

Amendment 84: Constitutional Right to Hunt and Fish

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Amendment 84 proposes amending the Colorado Constitution to:

- establish a constitutional right to fish and hunt certain wildlife; and
- create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.

What Your Vote Means

YES

A “yes” vote on Amendment 84 establishes a state constitutional right to hunt and fish.

NO

A “no” vote on Amendment 84 means that hunting and fishing will continue as allowed under existing state and federal law.

Summary and Analysis of Amendment 84

What does Amendment 84 do?

Amendment 84 establishes a right in the Colorado Constitution to fish and hunt certain wildlife, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.

The right applies to traditional hunting and fishing methods. It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law. This measure does not change existing laws related to trespassing on private property. It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.

How does Colorado currently manage and regulate fish and wildlife?

Colorado Parks and Wildlife (CPW) is the state agency responsible for fish and wildlife management in Colorado and administers regulations for hunting and fishing, as adopted by the CPW Commission, a citizen board appointed by the Governor. State law requires wildlife and their environment to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people and visitors of Colorado.

Current regulations on hunting and fishing include:

- where and when hunting and fishing can occur;
- license and permit requirements;
- methods and materials for hunters and anglers; and
- limits on how many animals can be hunted, fished, or trapped.

Regulations are generally guided by information on wildlife and fish populations, species and habitat management plans, and recreational opportunities and needs.

How does this measure affect existing and future hunting and fishing regulations?

The measure results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations.

Creating a new constitutional right to hunt and fish may affect how the legislature or CPW Commission makes policies about hunting and fishing, and it could lead to changes depending on how courts interpret the language of the measure when reviewing existing or future policies.

Argument For Amendment 84

- 1) This measure provides lasting protection against future attempts to restrict or eliminate hunting and fishing, and Colorado should join the 24 other states that similarly protect the right to hunt and fish in their state constitutions. Additionally, hunting and fishing are part of Colorado's heritage and cultural identity and are important to its tourism and recreation economy. Revenue from hunting and fishing licenses benefits habitat and wildlife management efforts in all areas of the state, with one-third of CPW's current annual revenue, about \$115 million, coming from license sales.

Argument Against Amendment 84

- 1) The state constitution should protect fundamental rights and not recreational activities. Colorado is already a leader in wildlife conservation and management. Enshrining a right to hunt and fish in the Colorado Constitution is unnecessary, and it promotes one method of managing wildlife above others. This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. Further, the use of undefined, vague language could prompt costly legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Amendment 84

State Spending

The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new right to hunt and fish is applied. Specifically, CPW may have increased workload and costs for legal advice when developing new rules and regulations to ensure that they comply with the measure. In addition, if legal challenges to the constitutionality of new or existing hunting and fishing regulations occur, CPW spending on litigation costs will increase. The exact amount of these potential costs cannot be estimated because they depend on the actions of private parties and decisions by the courts.

Initiative 302: Constitutional Right to Hunt and Fish

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Initiative 302 proposes amending the Colorado Constitution to:

- establish a constitutional right to fish and hunt certain wildlife; and
- create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.

What Your Vote Means

YES

A “yes” vote on Initiative 302 establishes a state constitutional right to hunt and fish.

NO

A “no” vote on Initiative 302 means that hunting and fishing will continue as allowed under existing state and federal law.

Summary and Analysis of Initiative 302

What does Initiative 302 do?

Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.

The right applies to traditional hunting and fishing methods. It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law. This measure does not change existing laws related to trespassing on private property. It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.

How does Colorado currently manage and regulate fish and wildlife?

Colorado Parks and Wildlife (CPW) is the state agency responsible for fish and wildlife management in Colorado and administers regulations for hunting and fishing, as adopted by the CPW Commission, a citizen board appointed by the Governor. State law requires wildlife and their environment to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people and visitors of Colorado.

Current regulations on hunting and fishing include:

- where and when hunting and fishing can occur;
- license and permit requirements;
- methods and materials for hunters and anglers; and
- limits on how many animals can be hunted, fished, or trapped.

Regulations are generally guided by information on wildlife and fish populations, species and habitat management plans, and recreational opportunities and needs.

How does this measure affect existing and future hunting and fishing regulations?

The measure results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations.

Creating a new constitutional right to hunt and fish may affect how the legislature or CPW Commission makes policies about hunting and fishing, and it could lead to changes depending on how courts interpret the language of the measure when reviewing existing or future policies.

Argument For Initiative 302

- 1) This measure provides lasting protection against future attempts to restrict or eliminate hunting and fishing. Hunting and fishing are part of Colorado's heritage and cultural identity and are important to its tourism and recreation economy. Colorado should join the 24 other states that similarly protect the right to hunt and fish in their state constitutions. Over \$100 million is collected annually by CPW from hunting and fishing licenses, which is used for wildlife and habitat management efforts in all areas of the state.

Argument Against Initiative 302

- 1) The state constitution should protect fundamental rights and not recreational activities. Colorado is already a leader in wildlife conservation and management, and enshrining a right to hunt and fish in the Colorado Constitution is unnecessary. This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Initiative 302

State Spending

The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new right to hunt and fish is applied.

1 Specifically, CPW may have increased workload and costs for legal advice when developing new
2 rules and regulations to ensure that they comply with the measure. In addition, if legal
3 challenges to the constitutionality of new or existing hunting and fishing regulations occur, CPW
4 spending on litigation costs will increase. The exact amount of these potential costs cannot be
5 estimated because they depend on the actions of private parties and decisions by the courts.

Last Draft Comments from Interested Parties

Initiative 302

Constitutional Right to Hunt and Fish

Lynn Ackerman, representing herself:

To the Legislative Council Committee,

I am submitting these comments as an individual and as someone who deeply values Colorado's wildlife, biodiversity, and wild landscapes.

My comments are directed specifically toward the language contained in the current draft of the Blue Book analysis for Initiative 302, the proposed constitutional amendment establishing a "Right to Fish and Hunt."

First, I believe the Blue Book should more clearly explain that this measure would amend Colorado's Constitution in a way that could affect all future wildlife management decisions. Referring to hunting and fishing as the state's "preferred means" of wildlife management minimizes the significance of the proposed constitutional change. This is not simply a statement of preference. It would establish a constitutional standard that could influence future legislation, regulations, and policy decisions involving Colorado's wildlife.

Second, the statement that there would be "no immediate change" should be clarified. While existing laws may remain in place initially, future wildlife laws and regulations would still need to comply with the constitutional language adopted by this amendment. Voters deserve a clearer explanation of the amendment's potential long-term effects on wildlife policy in Colorado.

Third, I encourage the committee to address several important terms that remain undefined, including "traditional methods," "necessary," and "sound scientific reasons." These terms will ultimately require interpretation by Colorado Parks and Wildlife, the Colorado Department of Agriculture, local governments, and the courts. The absence of clear definitions is especially concerning in a constitutional amendment, where legal interpretation can shape public policy for decades.

