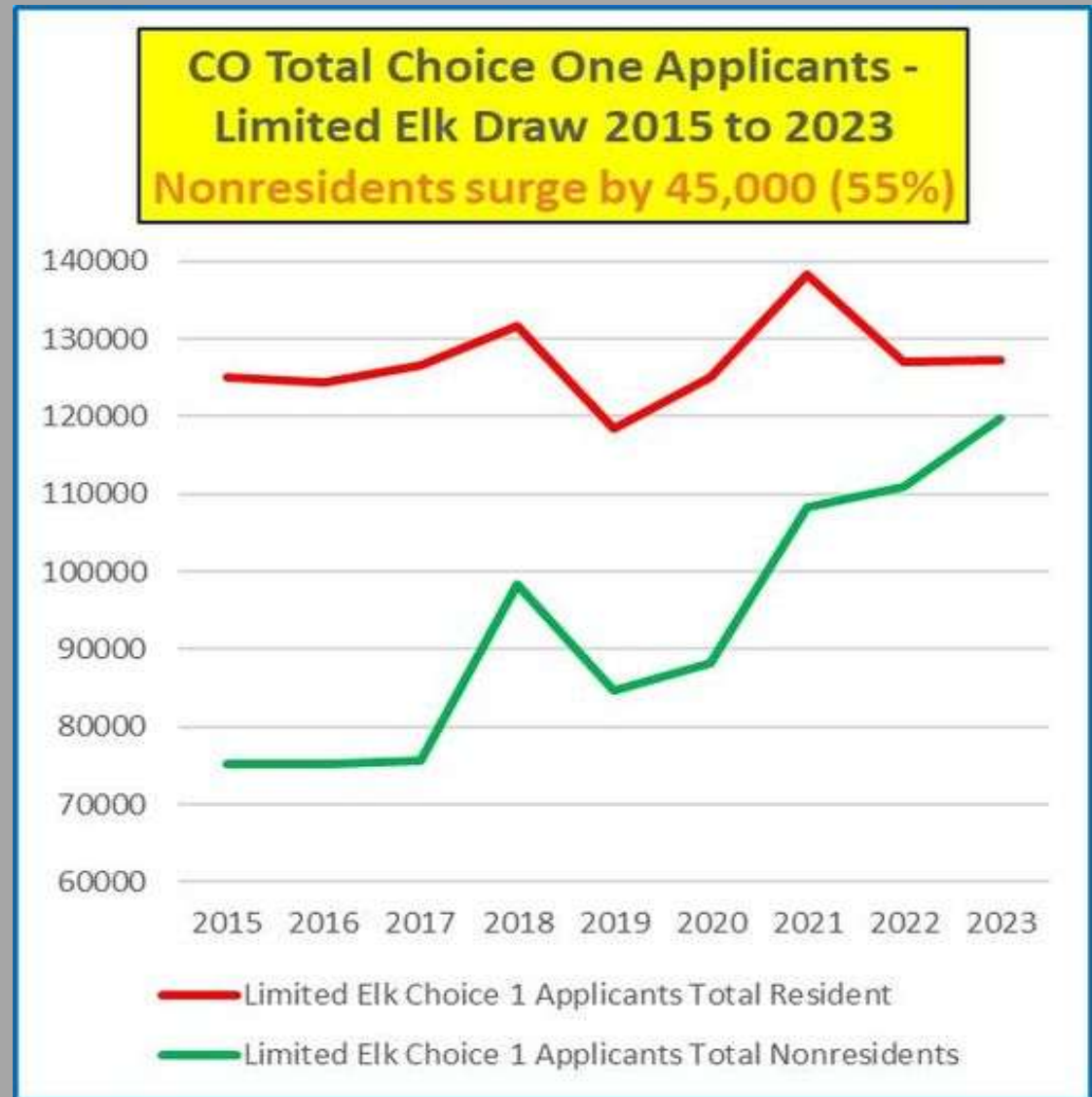
***Nonresident (NR) Applicants up by 44,487 in Limited Elk Draw since 2015. (up 55% from 75,254 to 119,741)**

