

CITIZEN PETITION FOR RULEMAKING

DATE: JUNE 16, 2025

BEFORE THE COLORADO PARKS AND WILDLIFE COMMISSION

PETITION FOR RULEMAKING TO AMEND 2 CCR 406-018

**SUBMITTED PURSUANT TO C.R.S. § 24-4-103(7) BY THE CENTER FOR
BIOLOGICAL DIVERSITY**

**PETITION TO AMEND 2 CCR 406-018 TO PROHIBIT THE COMMERCIAL SALE OF
WILDLIFE FUR IN COLORADO**

I. ISSUE

Pursuant to the authority granted under C.R.S. § 24-4-103(7), the undersigned Petitioner respectfully submits this Petition for Rulemaking to the Colorado Parks and Wildlife Commission (the “Commission”) requesting an amendment to 2 CCR 406-018 to prohibit the commercial sale, barter, or trade of wildlife fur in Colorado. The proposed amendment covers only the for-profit sale of furbearer parts, including hides, pelts, skins, claws, and similar items, with limited exemptions, and does not impose any restrictions on the hunting or trapping of furbearers.

Commercial wildlife markets have historically inflicted deep and lasting harm on North America’s native species and ecosystems. In the 19th century, unregulated markets for meat, hides, and other wildlife parts drove dramatic population crashes and, in some cases, extinction.¹ American bison and North American beavers were decimated, and the passenger pigeon was lost entirely. These market-driven declines prompted a national reckoning and led to one of the foundational conservation frameworks in the world: the North American Model of Wildlife Conservation (NAM).

A core tenet of the NAM is the elimination of commercial markets for wildlife, which helped restore many species through habitat protection and science-based regulations. However, the NAM, with its origins in the 19th century, included exemptions for the sale of furbearer parts, rooted in the historical assumption that regulated fur trapping would be sustainable. Today, that assumption must be re-evaluated.

Modern conservation challenges, like the accelerating crises of climate change and biodiversity loss, demand that we adapt and strengthen our management approaches. The authors of the NAM

¹ John F. Organ et al., *The North American Model of Wildlife Conservation*, *The Wildlife Soc’y Tech. Rev.* 12-04, at 14 (2012), <https://wildlife.org/wp-content/uploads/2014/05/North-American-model-of-Wildlife-Conservation.pdf>.

acknowledge its evolving nature, stating that the “[f]ocus moving forward should be what further legal underpinnings do we need to meet emerging conservation challenges.”²

Colorado now stands at a critical crossroads. To lead in wildlife conservation, the state must adapt its management beyond commercial practices and align its policies with present-day ecological imperatives. This petition urges Colorado Parks and Wildlife (CPW) to adopt regulations that prohibit the commercial sale of wildlife fur and end a market that has historically driven extinction, while maintaining exemptions for cultural and recreational use.

II. PROPOSED AMENDMENT TO 2 CCR 406-018

The following amendment is proposed to 2 CCR 406-018 (strikethrough denotes deletions, underlined text denotes additions). It includes exceptions for the sale of furs and fur products used in legally acquired secondhand or vintage fur products; fly tying materials and heritage western felted hats; and for scientific or educational purposes.

#018 – SALE OF WILDLIFE

A. Except as prohibited by Federal law or regulations of the Wildlife Commission, any person may sell, barter or trade nonedible portions of wildlife (fur, feathers, hides, hair, teeth, claws, hooves, horns, antlers, skulls and bones) which were legally taken or acquired.

1. It shall be illegal to sell, trade, barter or offer to sell, trade or barter bear gall bladders, bighorn sheep ram skulls or horns, bighorn sheep capes and velvet antlers. Velvet antlers attached to mounted deer, elk or moose heads and bighorn sheep skulls and horns marked in accordance with Commission Regulation #220(C), may be sold, bartered or traded.

a. Wildlife and wildlife parts legally possessed under a valid commercial parks license may be sold, bartered or traded in accordance with Chapter 11 of Commission Regulations.

b. For the purpose of these regulations velvet antlers are those deer, elk and moose antlers completely enveloped by soft vascular skin.