I also believe the discussion of the approximately \$100 million generated annually through hunting and fishing licenses should be clarified. This figure represents existing revenue already collected by Colorado Parks and Wildlife and should not be interpreted as a new source of funding created by this amendment.

Finally, I encourage the committee to acknowledge the potential fiscal impact associated with future litigation. Constitutional amendments frequently lead to legal challenges as courts determine how new constitutional language applies to existing and future laws. The possibility of additional litigation and its associated costs should be included in the Blue Book analysis so voters can make a more informed decision.

My perspective is shaped by a profound appreciation for Colorado's wildlife. I have spent many years observing wildlife, exploring Colorado's landscapes, supporting wildlife conservation and

rehabilitation efforts, and learning about the complex relationships that sustain healthy ecosystems.

Wildlife belongs to all Coloradans. Decisions affecting wildlife should remain flexible, adaptive, and firmly grounded in science. Our state already has established agencies, wildlife biologists, and regulatory processes designed to respond to changing ecological conditions.

I respectfully ask the committee to ensure that the Blue Book analysis provides voters with a complete and transparent explanation of the amendment's potential legal, ecological, and fiscal consequences.

Thank you for considering my comments.

Sincerely,
Lynn Ackerman
Highlands Ranch, Colorado

Jerilyn Bensard, representing herself:

Dear Legislature Committee re Initiative 302 –

I have grave concerns re Initiative 302 wording “traditional hunting”.

It is not defined. To what traditions is it referring?

Is it intentionally worded to be vague? To take meaning in whatever year, the group proposes? But no year is designated. To whatever form of hunting is desired? These are questions that are what...to be answered in the courts later?

Hunting and fishing are already allowed and protected in Colorado.

To enshrine a practice that is celebrated by a minority of Coloradoans in the Constitution with very vague, insufficient and intentionally misleading wording; thereby limiting the Colorado Parks and Wildlife and professional biologists that have scientific knowledge regarding wildlife to be able to act is wrong.

The words ‘traditional hunting’ do not belong in the Colorado Constitution.

Initiative 302 does not belong in the Colorado Constitution.

Thank you,

Jerilyn Bensard
675 N Williams St
Denver, CO 80218

Representing no organization just my own stance on Initiative 302.

Jennifer Best, representing Friends of Animals:

Please see the attached comments on the third draft summary and analysis of Initiative 302: Constitutional Right to Hunt and Fish. I also included a redlined copy with our suggested changes. Please don’t hesitate to reach out if you have any questions.

Best Regards,

Jennifer Best

Wildlife Law Program Director

Pronouns: she/her

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Greenwood Village, CO 80111

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jennifer@friendsofanimals.org

www.friendsofanimals.org

Ms. Best also submitted Attachments A and B.

Cameron Bradberry, representing Ange De La Mer Alternative Medicine Foundation INC:

Good afternoon,

Here is an updated version of my original Submission:

EXECUTIVE SUMMARY

Initiative 302 represents an improper use of the Colorado Constitution that threatens to undermine long-standing traditions of democratic governance and science-based wildlife management. Legislative Council Staff should refine the Draft 3 Blue Book Analysis to clearly reflect three critical legal and policy concerns:

1. **Structural Constitutional Imbalance:** Constitutions exist to protect fundamental rights and establish governance frameworks, not to freeze statutory minutiae or specific policy philosophies in place.
1. **Void for Vagueness & Litigation Risk:** Crucial terms like "*traditional methods*" and "*sound scientific reasons*" are completely undefined. This ambiguity will force courts, rather than wildlife biologists, to interpret management policy through costly litigation.
1. **Restricting Democratic Evolution:** By calcifying current rules, Initiative 302 seeks to prevent future public debate, citizen ballot initiatives, and adaptive regulatory responses by Colorado Parks and Wildlife (CPW).

SPECIFIC REVISIONS REQUESTED FOR DRAFT 3 BLUE BOOK ANALYSIS

To ensure Colorado voters receive a neutral, comprehensive, and legally precise summary, the following revisions to Draft 3 are requested:

1. Section: *What does Initiative 302 do?*

- **Current Language:** "*The right applies to traditional hunting and fishing methods.*"

- **Requested Modification:** The draft should explicitly clarify that **the term "traditional methods" is undefined in state statute or the proposed initiative text.** The summary must inform voters that what constitutes a "traditional method"—whether defined as of 1876 or 2026—will be subject to judicial interpretation.

2. Section: *How does this measure affect existing and future hunting and fishing regulations?*

- **Requested Addition:** Expand line 12 to note that enshrining this right **could restrict the legislature's, CPW Commission's, and the public's ability to update wildlife standards** in response to emerging scientific findings, changing ecological needs, or evolving community ethics.

3. Section: *Argument Against Initiative 302*

- **Current Language:** Line 24 states that the measure "*may restrict the ability to place guardrails on hunting, fishing, and trapping.*"
- **Requested Strengthening:** Explicitly state that **Initiative 302 creates a "lock-in" effect that limits democratic participation.** It restricts the public's historical right to utilize citizen ballot initiatives to prohibit unsportsmanlike or inhumane harvest practices, shifting future wildlife policy decisions from open public forums into state courtrooms.

4. Section: *Fiscal Impact of Initiative 302*

- **Requested Modification:** Emphasize that because key terms are undefined, **CPW and state agencies will likely face significant, ongoing litigation costs** as courts are forced to resolve constitutional challenges to standard regulatory enforcement.

DETAILED LEGAL AND CONSTITUTIONAL ANALYSIS

1. Constitutions Are Not Designed to Lock In Statutory Policy Minutiae

Hunting and fishing are already explicitly recognized and firmly protected under Colorado statutory law. Under **C.R.S. § 33-1-101**, the state is legally mandated to utilize hunting, trapping, and fishing as primary tools for wildlife management.

Constitutional provisions are meant to safeguard enduring, universally recognized principles (such as due process or free speech). Unlike statutes, which can be dynamically updated by the legislature or agency experts as circumstances evolve, constitutional amendments are intentionally rigid. Wading into policy minutiae by constitutionalizing "traditional methods" removes the flexibility necessary for responsible, modern wildlife management.

2. Severe Vagueness and Implementation Uncertainty

Initiative 302 fails to provide clear legal guidance on core concepts:

- **What is "Traditional"?** Does "traditional" refer to practices established when Colorado achieved statehood in 1876, or current practices in 2026?
- **What Constitutes "Sound Scientific Reasons"?** The initiative allows limitations only for "sound scientific reasons," yet fails to define the required threshold of certainty, whether peer review is mandatory, or if independent research beyond CPW can be considered.

This lack of definition violates fundamental principles of statutory clarity and creates an operational nightmare for wildlife managers.

3. Foreclosing Civic Debate and Adaptive Management

Colorado's history of wildlife conservation relies on learning, adaptation, and democratic accountability. Historically, Coloradans have re-evaluated management norms through democratic processes—such as the 1992 voter-approved restrictions on spring bear hunting and baiting, and the 1996 limitations on leghold traps and poisons.