***NR are increasing by about 5,000 per year-avg**

***Resident (R) Applicants are up by 2,161 since 2015 (up 2%, from 125,099 to 127,260)**

***R increasing by about 240 per year –avg (NR avg is going up 20x R per year)**

***NR Applicants will surpass R within 2 years**

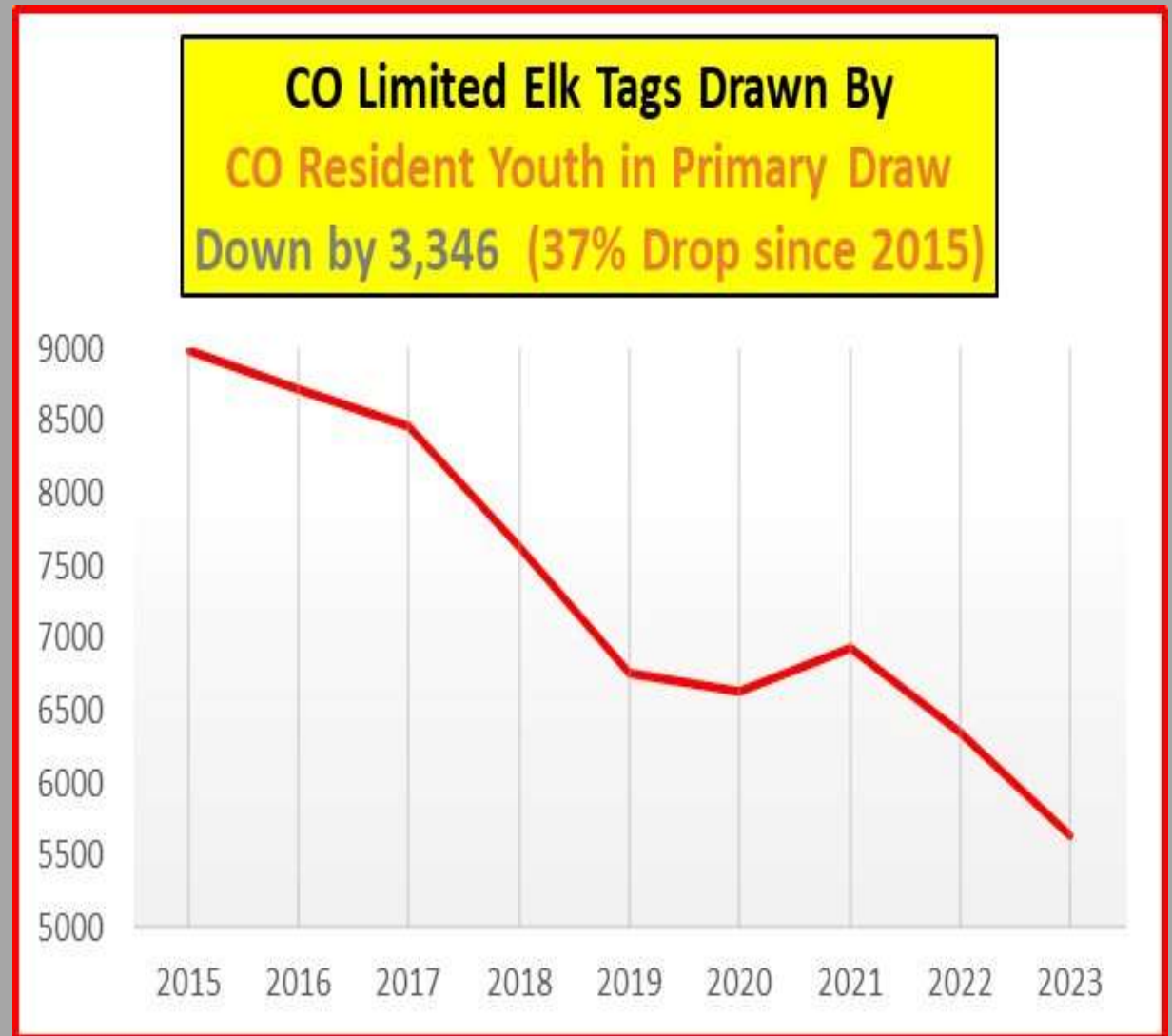


**Slide 3- Limited Elk Tags Drawn by
Resident Youth 2015 to 2023**

Resident (R) Youth are drawing 3,346 (37%) fewer limited elk tags in the past 9 years. From 8,986 to 5,640.