2. The sale, barter, or trade of furs from furbearers is prohibited³, except as provided below:

a. Handtied fishing flies. This exemption applies solely to handtied fishing flies sold as a finished product. It does not include or permit the sale of raw, tanned, or otherwise processed furbearer parts, including fur, pelts, or other materials sold separately for fly-tying purposes.

² John F. Organ, *The North American Model of Wildlife Conservation Introduction and Origins*, Wash. Dep’t of Fish & Wildlife, <https://wdfw.wa.gov/sites/default/files/2023-08/20230811-7-na-model-washington-82023.pdf> (last visited Apr. 29, 2025).

³ It is our understanding that religious or ceremonial uses by enrolled members of a federally recognized Indian nation, tribe, or pueblo, would continue to be protected pursuant to federal law and thus an explicit regulatory exemption would not be necessary. If that is determined not to be the case, however, the Center would not oppose an exemption that ensures these uses would be exempted.

b. Felted fur Western hats may be sold, provided that such hats are crafted using heritage techniques like wet felting that promote sustainability and cultural craftsmanship.

c. Fur and fur-derived materials may be sold for the purposes of scientific research, education, or museum collections.

...

III. REASONS FOR RULEMAKING

CPW has both a statutory and ethical mandate to manage wildlife in a way that ensures long-term ecological integrity, public trust, and resilience in the face of accelerating environmental pressures. A statewide rulemaking to eliminate the commercial sale of furbearers aligns with this mission and is urgently needed for six key reasons, outlined here and detailed with peer-reviewed research below.

1. Commercial fur markets are incompatible with CPW's mission to sustainably manage wildlife for public benefit, undermining the agency's legal obligation under Colorado Revised Statutes.
2. The NAM demands adaptation to modern values and explicitly opposes markets for wildlife products—an approach already reflected in Colorado's prohibition on big game commercialization.
3. The absence of comprehensive population data raises the legitimate concern that unregulated fur sales may be contributing to overharvest of Colorado's furbearers.
4. The indiscriminate nature of traps, including cage traps, leads to harm for non-target species—including the threatened Canada lynx—through injury, stress, and habitat disruption.
5. As climate change and biodiversity loss escalate, commercial exploitation of furbearers adds an unnecessary threat to species already under pressure from habitat fragmentation, temperature extremes, and drought.
6. A consistent regulatory framework will align furbearer management with existing bans on commercial big game hunting, reduce enforcement burdens, and promote clarity and fairness across jurisdictions.

For these reasons, CPW should act decisively to eliminate commercial markets for furbearers in Colorado.

1. Alignment with the mission of Colorado Parks and Wildlife

The mission of CPW is:

To perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

C.R.S. § 33-9-101(12)(b). This statutory language affirms CPW’s legal obligation to manage wildlife and natural resources sustainably, balancing ecological preservation with public access and education.

Commercial markets for furbearers fail to recognize wildlife as being held as a resource in the public trust, as identified by the NAM, and furbearers must be held available for public use, not exploited solely for the wildlife trade.⁴

2. Adapting the North American Model of Wildlife Conservation to Address Current Management Needs

The NAM emphasizes eliminating markets for wildlife products to prevent overexploitation.⁵ The NAM holds that markets for wildlife are “unacceptable,” inevitably leading to overexploitation.⁶ CPW’s management for big game hunting aligns with this principle and commercial hunting of big game is unlawful in Colorado. CPW already prohibits commercial hunting, acknowledging elimination of the game markets is a core tenant under the NAM.⁷

Eliminating commercial markets has been critical to the sustainable management and restoration of many species.⁸ The NAM itself recommends adaptation and should be applied to all wildlife including furbearers.⁹ Authors of the NAM note that it must align with what contemporary society needs, noting that “models that...address only limited special interests” risk irrelevance.¹⁰

The commercial sale of furbearers undermines sustainable wildlife management and compromises the ability to conserve these species for future generations, contrary to the principles of the NAM. Commercial markets financially incentivize overexploitation of furbearing animals and can lead to routine violations by bad actors resulting in numerous Title 33 citations.¹¹

3. Reduce Risk of Furbearer Overharvest

The number of furs harvested or sold in Colorado remains unclear. Although the Colorado Trappers and Predator Hunters Association hosts an annual fur auction, it has only released limited data from a single 2020 event, and the state does not require nor make auction records publicly available.

