

AGENDA ITEM SUMMARY

August 18, 2015

City Council

STAFF

Daylan Figgs, Senior Environmental Planner
John Stokes, Natural Resources Director

SUBJECT

Second Reading of Ordinance No. 086, 2015, Amending Chapters 17 and 23 of the Code of the City of Fort Collins to Create an Exception for the Possession and Discharge of Firearms for a City-Managed Pronghorn Hunting Program on Soapstone Prairie Natural Area.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 21, 2015, amends City Code to facilitate a limited pronghorn hunting season at Soapstone Prairie Natural Area (SPNA). The Soapstone Prairie Natural Area Management Plan (2007) identified pronghorn hunting as a potential recreation activity at SPNA. Over the last few years, Natural Areas has worked in collaboration with Colorado Parks and Wildlife (CPW) and Larimer County's Natural Resources Department to explore and develop a potential approach to pronghorn hunting on Soapstone Prairie Natural Area (SPNA) and the County's Red Mountain Open Space (RMOS) that could begin in 2016. Hunting access to SPNA and RMOS would provide an additional recreation opportunity to the community, assist CPW in maintaining pronghorn population objectives, and support the respective management plans of the properties. Changes to City Code are necessary to allow for the carry and discharge of firearms when participating in the hunting season on City-owned property. The specific program parameters will be adopted administratively by the Natural Areas Department.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, July 21, 2015 (w/o attachments) (PDF)
2. Ordinance No. 086, 2015 (PDF)

AGENDA ITEM SUMMARY

July 21, 2015

City Council

STAFF

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John Stokes, Natural Resources Director

SUBJECT

First Reading of Ordinance No. 086, 2015, Amending Chapters 17 and 23 of the Code of the City of Fort Collins to Create an Exception for the Possession and Discharge of Firearms for a City-Managed Pronghorn Hunting Program on Soapstone Prairie Natural Area.

EXECUTIVE SUMMARY

The purpose of this item is to propose amendments to the City Code to facilitate a limited pronghorn hunting season at Soapstone Prairie Natural Area (SPNA). The Soapstone Prairie Natural Area Management Plan (2007) identified pronghorn hunting as a potential recreation activity at SPNA. Over the last few years, Natural Areas has worked in collaboration with Colorado Parks and Wildlife (CPW) and Larimer County's Natural Resources Department to explore and develop a potential approach to pronghorn hunting on Soapstone Prairie Natural Area (SPNA) and the County's Red Mountain Open Space (RMOS) that could begin in 2016. Hunting access to SPNA and RMOS would provide an additional recreation opportunity to the community, assist CPW in maintaining pronghorn population objectives, and support the respective management plans of the properties. Changes to City Code are necessary to allow for the carry and discharge of firearms when participating in the hunting season on City-owned property. The specific program parameters will be adopted administratively by the Natural Areas Department.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The SPNA Management Plan identifies pronghorn as a conservation objective within the shortgrass prairie/grasslands system. SPNA is located within an area defined by Colorado Parks and Wildlife (CPW) as a critical wintering area for pronghorn during the period from January 1-March 15. Pronghorn are abundant at SPNA; with the lower number of pronghorn occurring during the summer months and higher numbers in the winter. The SPNA Management Plan (2007) allows for hunting to be considered as a recreational activity on SPNA; but implementation was deferred until a time staff was able to fully understand the biological and conservation implications of a hunting program as well as its relationship to other recreational uses of the property.

SPNA lies in CPW's Game Management Unit 9 (Map 3). CPW considers the pronghorn herd at or near its population objective (The Pronghorn Management Plan Cherokee Park Herd *Data Analysis Unit PH-33, GMUs 9 & 191* (2013)). Currently, two hunting seasons occur within Unit 9; the regular private land season in October and a second late season that occurs from November 1 through December 31.

CPW contacted the Natural Areas Department (NAD) to discuss the potential for providing access to SPNA for the pronghorn late season. The same outreach was made to Larimer County for access to RMOS. The majority of land within GMU 9 is privately owned, making access for pronghorn hunting limited. Hunting access to SPNA and RMOS would provide an additional recreation opportunity to the community, assist CPW

in maintaining pronghorn population objectives, and support the respective management plans of the properties.