R Youth Limited Elk Applicants are down by 1,745 (13%) since 2015. From 13,787 to 12,042.

Note : Nonresident (NR) Youth applicants have risen 106% from 3,215 to 6,612 since 2015. NR Youth are drawing more tags since 2015, from 1117 to 1194 (7% increase).



Slide 4- Limited Elk Tags Drawn by Resident (R) vs Nonresident (NR) Primary Draw -2015 to 2023

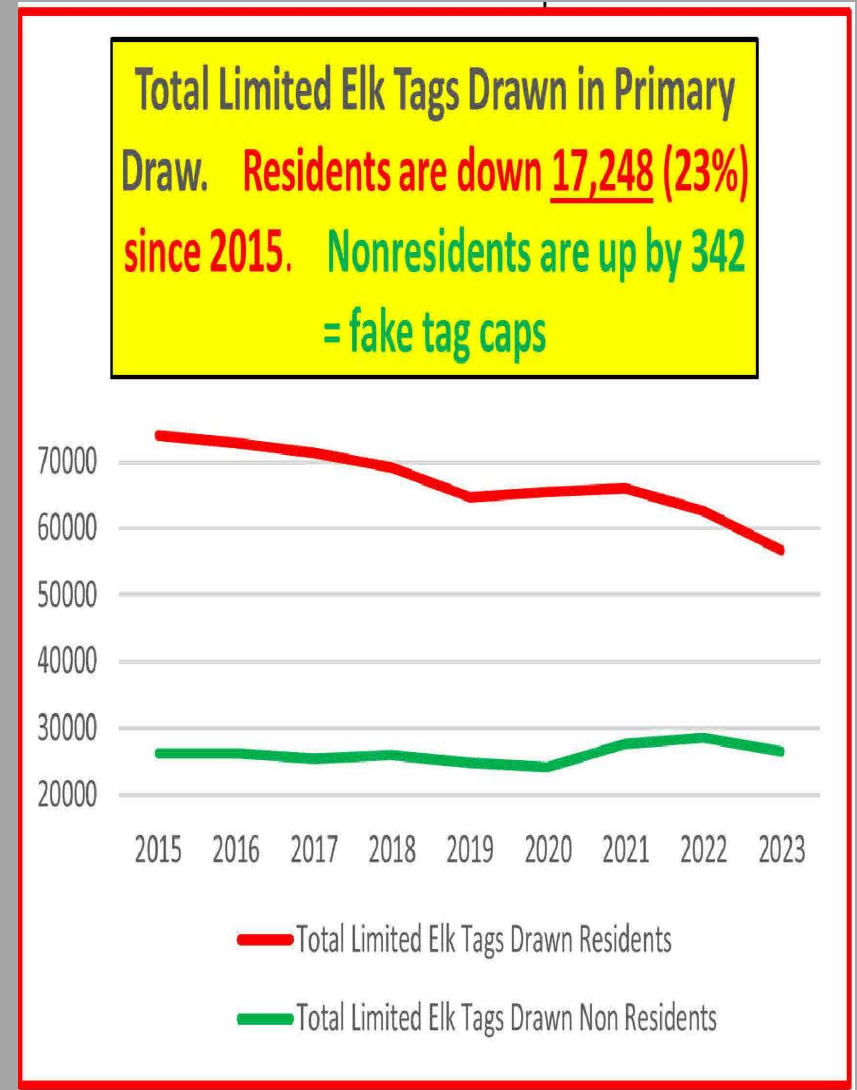
Total R (adult +youth) Elk Tags Drawn have decreased by 17,248 (23%) since 2015. (73,963 to 56,715)

Total NR (adult +youth) Elk Tags Drawn have increased by 342 (1.3%) since 2015. (26,202 to 26,544)

Per the CPW stat sheets Colorado is issuing 16,906 less limited elk tags (total R+NR) in the limited elk primary draw since 2015 (100,165 to 83,259) (17% drop)

How is it possible that with a loss of 16,906 limited elk tags in the primary draw, that R lost 17,248 tags and NR gained 342 tags?