Initiative 302 aims to cut off future public debate. It threatens to block future statutory or ballot-led guardrails regarding inhumane capture methods, commercial fur trapping restrictions, or local safety buffers near residential communities. True conservation requires the ability to evolve alongside scientific discovery and public consensus, rather than enshrining past practices as untouched constitutional canon.

CONCLUSION

The Blue Book analysis must clearly reflect the full legal implications of Initiative 302. The Legislative Council Staff is urged to incorporate these revisions into the final voter guide to ensure Coloradans understand the structural, financial, and regulatory consequences of this proposed amendment.

Respectfully submitted,

Camerron Bradberry

Vice President

Ange De La Mer Alternative Medicine Foundation INC

Jen Clanahan, representing Colorado Nature League:

Hello,

Please find my comments attached here on the third draft of the Blue Book language for Initiative 302.

Thank you,

Jen Clanahan

Ms. Clanahan also submitted Attachment C.

Christina Clayton, representing herself:

Thank you for the opportunity to comment on Draft 3.

1. How does the measure affect existing regulations? This amendment could have major impacts on future wildlife management, and I do not think that possibility (not a remote one) is communicated to the public clearly in this draft. Supporters describe the measure as “no big deal”, and the draft can be interpreted to affirm that by stating, without more, that “it results in no immediate change to existing state law and regulations”.

It is, of course, true. that there would be no automatic change in existing statutes and regulations. But there is a procedural change that could be enormous. (1)A constitutional right may well give hunters and fisherpeople the ability to bring a lawsuit challenging current and future regulations as infringing. Currently, with no constitutional right, people cannot go to court and make such challenges. (2) In the event of such a challenge, judges—not scientists-- would determine whether the regulation is necessary, and what sound science is.

2. Arguments Against 302. (a)By giving a constitutional right to hunters and no one else, **302 privileges a certain group above the rest of the people who enjoy wildlife in other ways.** This is in direct conflict with the “public trust doctrine,” which provides that the state manages wildlife for us *all*. I believe this to be a serious, constitutional issue. And even if you have concluded that it is not unconstitutional, it is unfair. The public should know about it.

(b) The fact that hunters and trappers will have the right to hunt and trap by “traditional methods” should be specifically called out. **What are traditional methods?** Methods that were used in the 18th, 19th and early twentieth centuries? Legal trapping methods have evolved since then, mainly due to the public’s changing views about animal cruelty and science’s discoveries about sentience in creatures. The phrase is vague, and deliberately so. Polls show that a significant portion of the population does not support cruel killings, does not support hunting other than by “fair chase,” etc. At a minimum, the amendment itself should provide a right to hunt and fish by using only those methods that are **humane** and socially acceptable.

Thank you for considering my comments.

Christina Clayton

Permit me to supplement my comments to emphasize two critically important points made by Professor Justin Marceau, a law professor and constitutional law expert at DU’s Sturm Law School.

1. What Your Vote Means **YES.**

It establishes a constitutional right to hunt and fish **by traditional methods.** (Suggested language to be added in bold). This is the crux of 302. Most Coloradans accept hunting and fishing, but not necessarily by “traditional means”. So the public needs to understand up front this critical point.

2. What does Initiative 302 do? Yes, it establishes a constitutional rights to hunt and fish. And it establishes a right to hunt and fish **by traditional methods.** Your current language about the right “applying” to traditional methods, while not inaccurate, does not make that point sufficiently clear. *Proponents of the 302 initiative have consistently argued that it will eliminate the need for future initiatives like 127, which would have prohibited trophy hunting of wild cats.* In other words, trophy hunting of these creatures—a traditional hunting method—would be immune from change.

Also in this section, I would propose a short explanation of the difference between a statute and a constitutional right. Some argue that 302 is unnecessary, because Colorado already acknowledges fishing and hunting as legal. Wrong. Constitutional provisions are different. They are not designed to change with the times. Unlike statutes, they are difficult to repeal, and intentionally so. Many people do not understand that.

3. Argument against 302.

Directives about how wildlife is to be managed and what hunting methods may be used have no place in a constitution (see above). A defining feature of responsible wildlife management is the flexibility to learn and change according to evolving science, ecological conditions and public values.

302, and, in particular the creation of a right to hunt by traditional means, is inconsistent with democratic values and the long tradition in Colorado of evolving norms of wildlife protection,. Examples are the vote in 1992 related to hunting of black bears and the vote in 1996 on banning leghold traps, etc. Who knows what additional "traditional" methods Coloradans will consider inappropriate and/or inhumane in the future? But 302 is designed to calcify "traditional" methods and cut off debate or change.

Respectfully yours, Christina Clayton

Mandy Culbertson, representing Wildlife for All:

Hello,

Please find Wildlife for All's comments on the ballot analysis attached to this email; the one with today's date is specific comments for the third analysis. We've also included our two previous comments for full consideration.

Thank you,

Mandy

Mandy Culbertson (she/her)

Communications Director

[Wildlife for All](#) | [Make a Donation](#)

PO Box 1495

Pena Blanca, NM, 87041

(913) 709-9515

Ms. Culbertson submitted Attachments D, E, and F.

Joseph Davis, representing himself:

Dear Legislative Council Staff,

I'm writing about the third draft ballot analysis for Initiative 302. I am commenting as an individual. The main items I would like to see addressed and corrected in the blue book include:

1. The 3rd draft says "hunt and fish."

"Hunt" legally means more than people picture.

Under current Colorado law (C.R.S. 33-1-102(25.5)), "hunt" already includes attempts to trap, capture, collect, or take wildlife. The definition of "hunt" or additional clarification of hunting needs to be included so voters understand that hunting includes fur trapping.

2. "Traditional methods" is never defined, and

Legislative Council Staff asked the proponents behind this measure to define "traditional methods." The proponents refused to define it. Voters deserve to know this.

3. This amendment makes hunting and fishing the constitutional "preferred means" of wildlife management.

This new legal priority puts hunting and fishing ahead of habitat work, disease response, and other tools CPW already uses. The draft doesn't explain this change to wildlife management.

4. "No immediate change" is misleading.

Any future statute or regulation immediately has to hold up against this new constitutional language. The state's own fiscal impact statement already admits CPW expects higher legal costs and more litigation risk because of it. The draft should clearly state this immediate change.

5. Hunting and fishing are already legal in Colorado.

State law (C.R.S. 33-1-101(4)) already directs the state to use hunting, trapping, and fishing as the primary method of wildlife harvest. Voters should understand that a no vote is no change to this law that allows hunting trapping and fishing.

Please address these items in the final version to provide an accurate analysis of what voters are evaluating to put in the Constitution.

Thanks for your time.

Sincerely,
Joseph Davis
Golden, Colorado

Michelle DeLaria, representing herself:

Thank you for the opportunity to provide comment on the 3rd draft. I am commenting as an individual. The Blue Book should provide the level of information for the average voter to make an informed evaluation. Voters should not need detailed knowledge or spend time looking up nuances to understand what this summary omits.