Larimer County's Department of Natural Resources (DNR) initiated a limited elk and deer hunting season in 2010 on Red Mountain Open. The hunting season has been extremely popular with hunters and well managed by DNR and CPW. DNR Rangers and CPW District Wildlife Managers monitor and regulate the hunting program and are available for enforcement if needed. If a pronghorn program is implemented at SPNA, NAD Rangers will be involved in managing the program with assistance from DNR Rangers and CPW management staff.

NAD has opted to not pursue an elk or deer season at this time. Hunting opportunities are provided at RMOS where animal densities are higher. DNR has structured a hunting program that focuses on areas away from the trail system and during the weekdays where other recreational use is limited. Also, the management plans for the respective properties were developed to co-manage the properties in a way that provided a broad range of recreational opportunities, but not necessarily provide all opportunities at both properties. SPNA has higher pronghorn densities than RMOS and this species is widely distributed across the site. Thus, NAD will take the lead in this effort.

As currently envisioned, the City, County, and CPW will develop a pronghorn hunting opportunity for both SPNA and RMOS. Access to SPNA and RMOS would be allowed with a special use permit issued by the City for SPNA and the County for RMOS and within the established late hunting season and after the regular closure SPNA and RMOS to public use which occurs on December 1st (and lasts until March 1). The hunting season will end by December 15, well in advance of the critical wintering period defined by CPW. Access to SPNA and RMOS will be limited to no more than ten permit holders and only within areas designated as open to hunting. Following DNR protocol for other limited hunting seasons on RMOS:

- All parties interested in hunting on SPNA and RMOS will be required to apply for an access permit.
- An administration fee will be charged for each application and used to offset staff time to administer the hunt.
- Permits will be issued through a lottery system.
- Hunters will be required to attend a mandatory orientation with NAD and DNR staff to review rules and regulations, receive detailed maps of hunting areas on SPNA and RMOS, and provide contact information for staff.
- Hunters will be allowed to park in designated areas; access from the parking areas will be non-motorized only.

Hunters that are successful in drawing an access permit will be required to apply and receive a late season Unit 9 pronghorn permit from CPW.

Currently, City Code and NAD regulations only allow for the open carry or discharge of a firearm on Natural Area properties under certain circumstances. Hunting is not one of the circumstances. The proposed changes to City Code include the addition of language to allow for the discharge of firearms or weapons by a person in possession of a City-issued permit within an area identified and in the manner authorized by the subject permit. The program parameters and specific conditions of the permit are subject to the administrative approval of the Natural Areas Director.

CITY FINANCIAL IMPACTS

An administrative fee will be charged for each application and used to offset staff time to manage the hunt. Costs to administer the program also will be shared by DNR and CPW. The ultimate goal is for the program to be cost neutral. However, given the uncertainty in the level of public interest (number of applications for access) and the total administrative costs, there may be unrecovered costs in the first few years. Program costs will be tracked and fees adjusted over time to meet the cost neutral goal.

BOARD / COMMISSION RECOMMENDATION

At its April 8, 2015 meeting, the Land Conservation and Stewardship Board recommended that City Council approve this item.

PUBLIC OUTREACH

The concept of a recreational hunting program was approved as part of the Soapstone Prairie Natural Area Management Plan (2007). During the extensive public outreach process to rewrite the Natural Areas Master Plan (2014), the concept of a pronghorn hunting season at SPNA was presented for input during several public open house events, including on January 30, 2014 and June 19, 2014. While some members of the public did not support hunting, the overall response was positive.

ATTACHMENTS

1. Land Conservation & Stewardship Board minutes, April 8, 2015 (PDF)
2. Sustainability Assessment Summary and Tool (PDF)

COPY

ORDINANCE NO. 086, 2015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTERS 17 AND 23 OF THE CODE OF THE CITY OF
FORT COLLINS TO CREATE AN EXCEPTION FOR THE POSSESSION AND
DISCHARGE OF FIREARMS FOR A CITY-MANAGED PRONGHORN HUNTING
PROGRAM ON SOAPSTONE PRAIRIE NATURAL AREA

WHEREAS, in 2004, the City acquired a 12,579-acre property from Soapstone Grazing Association which has been supplemented by additional land acquisitions to a current total size of 22,000 acres and is now named the “Soapstone Prairie Natural Area” (Soapstone); and

WHEREAS, the City Council adopted the Soapstone Master Plan in 2007, along with Wildlife and Vegetation Management Guidelines, in which Natural Areas Program staff outlined potential implementation of stewardship and conservation objectives and public education programs, including potential hunting on Soapstone; and