Answer -The Fake (soft) caps have been exposed with the surge in NR applicants (up nearly 45,000 since 2015) , there are fewer and fewer tags available in the 2nd, 3rd or 4th choice of primary draw for R. Colorado's Soft Cap system serves the NR and is a violation of public trust. CPW commissioners must fix our fake caps to a true hard cap like all other Western States- restore resident equity. The cap must apply to all 4 draw choices in the limited elk application.



Slide 5 – Nonresident Surge since 2014/2015-
(combine OTC and limited elk draw stats)

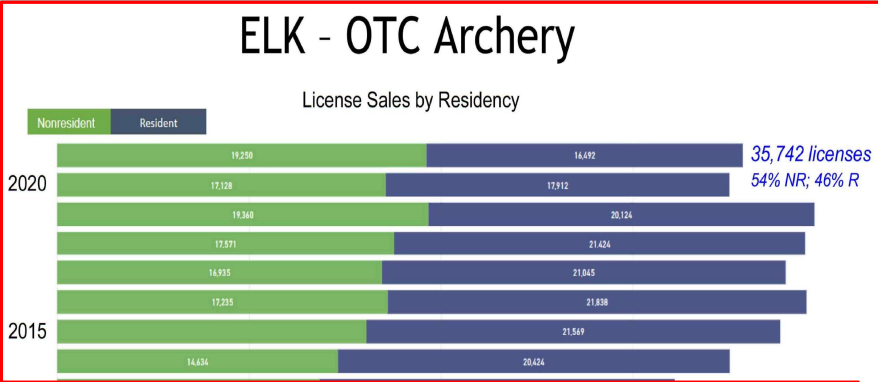
Combining the trends of OTC and Limited Elk Draw reveal the effects of the surge in NR applicants since **2014/2015**.

- **Nonresidents up by 53,078 (8,591+44,487)**
- **Residents Down by 4,456 (7,617-2,161)**

There is absolutely zero statistical evidence that Residents are contributing to any overcrowding in any elk hunts in CO. In archery OTC Residents have been declining since 2009 (16 years).

Is the CPW Staff trying to address current OTC overcrowding trends (past 10-15 years) **or** trends from the 1980’s (45 years ago). During the April 5, 2024, CPW Commission meeting CPW Biologist Jamin Grigg stated our numbers were a “fallacy”. But these numbers are from the CPW Brandon Diamond Report and CORA data. If Mr. Griggs is accurate, CPW waited over 30-40 years to address overcrowding caused by Residents, that simply makes no sense. CPW Staff is misleading the Residents to protect their budget.

I am asking you to support **Alternative 2**, preserve OTC elk for Residents Only until there is some current statistical evidence that Residents are causing overcrowding. Cap Nonresidents and change our soft cap in the limited draws to a hard cap. Restore Equity for the Resident Hunter its their resource you should be managing it for their benefit, per the Colorado Constitution you serve the Residents.



Over the Counter (OTC) Elk tags sold in Colorado

*Includes cow only OTC archery elk (cow only Archery numbers for 2021, 351 nonresidents, 2217 residents)

Year	OTC Resident Total Sold (Archery+Rifle)	OTC NONResident Total Sold (Archery+Rifle)	Total	OTC Resident Archery	OTC NONResident Archery	Total	OTC Resident 2nd and 3rd Rifle	OTC NONResident 2nd and 3rd Rifle	Total
2002	45,287	38,160	83,447	8044	10,437	18,481	37,243	27,723	64,966
2009	49,604	36,467	86,071	18,178	15,545	33,723	31,426	20,922	52,348
2014	56,693	35,818	92,511	20,661	14,984	35,645	36,032	20,834	56,866
2019	52,418	41,669	94,087	17,810	18,958	36,768	34,608	22,711	57,319
2021	49,076	44,409	93,485	16,492	19,250	35,742	32,584	25,159	57,743
% change since 2014	-13%	24%	1%	-20%	28%	<1%	-10%	21%	2%
# change since 2014	-7,617	+8591		-4,169	+4266		-3,448	+4325	

Trends/Notes

1. Resident archery hunters down 20% since 2014, Nonresident archery hunters up 28% since 2014.
2. More nonresident archery hunters than resident.
3. Total Resident OTC hunters down 13% since 2014, Total Nonresident OTC hunters up 24% since 2014.