The main items I would like to see addressed and corrected in the blue book include:

1. The 3rd draft says "hunt and fish."

The definition of "Hunt" includes trapping (C.R.S. 33-1-102(25.5)). Additional clarification at the beginning (Page 1, Line 15) needs to be included so voters understand that hunting also includes fur trapping (of 17 species of furbearers).

2. Undefined terms need to be addressed so voters clearly see where the potential unintended consequences and future litigation costs come in. Specifically "Traditional methods" is never

defined, and Legislative Council Staff asked the proponents behind this measure to define "traditional methods." The proponents refused to define it. Voters deserve to know this.

Additional undefined terms include "necessary," "sound scientific reasons," and "preferred means" yet they may require interpretation through administrative decisions and court cases.

Additionally voters should have the Blue Book language explain there is no language stating that previously banned 'traditional methods' such as leg hold traps, snares or poisons will continue to be banned in this proposed amendment.

3. Voters should be provided a sentence explanation in the Fiscal section of the Blue Book that interpretation and litigation over these undefined terms could shape agency budgets and wildlife management in the future.

4. This amendment makes hunting and fishing the constitutional "preferred means" of wildlife management. This new legal priority puts hunting and fishing ahead of habitat work, disease response, and other tools CPW already uses. Voters should have this clearly explained in the Blue Book and that any other non hunting/fishing benefits of wildlife (viewing, economic) are subordinate to hunting, trapping or fishing.

This is also an **Immediate** change to wildlife management detailed below.

5. "No immediate change" is misleading and incorrect. Please update this section with accurate explanation of immediate changes, including:

Currently, the state law says hunting is used for "necessary" wildlife harvests. The Blue book needs to explain that this constitutional amendment will immediately remove the necessary requirement from hunting and fishing by making them a right, and stating they can only be restricted if "necessary" for scientific or safety reasons. As an analogy, if this were a financial transaction, the payer and payee roles are immediately reversed (e.g., a rider now getting paid by a cab driver).

Current Statute with hunting having the burden of "necessary". See current statute language at 33-1-101.4

"(4) The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests." (bold effect added)

Any future statute or regulation **immediately** has to hold up against this new constitutional language. The state's own fiscal impact statement already admits CPW expects higher legal costs and more litigation risk because of it. The draft should clearly state this immediate change.

5. Page 1 Lines 5-8 What your Vote Means under Yes is incomplete and not only the creation of a constitutional right to hunt and fish. The "Yes" description should include all major provisions of the amendment, including "take" certain wildlife; protects "traditional methods"; and establishes hunting and fishing as the "preferred means" of managing wildlife populations. Establishes "necessity" as a new burden of proof on governments for any new regulations or restrictions.

6. In addition to the above comments regarding the section "Argument against Initiative 302" The Blue Book should provide example barriers against future efforts to change hunting and wildlife policy or conservation.

This may include responding to emergencies, such as disease, fire, drought or local laws. This should also address potential local government lawsuits from local firearm shooting bans on private property in city limits. [Appeal filed testing whether cities can restrict lawful hunting in Tennessee](https://newschannel9.com/sports/outdoors/appeal-filed-testing-whether-cities-can-restrict-lawful-hunting-in-tennessee) <https://newschannel9.com/sports/outdoors/appeal-filed-testing-whether-cities-can-restrict-lawful-hunting-in-tennessee>

Please address these items in the final version to provide an accurate analysis of what voters are evaluating to put in the Constitution.

Thanks for your time.

Michelle DeLaria
Arvada, CO

Ronda Dern, representing herself:

Legislative Council,

I am submitting my comments here for the 3rd Draft on the Blue Book on the Initiative 302: Constitutional Right to Hunt and Fish

As a Colorado Resident for the past 50 years and follower of CPW, and as the fact I am in a hiking group and live in rural Colorado where I love watching Colorado's Wildlife, I read the Initiative and am convinced it is dangerous to Colorado. As a concerned Citizen, I believe the Initiative was written to blatantly confuse the majority of Coloradans into voting for a change in the constitution that will take us back to the dark ages.

I read a letter written by a Constitutional Scholar Justin Marceau, Law Professor and Constitutional Law Professor and I am sharing it here with you. His letter explained the exact worries I have about 302 and I hope you use all of his expertise in writing the 3rd Draft.

Please consider the concerns of the majority of Coloradans in this 3rd draft. They are my concerns.

Sincerely,

Rhonda Dern
Evergreen, Colorado
Rhonda Dern
rhondadern@me.com
(she, her, hers)

Ms. Dern also submitted Attachment G.

Rainier Gerbastch, representing himself:

Dear Legislative Council Staff of Colorado.

In the following my comment to the BlueBook 3rd Draft:

Comments on the Third Draft Ballot Analysis (Blue Book)

Initiative 302 — Constitutional Right to Hunt and Fish

To: Legislative Council Staff, Ballot Analysis — Colorado General Assembly

Date: August 14, 2026

From: Rainer Gerbatsch, Arvada, CO 80007 (rg2056@icloud.com) — submitting as a private individual, no organizational affiliation

Re: Comments on the third draft, keyed to changes since the second draft

Dear Legislative Council Staff,

Thank you for the third draft. A few discrete improvements are worth acknowledging: the broken link to the supporting-and-opposing organizations is fixed; the economic figure has been moved out of the neutral text into the Argument For; a new section describes how Colorado currently manages wildlife, including the public-trust standard and the fact that current limits govern animals “hunted, fished, or trapped”; and the header now discloses the 55 percent supermajority required to add language to the constitution. I appreciate these changes. I want to be candid, however, that they are largely organizational. I offer these comments against a single, non-partisan test: whether the analysis gives every voter — those who hunt, fish, or trap, and the many who do not — the facts a person needs to cast a vote based on facts, whatever their prior familiarity with these activities. Measured that way, the information that most affects that decision is essentially unchanged from the second draft. A voter still is not told that the measure reaches trapping, which species it covers, or which of its operative terms a court would be construing. And in one place the third draft’s wording could leave a voter with an inaccurate impression of what the measure does — its description of the “necessary” standard (item 4). Most of the requests below are therefore renewed, not resolved.

My remaining requests fall into three groups: (1) findings from the state’s own nonpartisan review that still appear only in the Argument Against and should be stated as neutral fact; (2) concrete information voters need that is still missing — most importantly the measure’s reach to trapping and its interaction with the 1996 constitutional trapping restrictions; and (3) one place where the third draft’s wording could leave a voter with an inaccurate impression of the measure’s effect. A status summary follows, then the priority items in detail.