In 2020, a total of 4,732 wildlife furs were auctioned, including species not classified as furbearers or small game in Colorado, such as fishers and otters. Notably, river otters are a state-

⁴ *Id.*

⁵ *North American Model of Wildlife Conservation*, Colo. Parks & Wildlife, <https://cpw.state.co.us/conservation/north-american-model-of-wildlife-conservation> (last visited Apr. 21, 2025); Valerius Geist et al., *Why Hunting has Defined the North American Model of Wildlife Conservation*, 66 *Transactions of the N. Am. Model of Wildlife Conservation* 175, 177 (2001).

⁶ Organ, *supra* note 1, at 14.

⁷ *North American Model of Wildlife Conservation*, *supra* note 4.

⁸ Organ, *supra* note 1, at 17.

⁹ *See id.* at 30 (recommending to “[m]anage all wildlife under the principles of the Model. The Model is not exclusive to game species.”).

¹⁰ *Id.*

¹¹ *See, e.g.*, Title 33 citations.

protected species in Colorado.¹² Nearly all the wildlife furs at the auction were sold, for prices ranging from 25 cents (squirrel) to \$800 (western bobcat).¹³ Also in 2020, Colorado offered 1,775 coyote furs at auction and sold 1,656 of them.¹⁴ CPW lacks current population data for individual furbearer species, leaving both the agency and the public unaware of how ongoing commercial markets may be impacting furbearer populations and the ecosystems they support.

CPW lacks comprehensive, up-to-date population data for many furbearer species. While annual harvest surveys are conducted to track the number of furbearers taken each year, these surveys have limitations and do not provide detailed population estimates for all species. For instance, in the 2016–2017 Furbearer Management Report, CPW noted that harvest surveys were not conducted for gray foxes and pine martens during that period, and the available data had wide confidence intervals, raising concerns about the reliability of population estimates for these species.¹⁵

Further CPW asserts, in the 2015 State Wildlife Action Plan (“SWAP”) recommends the use of economic incentives like “[u]sing market mechanisms to change behaviors and attitudes” to address management needs.¹⁶ The SWAP also acknowledges that a “greater emphasis” is needed on creation, testing, and implementation of market-based conservation tools.¹⁷

4. Impacts on Canada Lynx and Other Nontarget Wildlife

The use of traps is indiscriminate, meaning any species and not just the targeted furbearers can be captured. For example, it has been frequently documented that river otters are often caught in traps meant for beavers, and American badgers can get caught in traps set up for coyotes.¹⁸ Incidental trapping puts vulnerable species at risk, and even without causing death, incidental captures can stress or injure non-target animals, potentially affecting their survival and reproduction.¹⁹

Canada lynx disappeared Colorado by the 1970’s, largely due to the commercial fur market driving the overharvest of lynx in the state. By 1974, the last known Colorado lynx was illegally trapped near Vail, despite being listed as a state endangered species.²⁰ The species was reintroduced in the late 1990s and has had success due to a high-profile science-based

¹² *Fur Auctions*, Colo. Trappers & Predator Hunters Ass’n, <https://coloradotrappert.com/fur-action/> (last visited Apr. 18, 2025).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Mark Vieira, Colo. Parks & Wildlife, *Furbearer Management Report 2016-2017*, at 3 (2018).

¹⁶ Colo. Parks & Wildlife, *State Wildlife Action Plan*, at 84 (2015).

¹⁷ *Id.* at 92.

¹⁸ Gilbert Proulx, *How Does Non-Selective Trapping Affect Species at Risk in Canada?*, in *Wildlife Conservation Management in the 21st Century—Issues, Solutions, and New Concepts* 133, 141-142 (2024).