Obtained thru CORA requests

Slide 6- Randy Newberg's Podcast devoted to CPW Commissioner Jay Tutchton's Public Trust is Legal Fiction Comments in March 2024 – (Link) Episode 123, Elk Talk- Are Wildlife Trustees Qualified? Or NOT? <https://podcasts.apple.com/us/podcast/are-wildlife-trustees-qualified-or-not/id1402903701?i=1000651071671>

- 1. The Public Trust Doctrine is not Legal Fiction per CPW Commissioner Tutchton.
- 2. Hughes Vs Oklahoma did not disturb The Public Trust, it merely limited interstate travel with regards to wildlife, you must review Hughes vs Oklahoma-- since Mr. Tutchton reference was very strong against Geer vs Conn. Hughes vs Oklahoma does not affect The Public Trust Doctrine in regard to wildlife management / tag allocation as a Resident resource, it only affects interstate travel after an animal is harvested under the Commerce Clause. In this case (Mr. Hughes), this meant he could no longer catch minnows in Oklahoma and take them to Texas for sale.
- 3. See https://scholarship.law.uwyo.edu/cgi/viewcontent.cgi?article=2127&context=land_water
- 4. See https://wildlife.org/wp-content/uploads/2014/05/ptd_10-1.pdf

Apple Podcasts Preview



Are Wildlife Trustees Qualified? Or Not?

Elk Talk

Wilderness

[Listen on Apple Podcasts](#)

Randy and Corey follow up on a listener email where a Colorado Wildlife Commissioner claimed that State Trusteeship of Wildlife is legal fiction. In addition to updates on the deadlines for MT, CO, and UT, topics covered include qualification to be a wildlife trustee, do we want a Federal wildlife system, the laws/cases/Constitutional basis for our current state-based wildlife systems, Trustees ignoring their duties, how we got the the current systems we have, and many other topics that impact how wildlife gets managed and how opportunity gets allocated. Learn more about your ad choices. Visit megaphone.fm/adchoices

eminent to privatize this resource. For the first time not only is there a recognition of a right in the government to control the taking of game and to prevent the privatization thereof, we see the unequivocal imposition of the fiduciary duties of the state as trustee, as necessitated by the foundations of our free society.

In the century that has passed since *Geer*, the courts have not backed off from the recognition of this trust relationship. In *Hughes v. Oklahoma*⁸⁷ the Court overruled *Geer* to the extent *Geer* held that state “ownership” in wildlife allowed it the right to interfere with interstate commerce. However, in so doing, *Hughes* did not disturb the public trust in wildlife.⁸⁸

Therefore, we have within the common law ample authority that the states, and the federal government where applicable, hold wildlife in trust for the benefit of all persons. Yet because the public trust doctrine is pri-

86. *Id.* at 529 (emphasis added).
87. See *supra* note 11, 441 U.S. 322 (1979).
88. While it is possible to infer from *Geer* a holding that the state holds such actual title, the court’s emphasis on the trust relationship makes it clear that the beneficial ownership of wildlife lies in the people. The thrust of *Hughes* was simply that the State may not exercise its “ownership” of wildlife in a manner that conflicts with the Commerce Clause in the United States Constitution. “Nothing in [Hughes] indicated any retreat from the States’ public trust duty discussed in *Geer*.” *Owsich v. State of Alaska Guide Licensing and Control Board*, 763 P.2d 488, 495 (Alaska 1988).