Status summary (second-draft requests → third draft)

#	Request (from my second-draft comment)	Status in the third draft
1	Move the legal-consequence findings into the neutral analysis	Not yet — still only in the Argument Against
2	Restore the “Which species are affected?” section	Not addressed
3	Distinguish defined verbs (“hunt,” “take”) from undefined (“harvest,” “traditional methods”)	Not addressed

4	State litigation risk in “What Your Vote Means”	Not addressed (fiscal section only)
5	Distinguish “no immediate change” from “no legal change”	Not addressed
6	State the direction of the “necessary” standard	Not addressed — now described as a grant of regulatory permission
7	Correct the \$100 million “wildlife management” characterization	Partly — moved to Argument For; still implies conservation use; wildlife-viewing value omitted
8	Inform “costs cannot be estimated” with other states’ litigation record	Not addressed
9	Note the “24 states” provisions were mostly legislative referrals; Arizona rejected one	Not addressed
10	Fix the broken supporting/opposing-groups link	Fixed
11	Reconcile the Argument For with the neutral analysis	Not addressed
12	Disclose that “hunt” includes trapping and its interaction with Article XVIII, § 12b (1996)	Not addressed — the word “trapping” appears, but the reach and the 1996 conflict are not disclosed

1. State the nonpartisan findings as fact, in the neutral analysis

The third draft’s neutral section, “How does this measure affect existing and future hunting and fishing regulations?”, states that the measure produces “no immediate change” and that future effects “could lead to changes depending on how courts interpret the language of the measure.” The more specific findings — that the language is undefined and vague, that it could prompt legal challenges, and that it could undermine reasonable regulations already in place — appear only in the Argument Against. These are not partisan contentions. They were identified by the state’s own Review and Comment memorandum (Legislative Council Staff and Office of Legislative Legal Services, March 30, 2026) and are reflected in the fiscal impact statement. Where a consequence has been identified by the nonpartisan review process, it belongs in the neutral analysis of what the measure does, with the argument sections left to dispute its significance. I

renew my request that the undefined-terminology, new-constitutional-standard, and litigation-exposure findings be stated in the neutral analysis.

There is a further reason these findings belong in the neutral analysis rather than in a passing reference to how “courts interpret” the language: that interpretation carries a cost the draft acknowledges elsewhere but never connects. The fiscal section already concludes that CPW’s legal-advice workload and litigation costs “will increase” if regulations are challenged, and that the exact amount “cannot be estimated” — litigation paid for with public funds. A voter told only that the measure’s effects “depend on how courts interpret” is not told that court interpretation means paid, and potentially prolonged, litigation. That omission is compounded by the single economic figure the analysis does present — the roughly \$100 million CPW collects annually in hunting and fishing licenses — offered without the offsetting litigation cost, and without the larger economic interest in Colorado’s wildlife that lies outside hunting and fishing. Non-consumptive wildlife recreation outspends hunting by roughly five to one nationally, and within Colorado is comparable to fishing and about three times the value of hunting, even as hunting participation declines (see the economic-figure request below). Neutrality is better served by connecting these facts than by presenting the licensing figure alone: the same measure said to protect a \$100 million interest is also projected to generate open-ended legal costs, in a state whose wildlife economy is now largely non-consumptive and still growing.

2. Disclose that the measure reaches trapping — and interacts with the 1996 constitutional trapping restrictions

This is my highest-priority request. The third draft mentions trapping twice — in the list of current regulations and in the Argument Against — but it never tells voters two things. First, the measure’s reach to trapping is not incidental: Section 33-1-102(25.5), C.R.S., defines “hunt” to include trapping, so a constitutional right to “hunt” would, on the established statutory meaning, extend to trapping — a fact the title, “Constitutional Right to Hunt and Fish,” does not convey. Second, and most important, Colorado voters already addressed trapping in the constitution: Amendment 14 (1996), now Article XVIII, Section 12b, makes it unlawful to take wildlife with leghold traps, instant-kill body-gripping traps, poison, or snares, subject to narrow exceptions. Because Initiative 302 protects “traditional methods” without defining them, and those banned devices are among the oldest methods of taking furbearers, the measure invites the argument that they are constitutionally protected “traditional methods” — placing the new right in potential tension with the 1996 restrictions, to be resolved by courts. This is the most concrete, Colorado-specific stake in the measure, and the analysis is the only place voters will learn of it. I request that the neutral analysis disclose that “hunt” includes trapping, that the measure interacts with Article XVIII, Section 12b, and that the practical effect is unsettled and would be decided by courts.

3. Restore the “Which species are affected?” section

The third draft states that the right does not apply to nongame species, endangered species, or species that are illegal to hunt under federal law, but it does not tell voters what the right affirmatively covers. Because those categories are excluded, the constitutional right falls on game species — including predators and furbearers such as mountain lion, bobcat, and beaver, whose management is among the most scientifically contested and ecologically consequential. Species scope is one of the few genuinely concrete things a voter can grasp about this measure. I renew

my request that a “Which species are affected?” section be restored and conformed to the enacted text.

4. State the direction of the “necessary” standard (a concern specific to the third draft)

The neutral “What does Initiative 302 do?” section states that the measure “allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.” Read plainly, that suggests the state simply retains its regulatory authority. The legal effect of subsection (4) runs the other way: it permits regulation only where the regulation is affirmatively shown to be necessary for those purposes — assigning the burden to the regulation, rather than allowing regulation that is merely reasonable or precautionary. The distinction is decisive where population data is incomplete and CPW adopts cautious limits, as when the Parks and Wildlife Commission adopted a conservative furbearer bag limit in 2026 rather than the higher limit staff had recommended. Under a constitutional “necessary” standard, such precautionary limits could be challenged on the ground that harm has not been affirmatively demonstrated.

This is not a hypothetical. Although Initiative 302 is still only a proposed measure, that very 2026 furbearer bag-limit reduction is already the subject of a threatened legal challenge by national hunting organizations (the Sportsmen’s Alliance Foundation and Safari Club International) — for now on procedural grounds only, because under current law there is no constitutional basis for such a challenge. Initiative 302 would create one: the same precautionary limit could then be contested directly as inconsistent with the constitutional “preferred means” policy and the “necessary” test. Two features of this live example are worth the analysis noting. First, it shows how the standard would operate in the present tense, before the measure has even passed. Second, the dispute concerns furbearers — a category squarely within the measure’s reach (see item 3) — not the game species most voters picture when they read “hunting and fishing.” A voter weighing what the “necessary” standard would do is well served by an example that is already unfolding.

I request that the analysis state which way the standard runs — that a regulation restricting take must be justified as necessary — rather than describe it as a grant of regulatory permission, so that a voter is not left with the impression that the measure leaves the state’s regulatory authority unchanged.

5. Identify which operative terms are defined and which are not

Relatedly, the analysis uses “traditional ... methods” as though its meaning were settled, without noting that the term is undefined in the measure and in Title 33. Two of the measure’s operative verbs are statutorily defined — “hunt” (§ 33-1-102(25.5)) and “take” (§ 33-1-102(43)) — while a third, “harvest,” is not; the measure uses “take” and “harvest” in consecutive sentences without resolving whether they differ, a point the Review and Comment memorandum raised directly. Voters told that the measure’s effects “depend on how courts interpret the constitutional language” are better served by knowing which words are defined and which the courts would be construing. I renew this request.