¹⁹ Conservation Evidence, *Modify traps used in the control/eradication of non-native species to avoid injury of non-target mammal*, https://www.conservationevidence.com/actions/2535?utm_source=chatgpt.com (last visited May 14, 2025) (citing Jolley W.J., et al., *Reducing the impacts of leg hold trapping on critically endangered foxes by modified traps and conditioned trap aversion on San Nicolas Island, California, USA*, 9 *Conservation Evidence* 43, 43-49 (2012)).

²⁰ Joey Livingston, *New Research Reveals Habitat Challenges for Canada Lynx in Colorado’s Southern Rockies*, Colo. Parks & Wildlife, <https://cpw.state.co.us/news/01062025/new-research-reveals-habitat-challenges-canada-lynx-colorados-southern-rockies> (last visited Apr. 21, 2025).

conservation effort, which includes the prohibition of trapping.²¹ However, lynx survival continues to be threatened by timber removal, construction of highways and infrastructure, and mineral and energy extraction, causing habitat destruction and fragmentation.²²

The Canada lynx still faces threats likely to worsen from climate change, which may reduce the deep snows where lynx with their huge paws have a competitive edge. Climate change is likely to reduce snowpack and periods of snow cover, shifting snowmelt to earlier in the season.²³ Additionally, drought and increase in wildfires will further affect the species.²⁴ Management actions currently may have little ability to mitigate the effects, which makes the prohibition of trapping even more important.²⁵ CPW should reduce the threats that it can in the face of climate change.²⁶

5. Commercial Exploitation Intensifies Climate and Biodiversity Threats and Increases Impacts from Habitat Loss

As wildlife faces mounting pressure from climate change and habitat destruction, eliminating unnecessary commercial markets for wildlife products will be essential to promoting species resilience.

Scientific consensus warns of a looming sixth mass extinction, with extinction rates expected to accelerate in the coming decades.²⁷ In Colorado, species are increasingly threatened by drought, temperature extremes, habitat shifts, and severe weather events.²⁸ These stressors are compounded by human consumption and land use changes, placing additional pressure on vulnerable furbearers.²⁹

Unsustainable fur trapping regulations further worsen species declines linked to habitat loss. Small carnivores, including species classified as furbearers in Colorado, are particularly at risk.³⁰ A 2009 analysis found 62 percent of small carnivore populations are in decline, and one quarter of these species may face extinction within the next few decades.³¹ CPW has an obligation to manage wildlife with climate change and biodiversity impacts in mind.

Swift foxes exemplify this vulnerability. Already threatened by agriculture and energy development, swift foxes may experience increased habitat fragmentation and disease exposure from rising temperatures.³² Assessing the cumulative impact of fur trapping is difficult given data gaps. CPW's 2016–2017 Furbearer Harvest Report acknowledges that harvest surveys offer

²¹ Colo. Parks & Wildlife, *Lynx Reintroduction* (2014) <https://cpw.catalog.aspencaat.info/Files/446/ViewPDF>.

²² *State Wildlife Action Plan*, *supra* note 16 at 174–75.

²³ *Id.* at 174.

²⁴ *Id.* at 174–75.

²⁵ *Id.* at 175.

²⁶ Livingston, *supra* note 20.

²⁷ Gerardo Ceballos & Paul R. Ehrlich, *Mutilation of the Tree of Life via Mass Extinction*, 120 PNFAS 1, 1 (2023).

²⁸ *State Wildlife Action Plan*, *supra* note 16 at 77–78.

²⁹ Ceballos & Ehrlich, *supra* note 28 at 1.

³⁰ C. Marneweck et al., *Shining the Spotlight on Small Mammalian Carnivores: Global Status and Threats*, 255 *Biological Conservation*, at 3–5 (2021)

³¹ *Id.* at 1 (citing Jerrold L. Beland, et al., *The conservation status of small carnivores in the Americas*, 41 *Small Carnivore Conservation* 3, 5 (2009)).