Slide 7- Example (1 of 80) Fake (Soft) Tag Cap impacts on Unit 21 - 1st Season Elk – 2023- Unit 21 cover 5 game units - 21,22, 30,31, and 32

Colorado's Fake Tag Caps- Example 1 of over 80 limited units

Unit 21- 1st Rifle Elk Season – 70% of tags go to Nonresidents. (312 of 450 available tags to NR)

Total Residents Ignored in 2nd, 3rd & 4th choices (204+70+31) = 305

Resident Youth ignored in 2nd, 3rd, & 4th choices (26+8+2) = 36



**Colorado Parks and Wildlife
2023 Primary ELK Post Draw Report**

Draw Recap
5/19/2023 11:37:30 PM
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EM021O1R

Total Quota Amount	450
Remaining Balance	0
# Drawn	450
Hunt Code	EM021O1R
List	A

Regulation Level	# Drawn
LPP Unrestricted (up to)	N/A
LPP Restricted (up to)	N/A
Youth Preference (up to)	N/A
NonResident Cap (up to)	35%
Hybrid Draw (up to)	N/A
	N/A
General Apps	LPP Apps
Total Choice 1	462
Total Choice 2	441
Total Choice 3	142
Total Choice 4	61

Pre-Draw Quotas	Quota	Adult	Youth	Landowner (LPP)