6. Remaining second-draft requests, renewed briefly

The economic figure. Now placed in the Argument For, it still states that over \$100 million in license revenue “is used for wildlife and habitat management efforts.” Two problems remain. First, this is existing revenue collected under current law, not a fiscal effect of Initiative 302; presented without that context, it may imply that passage is needed to preserve the revenue — which the measure does not establish. I request that the figure either be removed or expressly identified as existing revenue unaffected by the measure. Second, if a dollar figure is cited at all, I renew my request to use the 2017 Statewide Comprehensive Outdoor Recreation Plan (Southwick Associates for CPW): fishing \$2.445 billion, hunting \$0.843 billion, and wildlife viewing \$2.436 billion — so that the comparable, and larger, non-consumptive value is not omitted.

The “24 states” comparison. The Argument For should note that most such provisions were referred to voters by their legislatures, that Initiative 302 would be the first placed on the ballot by citizen initiative, and that not every such measure has passed (Arizona voters rejected one in 2010).

The “yes” statement is incomplete. The measure’s own summary identifies two provisions — a right to hunt and fish, and a policy making them the “preferred means” of managing wildlife — but the “What Your Vote Means / YES” statement names only the first. A voter who reads only that box is not told that a yes vote also writes a management preference into the constitution. I request that the YES statement name both effects, as the measure’s summary does.

Litigation in “What Your Vote Means.” Because many voters read the vote-means box and the argument summaries without reading the fiscal analysis, the litigation exposure the fiscal section identifies should also be stated where voters will encounter it.

“No immediate change.” This describes timing, not legal effect. The measure does not immediately repeal any regulation, but on the day it takes effect it does two things: it creates a new constitutional right, and it establishes hunting and fishing as the constitutionally preferred means of managing wildlife. Both change the framework under which existing and future laws, regulations, and agency decisions would be evaluated — even though no statute is rewritten that day. The preferred-means designation in particular could bear on future management decisions that rely on non-lethal or other approaches. Because a voter could reasonably read “no immediate change” as “the status quo is preserved,” I request that the analysis distinguish timing from legal effect and state that the amendment could alter the standards applicable to those same regulations.

A general comment: the measure narrows the state’s ability to adapt regulation as conditions change

Underlying the specific requests above is one structural point the analysis does not convey. Hunting, fishing, and trapping in Colorado are today regulated privileges — conducted under licenses, seasons, bag limits, and method restrictions that the Parks and Wildlife Commission can tighten or relax as circumstances require. That adaptive capacity is not a technicality; it is the core of responsible wildlife management, and it matters more now than ever. Climate change, prolonged drought, and water scarcity are altering wildlife populations, habitat, and fisheries in ways that call for precautionary and sometimes rapid regulatory response — shortened seasons, lower limits, or closures adopted before harm is conclusively proven.

By declaring hunting and fishing the constitutionally “preferred means” of managing wildlife and permitting regulation only where it is affirmatively “necessary,” Initiative 302 would subject those adaptive decisions to a new constitutional standard enforceable in court. A precautionary limit adopted in the face of incomplete data — the ordinary tool for managing a changing landscape — could be challenged on the ground that its necessity had not been demonstrated. I request that the neutral analysis tell voters, plainly, that the measure could limit the state’s flexibility to regulate hunting, fishing, and trapping in response to changing environmental conditions. This is a consequence distinct from, and larger than, any single regulation, and it is precisely the kind of effect the Blue Book exists to make clear. (The related premise — that hunting, fishing, and trapping are privileges rather than fundamental rights, and so do not belong in a constitution alongside speech and due process — is a matter of argument, and I note it is already reflected, in part, in the Argument Against.)

Closing

I appreciate the revisions already made in the third draft. The changes above are what would let the analysis give every voter — whatever their familiarity with hunting, fishing, or trapping — the facts a person needs to decide: the nonpartisan findings stated as fact, the measure’s reach to trapping and its interaction with the 1996 constitutional restrictions disclosed, the species information restored, and the “necessary” standard described accurately. That is the Blue Book’s purpose, and it is all I am asking the analysis to serve. Thank you for your consideration.

Respectfully submitted,

Rainer Gerbatsch

Arvada, CO 80007 • rg2056@icloud.com

Samantha Hagio, representing Humane World for Animals:

Hello,

Attached are comments on behalf of Humane World for Animals regarding the third draft of Initiative 302 Ballot Analysis.

Thank you for your time,

Samantha Hagio

Director, Wildlife Protection

Pronouns: she/her

Ms. Hagio also submitted Attachment H.

Jeffery Hersch, representing himself:

just a couple straightforward and simple comments regarding a constitutional amendment (now 302) that by design sows confusion,so that voters don't really know what they are voting for.

What they think they are voting for is the right to hunt fish and trap. None of those activities are in jeopardy, and continue to exist, managed, as they have been for decades, by Colorado Parks and Wildlife. What this amendment would lock in, as an actual constitutional amendment, is that

wildlife management in the state of Colorado would be prioritized for the use of hunting, trapping and fishing. Sometimes, that might be not a very bad way to manage wildlife. Other times, depending on climate, population, disease, environmental degradation, it could be a very bad thing---and even when it is seen as such, the parks and wildlife commission's hands could be tied, as hunters and trappers could point to the fact that it is in the constitution to prioritize policy through hunting and trapping. The commission would basically be a lame duck entity. This points to nothing but a very bad outcome in the future, as shown in other states that have passed similar amendments.

jeffrey hersch
3016 Cook St
denver,CO 80205

Valerie Hunter-Goss, representing herself:

Good afternoon Council Staff,

My comments on the Third Draft of the Blue Book Analysis for Initiative 302

I respectfully request that the third draft provide voters with a substantially clearer explanation of three undefined terms in Initiative 302: "traditional methods," "preferred means," and "necessary" and to address the fiscal analysis.

Voters need to know what these undefined terms could mean for future wildlife-management decisions, regulations, and legal challenges.

1. "Traditional methods"

The initiative establishes a constitutional right to hunt, fish, and harvest fish and wildlife "including by the use of traditional methods." However, "traditional methods" is not defined in the measure.

The Blue Book should clearly explain to voters that the measure does not identify which hunting or fishing methods qualify as "traditional". Who would determine that? Would a method remain protected even after Colorado has restricted or prohibited it?

This is important because methods that have historically been used in some locations may not be consistent with contemporary wildlife-management standards.

The Blue Book should explain that the lack of a definition is unclear and will likely create uncertainty over what particular method(s) could be a protected right.

2. "Preferred means"

Initiative 302 states that hunting and fishing would be the "**primary and preferred means**" of responsibly managing and controlling fish and wildlife populations. This language deserves more explanation because "preferred" is not descriptive. It establishes a constitutional preference for hunting and fishing over other wildlife-management approaches. The measure does not merely say hunting and fishing '*may be used*' for wildlife management; it calls them the "**primary and preferred means.**" That distinction deserves to be plainly stated in the Blue Book so voters will not misunderstand.

