

# ELK STREAM RANCH

A Colorado Common Interest Community  
Located in T36N R13W, T35N R13W, T36N R12W and T35N R12W, N.M.P.M  
Montezuma County and La Plata County, Colorado

**Elk Stream Ranch Property Owners Association, Inc.**  
**A Colorado Non-Profit Corporation**

## POLICIES

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### **POLICY #18-2020: HUNTING RESTRICTIONS POLICY**

Adopted 17<sup>th</sup> Feb, 2021  
Amended \_\_\_\_\_, 20\_\_\_\_

The following policy has been adopted by the Elk Stream Ranch Property Owners Association, Inc., a Colorado non-profit corporation ("Association") pursuant to C.R.S. §38-33.3-209.5, and in accordance with C.R.S. §38-33.3-123, §38-33.3-315, §38-33.3-316, the Governing Documents of the Association, and the Act, at a regular meeting of the Board.

**Purpose:** The Board, on behalf of the interests of many Members, desires to provide a better management framework regarding the hunting ban within Elk Stream Ranch and to establish a system of fines for hunting violations.

Section 9.05(c)(i) in Article 9 of the Declaration (Covenants, Conditions and Restrictions) bans hunting and the discharge of firearms within Elk Stream Ranch except to protect an Owner or Guest from potential danger.

Section 9.15 of the Declaration addresses wildlife management, and this provision seeks to promote a variety of wildlife populations and habitat. The Declaration provides that wildlife populations and habitat are to be maintained and enhanced through a variety of management techniques including: restoration, establishment and maintenance of native vegetation and grass meadows, controls on dogs to prohibit wildlife harassment, restrictions on artificial feeding programs and bans on hunting.

Wildlife in Elk Steam Ranch is a valuable community asset and the enjoyment of viewing the animals and living within wildlife habitat is important to the Association and community members who see the canyon as a wildlife refuge.

In addition to protecting wildlife populations and habitat, this policy is necessary in order to protect the health and safety of the Members, Owners, Residents and Guests.

Therefore, the purpose of this policy is to establish better definitions regarding hunting and hunting activities, and to provide a system of fines for hunting violations.

**NOW, THEREFORE, IT IS RESOLVED** that the Association does hereby adopt the following policy governing hunting within Elk Stream Ranch:

**1. Applicability.**

**a. Owners, Members, Residents and Guests.** This policy is applicable to all persons within Elk Stream Ranch, and Members, Owners and Residents are responsible for any hunting activity by any Guest.

**b. Trespass.** Any person violating this policy that is not a Member, Owner or Resident or their Guests shall be deemed to be a trespasser and the Association shall turn the matter over to the appropriate local law enforcement agency.

**2. Definitions.**

**a. "Hunting".** "Hunting" shall mean the use of any land within Elk Stream Ranch, including all Parcels and Common Elements, for tracking, spotting or driving (including any activities that attempt to move wildlife either on or off of Elk Stream Ranch), including vehicular activity (such as driving any vehicle on or off of Association roads or any private driveway), and any activity for the purposes of hunting on foot, horseback or small recreational vehicle for spotting, trapping or shooting wild animals and for purposes of locating, tracking or killing any wildlife with any weapon (such as guns, bows, knives, clubs or other devices capable of propelling an object that could cause great bodily harm, or any other device that could be termed an assault weapon) for any purpose, including herd culling not directed by the Association. "Hunting" does not include stalking, attracting, searching or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking photographs of wildlife.

**b. Aerial Means.** The use of any aerial item or mechanism for Hunting purposes, by any aerial means including drones shall be considered a trespass of Elk Stream Ranch property.

**3. Exceptions.**

**a. Rodents.** The taking or management of rodents such as mice, rats, gophers and moles is allowed by Members, Owners, and Residents to the extent necessary to manage rodent populations, and any such activities must be carried out in a manner that does not create the potential for harm or damage to other Members, Owners and their property in Elk Stream Ranch.

**b. Personal Protection.** Discharge of a firearm or use of a weapon for purposes of protection of one's person or property, resulting in the death of wildlife is an exception to this policy.

**c. Act of Mercy.** Any act, as approved by the Association, to kill harmed or damaged animals that are within Elk Stream Ranch.

**d. Accident.** The accidental killing of wildlife resulting from vehicular activity (such as hitting an animal while driving on Association roads or private driveways).

**e. Wildlife Population Management.** Any hunting activities that are directed by the Association that are coordinated with the Colorado Division of Wildlife to appropriately manage wildlife populations.

**4. Signage.**

**a. Signage.** The Association shall post and maintain appropriate signage, including notification of the ban on hunting within Elk Stream Ranch and/or "No Trespassing" on the main gates and entry areas and other known or likely points of entry into Elk Stream Ranch, either by vehicular access or on foot or horseback, or by any small recreational vehicle.

**5. Fines.**

**a. Assessment.** Fines shall be assessed to any Member, Owner, Resident or Guest who violates the provisions of this policy or the Section 9.05(c)(i) or Section 9.15 of the Declaration, and shall be implemented in accordance with Policy #5-2010, as amended: Enforcement of Covenants and Rules, Notice and Hearing Procedure.

**b. Hunting.** Any hunting activity, whether or not it results in the killing of any wildlife shall be a Category 3 violation under Policy #5.

**6. Sanctions.**

**a. Sanctions.** In accordance with the provisions of Paragraph 3 of Policy #5, the Association may impose and enforce any sanctions or other protective measures it deems appropriate for violations that are or may be an immediate or substantial threat to the health, safety and welfare of the community or an individual.

**7. Waivers.**

**a. Waivers.** The Association may, upon application and review under ESR Policy requirements, waive any provision of this Policy if circumstances are found to warrant the requested waiver.

**PRESIDENT'S CERTIFICATION:** The undersigned, being the President of the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on (date) 17<sup>th</sup> Feb. 2011 and in witness thereof, the undersigned has subscribed his name.

**Elk Stream Ranch Property Owners Association, Inc.,** a Colorado Non-Profit Corporation

By: *Kenneth Suwabian*  
KENNETH SUABIAN President

ATTEST  
By: *David C. Larsen*  
David C. Larsen, Secretary/Treasurer