	Original	General Draw	Res	NonRes
	450	450	Determined by Draw	Determined by Draw
			Preference	Unrestricted
			N/A	N/A

Post-Draw Successful	# Drawn	Balance	Res	NonRes	Res	NonRes	Unrestricted	Restricted
	450	0	117	287	21	25	0	0
			26%	64%	5%	6%	0%	0%

	Res	NonRes	Res	NonRes	Unrestricted	Restricted
Drawn Out At	Choice 2	Choice 2	0 Pref Points	0 Pref Points	N/A	N/A
# Drawn at Final Level	3 of 204	2 of 198	18 of 19	20 of 22	N/A	N/A
% Drawn at Final Level	1%	1%	95%	91%	N/A	N/A

Pro-Dress Applicants

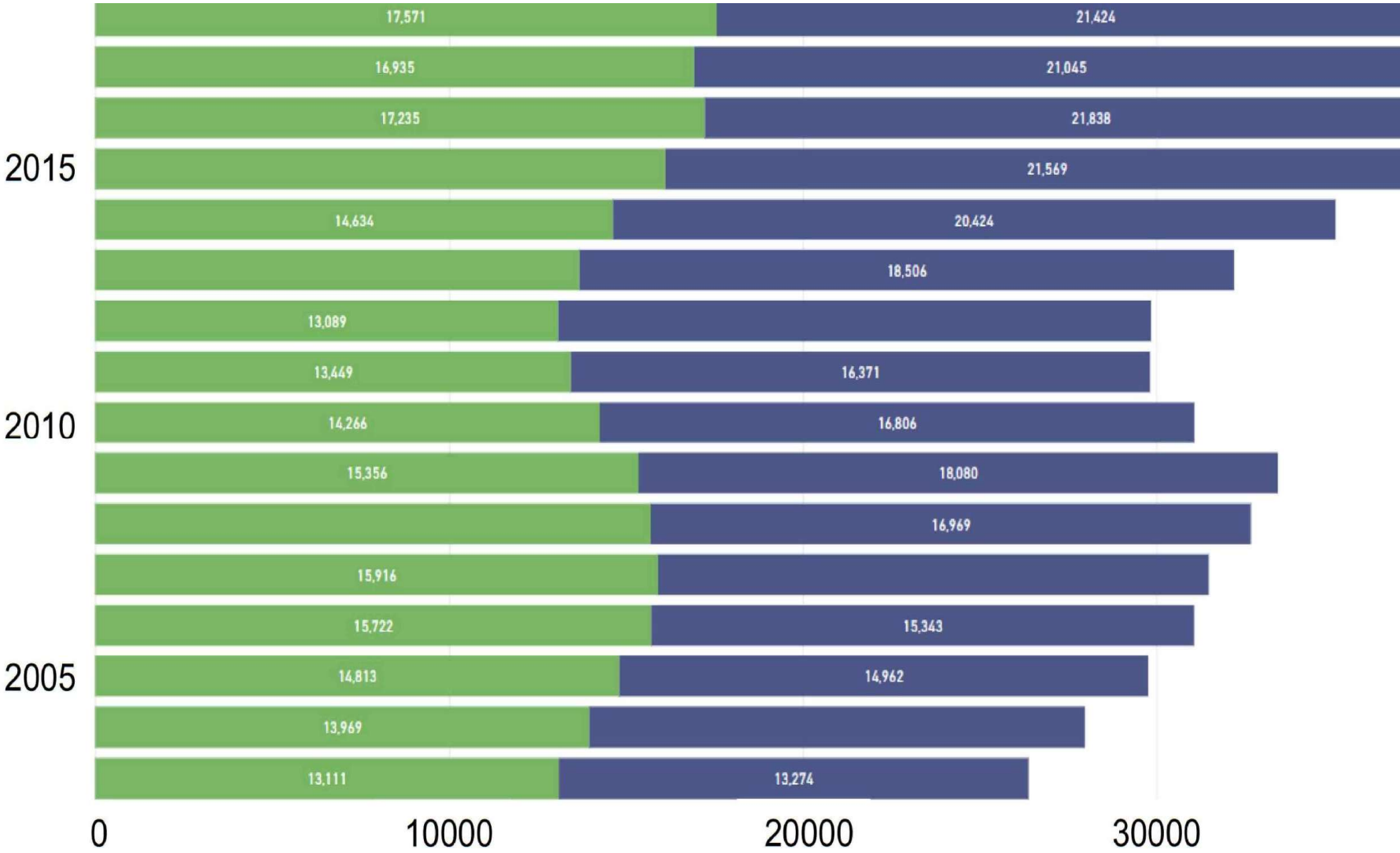
Choice	Preference Points	Adult		Youth		Landowner (LPP)	
		Res	NonRes	Res	NonRes	Unrestricted	Restricted
1	10	-	2	-	-	-	-
	9	1	-	-	-	-	-
	8	-	-	-	-	-	-
	7	-	1	-	-	-	-
	6	-	1	-	-	-	-
	5	1	3	-	-	-	-
	4	1	5	-	-	-	-
	3	1	3	-	4	-	-
	2	2	13	-	-	-	-
	1	15	26	3	1	-	-
0	95	243	19	22	-	-	
Total Choice 1		116	297	22	27	0	0
Total Choice 2		204	198	26	13	0	0
Total Choice 3		70	59	6	5	0	0
Total Choice 4		31	27	2	1	0	0
Grand Total		421	581	58	46	0	0