Voters should be told whether this language could require Colorado Parks and Wildlife or the General Assembly to give hunting and fishing priority when considering alternatives such as habitat management, relocation, fertility control, non-lethal deterrence, disease-management strategies, population monitoring, or other non-hunting and non-fishing approaches.

The Blue Book should also explain what happens when scientific evidence indicates that a non-lethal or non-hunting approach may be more appropriate for a particular species, location, or management problem.

3. **"Necessary"**

The initiative states that regulations must be "reasonable and necessary" for sound scientific wildlife conservation and management, public safety, or preserving the future of hunting and fishing opportunities.

The term "necessary" is particularly important because the measure does not define what level of necessity would be required. What evidence would be required to demonstrate that a hunting or fishing regulation is "necessary".

For example, would a regulation be permissible because it is scientifically justified and beneficial to wildlife conservation, or would the state have to demonstrate that the restriction was actually necessary and that less restrictive alternatives would not accomplish the same objective?

The Blue Book should explain that this language could affect future challenges to hunting and fishing regulations and could require courts to interpret what "necessary" means in the context of the new constitutional provision.

Fiscal Impact

Also, Colorado's own fiscal analysis acknowledges that CPW could face increased workload from seeking legal advice about how to apply the measure and potentially increased litigation costs if regulations are challenged under the new constitutional language. I request this be included in the Blue Book because it demonstrates that the ambiguity isn't simply abstract.

The Blue Book should fully disclose the potential fiscal risks and uncertainty, particularly where the constitutional language could generate litigation, administrative costs, or changes in CPW's management responsibilities. This initiative needs a more complete explanation of the Fiscal Impact.

Overall request

The Blue Book should not leave voters with the impression that Initiative 302 simply establishes a constitutional right to hunt and fish while leaving existing wildlife-management authority essentially unchanged.

The measure expressly elevates hunting and fishing to a **"primary and preferred"** management role and conditions regulation on restrictions being **"reasonable and necessary."** At the same time, it protects hunting and fishing using undefined **"traditional methods."** These terms could have consequences that are difficult for voters to evaluate without additional explanation.

I therefore request that the third draft clearly identify these undefined terms and explain the potential legal and wildlife-management questions they create. Colorado's Blue Book is intended to provide voters with information that helps them understand a measure's purpose and effect, and Legislative Council Staff specifically considers whether proposed language could mislead voters or whether additional information would help voters understand the measure.

Because Initiative 302 would create new constitutional language containing undefined terms such as "traditional methods," "primary and preferred means," and "reasonable and necessary," there may be substantial uncertainty about how existing wildlife regulations and management decisions would be interpreted and whether they could be challenged.

I respectfully request that the fiscal impact statement clearly distinguish between known fiscal impacts and potentially significant costs that cannot presently be quantified.

The fiscal analysis should therefore explain the potential range of consequences and the financial risks to CPW and Colorado taxpayers, rather than simply stating that the fiscal impact is indeterminate.

Respectfully,

Valerie Hunter-Goss
Fort Collins, CO

Genevieve Jacobi, representing herself:

Thank you for the opportunity to comment on the third draft of ballot initiative 302.

I don't think it is clear what traditional methods mean. You could state that this language is vague, but can encompass currently banned practices like leghold traps and bear baiting.

Since the income from hunting and trapping is mentioned, it would be fair to mention that 2.6 billion comes to the state from non-hunting and trapping activities, like hiking, birdwatching, water rafting, rock climbing, and many other outdoor activities.

Enshrining one's hobby in the constitution is unfair to others with different interests. For example, skiing and camping are being down-prioritized even though they are much more commonplace by the public.

When I read the current draft, this sentence stands out for me on lines 22-24: "It allows the state to regulate hunting, fishing, and wildlife 23 management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities." I don't think this is true though. In many of the other 24 states where these measures have passed, decisions by regulators are being challenged in court. It is misleading to the public to gloss over this reality. I would suggest either removing the sentence or rephrasing it to explain: Decisions by regulators made for scientific reasons or public safety can be challenged in court if they are detracting from hunting and fishing opportunities.

Please let me know if you have any further questions about my comments.

Genevieve Jacobi

(private and concerned citizen)

Hi Legislative Council Team Members,

This was the email I just referenced that also sums up a lot of the concerns I have with Ballot Initiative 302.

Regards,

Genevieve Jacobi

----- Forwarded message -----

From: **Marlon Reis** <marlon@marlonreis.com>

Date: Mon, Aug 24, 2026 at 8:47 AM

Subject: From First Gentleman Marlon Reis

To: Marlon Reis <marlon@marlonreis.com>

Good Day, Friends,

As First Gentleman of Colorado, I've spent the last eight years working to make our State a kinder place for animals. And we've made great progress, banning puppy mills and wildlife killing contests, standing up a new "Division of Animal Welfare" at the Colorado Department of Agriculture, enabling protections for invertebrates and rare plants, and reconnecting seasonal habitats with more wildlife crossings on our roads.

But, this November, much of that progress is at risk, as Colorado voters will decide whether a "Right to Hunt" belongs in our State Constitution alongside other fundamental rights, like "Freedom of Speech", "Religious Freedom", "Trial by Jury", and the "Prohibition on Slavery".

Our Constitution is a statement of shared values; not a hiding place for cruelty, which is what this amendment seeks to enshrine. By fundamentally changing our most important legal document so that it privileges hunting and trapping over other recreational activities, like hiking, biking, and photography, it will stand in time as a before-and-after moment for wildlife policy in Colorado.

If passed, the Right to Hunt would preclude the Colorado public from having a say in how we treat our magnificent wildlife and wild places. But it would also usurp the power of Colorado Parks and Wildlife to set conservation goals and develop strategies for recovering vulnerable species. And it would prevent City Councils, County Commissions, and State Legislators from passing laws to protect animals from the cruelest forms of hunting and trapping.

Gandhi once said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Sadly, the organizations responsible for putting this question on the ballot hope that Coloradans don't care and won't fight for moral progress. Theirs is a worldview in which animals are "natural resources" to harvest or problems to be solved with bullets and snares.

Among those groups is Safari Club International, the world's most notorious trophy hunting organization, and the least credible arbiter of human morality. Safari Club is infamous for leading trophy hunts of Africa's so-called "Big Five", in which wealthy clients are guaranteed a Lion, Leopard, Elephant, Rhinoceros, and Cape Buffalo to shoot and pose with for a selfie.

Below, highlighted in yellow, I've taken the liberty of collecting input from Coloradans I respect who have made it their life's work to help animals. Like them, I believe the Right to Hunt would be a disaster for Colorado's wildlife, and I encourage you to vote NO in November.

Please feel free to share any or all of this e-mail with your network. The way to defeat this measure is by getting the word out.