³² Matthew Peek, Kansas Dep't of Wildlife and Parks, *Conservation Assessment and Conservation Strategy for Swift Fox in the United States – 2023 Update*, at 12–22 (2024).

limited reliability due to wide confidence intervals, high variability, and lack of precision.³³ The swift fox is listed in Colorado's SWAP as a species of greatest conservation need, is designated by the state as a Species of Special Concern, and is recognized by the U.S. Forest Service and BLM as a Sensitive Species. A 2023 Conservation Assessment warned that trapping, including incidental trapping, may hinder the species' recovery, noting its current distribution is only 44 percent of its historical range.³⁴

Ringtails also face uncertainty. Their elusive nature and sparse documentation create substantial gaps in understanding life history, habitat needs, and population threats. This limits the ability to implement effective conservation strategies. Ringtails are already recognized as a species of greatest conservation need in California and Oregon.³⁵

Beavers, meanwhile, play a key role in climate resilience by improving water retention, reducing wildfire risk, and supporting biodiversity through habitat modification.³⁶ Despite their ecological value, beaver populations have declined within Rocky Mountain National Park, with only 15 to 20 active colonies documented in recent surveys, even in areas with suitable habitat.³⁷

Finally, American badgers may be in decline across the West. Washington has classified them as a species of greatest conservation need, citing moderate vulnerability to climate change and habitat loss.³⁸ Badgers depend on intact grasslands, which are rapidly being converted to agriculture and urban development.³⁹ Canada estimates fewer than 200 badgers remain in Ontario, and population declines in British Columbia are linked to trapping that began in the early 20th century.⁴⁰ One Canadian subspecies is now listed as endangered and is protected from trapping on federal land.⁴¹

At bottom, there is an incredible amount of uncertainty about these species' populations within the state and the dual threat of climate change and biodiversity loss is well-understood. The agency should not wait to act until species need state or federal endangered and threatened species protections. CPW, should, instead, manage Colorado's wildlife in a way that recognizes climate change and biodiversity loss and decisively removes additive threats (especially those within its sole jurisdiction) so future generations may inherit robust and diverse wildlife populations.

³³ Vieira, *supra* note 15, at 3.

³⁴ Peek, *supra* note 33, at 28.

³⁵ Gundermann et al., *Ecological Characteristics of Diurnal Rest Sites Used by Ringtails (Bassariscus astutus)*, 96 Nw. Sci. 220, 221 (2023).

³⁶ Chris E. Jordan & Emily Fairfax, *Beaver: The North American Freshwater Climate Action Plan*, 9 WIRE WATER 1, 1 (2022).

³⁷ *Beavers*, Rocky Mountain, Nat'l Park Colo., <https://www.nps.gov/romo/beavers.htm> (Mar. 31, 2012).

³⁸ *American Badger*, Wash. Dep't Fish & Wildlife, <https://wdfw.wa.gov/species-habitats/species/taxidea-taxus#climate> (last visited Apr. 21, 2025).

³⁹ *American Badger*, Ontario, (Aug. 12, 2021) <https://www.ontario.ca/page/american-badger>.

⁴⁰ *Id.*

⁴¹ *American Badger, Five-Year Review of Progress Towards the Protection and Recovery of Ontario's Species at Risk*, Ontario (Oct. 10, 2023) <https://www.ontario.ca/document/five-year-review-progress-towards-protection-and-recovery-ontarios-species-risk-2015-0-0>.

6. Provide Regulatory Consistency

A state-wide regulation ensures uniformity and prevents a patchwork of local ordinances that may create enforcement challenges. Further, a ban on the commercial fur market is consistent with the big game commercial hunting ban. In Colorado, it is a felony “for any person to knowingly sell or purchase, or knowingly offer for sale or purchase, wildlife or to solicit another person in the illegal hunting or taking of wildlife for the purposes of monetary or commercial gain or profit,” with respect to big game. C.R.S. § 33-6-113(1)(a)–(2)(a).

IV. REQUEST FOR RULEMAKING HEARING

Petitioner requests that the Commission schedule a rulemaking hearing to consider this proposed amendment in accordance with C.R.S. § 24-4-103.

V. CONCLUSION

For the reasons stated above, the Petitioner respectfully requests that the Colorado Parks and Wildlife Commission initiate rulemaking proceedings to amend 2 CCR 406-018 to prohibit the commercial sale of wildlife fur, with exemptions as outlined.

Respectfully submitted,



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