WHEREAS, Soapstone was opened to the public as a City natural area beginning in 2009, and has annually been closed to the public between December and February as part of interagency regional wildlife management efforts; and

WHEREAS, in 2010, Larimer County began managing a limited elk and deer hunting season on Red Mountain Open Space, adjacent to Soapstone, which has been proven to be an effective tool for Larimer County and the Colorado Department of Parks and Wildlife to monitor and regulate game populations in the region; and

WHEREAS, since 2007, Natural Areas staff have studied opportunities to coordinate regional wildlife management efforts with federal, state and county wildlife officials, which has led to long-range interagency management efforts in and around Soapstone, including the reintroduction of Black-footed ferrets and American Bison in 2015; and

WHEREAS, recognizing the successes of Larimer County’s hunting program on Red Mountain Open Space and pursuing Soapstone Master Plan objectives, Natural Areas staff conducted public outreach in 2014 regarding offering limited pronghorn antelope hunting on Soapstone and incorporated that input into creating a hunting program as a recreational objective in the Natural Areas Master Plan adopted by Council on October 7, 2014, by Resolution 2014-089; and

WHEREAS, staff have determined a limited program, coordinated with Larimer County and the Colorado Department of Parks and Wildlife, to offer pronghorn antelope hunting on Soapstone, between December and February, will further interagency efforts to manage regional game populations that migrate across contiguous open space and natural areas without interfering with other recreational uses of the property; and

WHEREAS, the current City Code prohibits discharge of firearms or weapons in natural areas for hunting; and

WHEREAS, staff recommends adoption of an exception in the City Code to allow the discharge of a firearm in a natural area, when a party possesses a city-issued hunting permit and the discharge occurs within the terms of that permit; and

WHEREAS, on April 8, 2015, the Land Conservation and Stewardship Board reviewed the proposed amendments to the City Code and program parameters for a limited pronghorn antelope hunting season on Soapstone, and unanimously recommended Council adopt the changes necessary to accommodate the program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council finds that updating the restrictions on the discharge of firearms and weapons within City limits in Chapter 17 of the City Code and the discharge of firearms and weapons in natural areas in Chapter 23, to accommodate the administration of a limited hunting permit program in the Soapstone Prairie Natural Area, is in the best interest of the City and its residents.

Section 2. That Section 17-101 (b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-101. Discharging of weapons; permit.

...

(b) The discharge of firearms or weapons by any member of any law enforcement office in the course of such member's law enforcement training exercises or official duty shall not be deemed a violation of Subsection (a) above, and any firing range or training facility operated and maintained by Fort Collins Police Services or the County Sheriff's Office is exempt from the permit requirements specified in Subsection (c) below. The discharge of firearms or weapons in a City natural area, as defined in Section 23-192, by a person in possession of a valid, current, City-issued hunting permit shall not be deemed a violation of Subsection (a) above if the discharge occurs within the area identified and in the manner authorized by the subject permit.

...

Section 3. That Section 23-193 (d)(20) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-193. Prohibited acts; permits.

...

(d) Except as authorized by a permit obtained for such use from the Service Area, it shall be unlawful to:

...

(20) Possess in a natural area any gun, pistol, crossbow, bow and arrow, slingshot or other firearm or weapon whatsoever, including BB guns or pellet or paintball guns, except as permitted by a City-issued or other lawfully issued permit. Discharge of any such firearm or weapon shall be prohibited, except in a natural area as expressly permitted by a City-issued hunting permit.

...

Section 4. That Section 23-195 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-195. Routine permit processes.

The Director may establish an alternative permit process for any activity specified in Subsection 23-193(d) that is subject to standardized requirements and conditions, including but not limited to issuance of hunting permits in a natural area through a lottery system. Issuance of a permit under any such routine permit process shall be on a first-come, first-served basis, or first-drawn basis when a lottery system is used to determine recipients of a limited number of permits. A routine permit process for an activity such as camping may utilize an on-site system located at the permitted camping area. In connection with and as a condition of any routine permit process, the payment of an administrative fee may be required by the City Manager pursuant to Chapter 7.5 of this Code.

Introduced, considered favorably on first reading, and ordered published this 21st day of July, A.D. 2015, and to be presented for final passage on the 18th day of August, A.D. 2015.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2015.

Mayor

ATTEST:

City Clerk