Landowner Leftover Choice 1 | 0 | 0

Post-Draw Successful							
		Adult		Youth		Landowner (LPP)	
Choice	Preference Points	Res	NonRes	Res	NonRes	Unrestricted	Restricted
1	10	-	2	-	-	-	-
	9	1	-	-	-	-	-
	8	-	-	-	-	-	-
	7	-	1	-	-	-	-
	6	-	1	-	-	-	-
	5	1	3	-	-	-	-
	4	1	5	-	-	-	-
	3	1	3	-	4	-	-
	2	2	13	-	-	-	-
	1	15	23	3	1	-	-
0	93	234	18	20	-	-	
Total Choice 1		114	285	21	25	0	0
Total Choice 2		3	2	0	0	0	0
Total Choice 3		0	0	0	0	0	0
Total Choice 4		0	0	0	0	0	0
Grand Total		117	287	21	25	0	0

Landowner Leftover Choice 1 | 0 | 0

Slide 8
Brandon
Diamond
CPW Report
2022



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Slide 10
[Petition](#) to save
OTC For Resident
Only: at **6,715**
signatures as of
4/25/24

Petition to Preserve OTC Elk Hunting for Colorado Residents Only

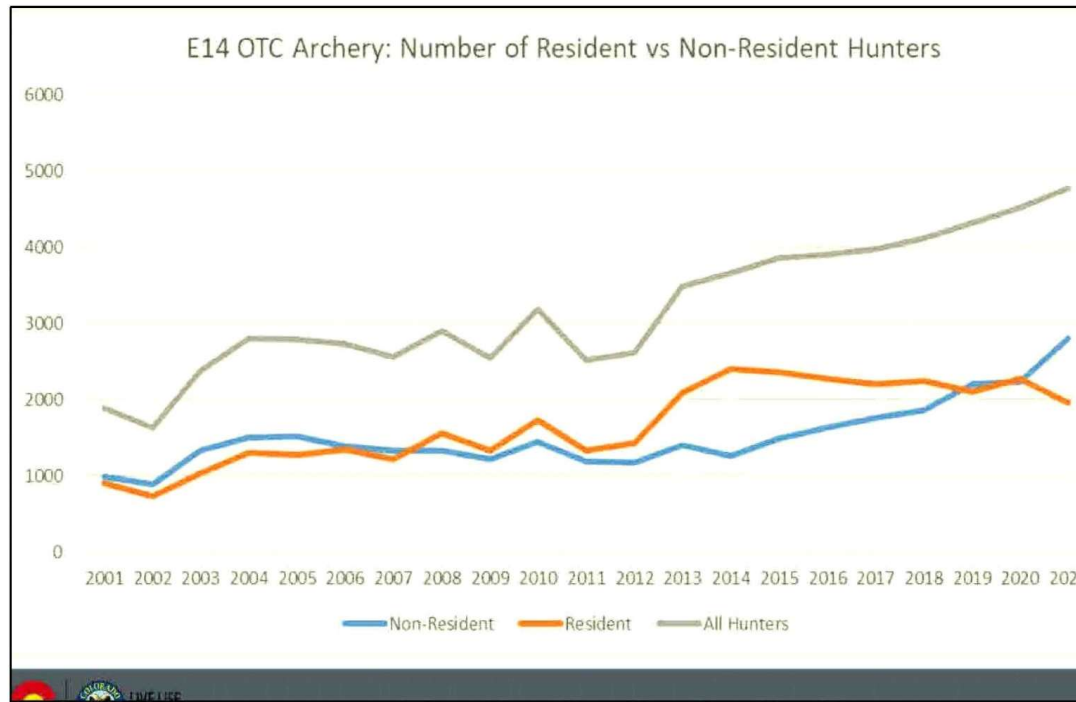
The [Colorado Resident Hunter Association](#) (Facebook group) is writing this petition because the Colorado Parks and Wildlife (CPW) is currently considering the removal of Over-The-Counter (OTC) archery elk hunting in Colorado due to overcrowding. It is time to restore equity (compared to other western states) for resident hunters by preserving OTC archery elk tags and OTC rifle elk tags for resident hunters only--- starting in 2024.

We have witnessed alarming trends in OTC hunting that have significantly impacted resident hunters. CPW does not share these trends, they were obtained by CORA requests. From 2014 to 2021 there has been a staggering decline of [20% \(4,169\)](#) in OTC archery resident hunters while non-resident participation skyrocketed by over 28% (4,266). As a result, there are nearly 3,000 more nonresident archery OTC hunters than residents (see attached spreadsheet). The numbers for rifle OTC trends are similar, residents are down 10% and nonresidents are up 21%. The overcrowding issue faced during OTC seasons is not caused by resident hunters but is the result of consistent growth of non-resident participation.

By signing this petition, you are expressing your support for preserving all remaining OTC elk hunting (archery and rifle) for Colorado residents only, starting in 2024. We believe this measure will restore equity without infringing upon the rights or experiences of non-resident hunters who can still participate through limited draw hunts and non-resident caps on all OTC hunts. Please scan the QR code (pass QR code to fellow hunters) and sign electronically.

Slide 11
Grand Mesa –
E14

**Overcrowding by Nonresident Hunters Cancels all OTC Archery elk
hunts on Grand Mesa (Western CO) in 2023**



During the [January 17, 2023 CPW Commission meeting](#) members of the Colorado Resident Hunter Association (Facebook Group) testified to try and save OTC archery hunting in the five E14 / Grand Mesa units (41, 52, 411, 421 and 521). CPW was responding to overcrowding complaints over the past few years. The attached Grand Mesa E14 Archery CPW graph that was shared with the commission this past fall shows that Nonresident archery hunters are up approximately 250% (1200 to 3000) since 2014 and that resident hunters are actually down 20% (2400 to 2000) since 2014. The surge in hunting pressure is the result of Nonresidents, in fact, 3 out of 5 archery elk hunters on the Grand Mesa were Nonresidents.