Best Regards,
Marlon

"I am a passionate big game hunter and strong supporter of hunting and fishing in Colorado. This ballot measure represents the single greatest risk to the future of hunting in Colorado because it will bring back barbaric and unfair 'traditional methods' of hunting and trapping that the majority of Coloradans and the state wildlife commission have already rejected." - Eric Washburn of Colorado Hunters and Anglers for Sensible Wildlife Conservation

"Colorado voters should never be asked to give up their ability to shape wildlife policy simply because a special interest wants its preferred policies placed beyond the reach of fundamental democratic debate. The Right to Hunt would move in the wrong direction by putting a sweeping new mandate into Colorado's Constitution that is designed to silence voters." - Michelle Lute, Ph.D. and Executive Director of Wildlife for All

"Hunting and fishing can be important and effective tools. But so are habitat conservation and restoration, preventing disease transmission, limiting hunting in some cases to recover wildlife populations, relocation, non-lethal coexistence measures and other management tools. The Constitution should not declare one wildlife management tool preferred above all the others." - Gary Skiba, Sportsman and former Colorado Parks and Wildlife Bighorn Sheep Biologist

"Colorado's Constitution is not the place to lock in a particular approach to wildlife policy for generations to come. The Right to Hunt would take an issue that should remain subject to public debate, legislation, and changing circumstances and elevate it to constitutional law. Once something is written into the Constitution, it is far harder for Coloradans to change course. Voters should think carefully before surrendering that flexibility." - Jen Clanahan, Executive Director of Colorado Nature League

"American history is full of wildlife practices that once seemed traditional and even sensible but later proved disastrous. In the nineteenth century, bison were slaughtered on an almost unimaginable scale; predators were systematically eradicated, frequently in government-sponsored bounty hunts; and countless species were treated as essentially inexhaustible, with some, like the passenger pigeon, driven to complete extinction. We know that yesterday's conventional wisdom can become tomorrow's cautionary tale. Locking in, as constitutionally untouchable, all "traditional methods" of hunting is nonsensical and contrary to the clear lessons of state and federal history." - Justin Marceau, University of Denver Law Professor and Constitutional Law Scholar

Ellen Kessler, representing herself:

Many of us have submitted comments and suggestions on the wording of initiative 302 for drafts one and two. Draft three has been published and very few of our comments have been incorporated. So we'll try again because the third time is a charm, right?

Our main concern is with the definition of "traditional." Speaking with a highly educated constitutional attorney who also specializes in animal law, I offer some of his words, which would be mine if I were a better writer:

"I would also be remiss if, as an attorney, I did not flag the remarkably vague language of the initiative. In constitutional terms, we say that law is void for vagueness when it fails to provide sufficient guidance on its meaning to a person of ordinary intelligence. Unfortunately, even as a law professor I cannot make sense of what this initiative would prohibit and allow. First, as already noted, the amendment would enshrine a right to use "traditional methods." But what does this mean? Traditional as of 2026? Or traditional as of 1876 (when Colorado became a state)?

"The key term seeks to enshrine in the constitution a right to hunt and fish using traditional methods. But the drafters have deliberately avoided defining traditional. Unregulated traditional practices once devastated wildlife populations, leaving passenger pigeons gone, and many other species pushed close to extinction.... A constitution should leave room for learning and progress and not simply assume that traditional will always be what is best for wildlife management. There is no reason to confuse traditional hunting practices with valid constitutional law."

Other concerns with the vagueness of this measure's definitions include what qualifies as "sound scientific wildlife conservation and management". Sadly, the courts may ultimately determine how it applies and will delay potentially life-threatening situations not to mention the costs to taxpayers.

Voters are not deciding whether hunting and fishing should remain legal. They are deciding whether hunting, fishing, and "harvest" (another undefined word) should receive constitutional priority across Colorado's wildlife management and regulations, which may not be able to respond to drought, wildfire, disease, habitat loss, changing populations, emerging science, and public safety needs.

The voters must be educated in the background, history, and goal of this proposed amendment and have an unbiased review to read and reference in the Blue Book. We leave it up to you, the Council, to make sure it happens.

Ellen Kessler
Littleton, Colorado 80127

Elise Lowe-Vaugh, representing Rewilding America Now:

August 18, 2026

Colorado Legislative Council Staff
State Capitol
Denver, Colorado

Dear Legislative Council Staff and Legislative Legal Services:

Thank you for the opportunity to comment on the third draft ballot analysis for Initiative 302. Rewilding America Now offers the following suggested revisions to help ensure the final Blue Book clearly explains what this proposed constitutional amendment would change and how it could affect fish and wildlife management.

The Blue Book analysis should clearly state:

- Hunting and fishing are already legal in Colorado. Initiative 302 is not needed to protect either activity.
- Colorado law already directs the state to use hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests. C.R.S. § 33-1-101. The issue is not whether these activities will continue, but whether that existing policy should be elevated into the Constitution.
- Initiative 302 would amend the Colorado Constitution and make hunting and fishing the “primary and preferred means” of managing and controlling fish and wildlife populations.
- Putting this language in the Colorado Constitution means it would control if it conflicts with statutes, regulations, or local ordinances. Initiative 302 could therefore affect far more than hunting and fishing rules. Courts may be asked whether CPW regulations and Commission decisions are consistent with the new constitutional standard. That question could also reach local safety rules, future wildlife laws and ballot measures, and policies on how wildlife may be taken or protected. That includes restrictions on trapping, hounding, and lead ammunition, as well as predator protections, nonlethal management, and habitat safeguards.
- Those challenges could delay needed action, increase state legal costs, and affect resources available for CPW programs.

Colorado voters have changed wildlife policy before as public values and understanding evolved. In 1992, voters prohibited spring bear hunting and the use of bait or dogs to hunt black bears. In 1996, voters restricted leghold traps, body-gripping traps, poisons, and snares. Initiative 302 raises the question of whether future voters and lawmakers would retain the same ability to reconsider wildlife practices. The draft correctly notes that Colorado Parks and Wildlife and the General Assembly would retain regulatory authority. At the same time, regulations would have to satisfy a new constitutional test by being “reasonable and necessary” for specified purposes. Because the measure does not define that standard or what qualifies as “sound scientific wildlife conservation and management,” courts may ultimately determine how it applies.

Constitutional law professor Justin Marceau also notes that the measure does not say what “traditional methods” means—traditional as of when—or what level or source of scientific evidence would satisfy the new standard. That uncertainty matters most when CPW must act quickly. Colorado has already expanded fishing restrictions because low stream flows and dangerous water temperatures threaten fish survival:

<https://www.denver7.com/news/drought/colorado-fishing-restrictions-expand-amid-extreme-drought-and-dangerous-river-temperatures>

River conditions can change in days. CPW must be able to close a fishery before fish die. CPW also needs to move quickly when wildfire, chronic wasting disease, invasive species, habitat loss, population declines, or public-safety threats arise. A constitutional challenge could delay a response even if the state ultimately prevails. It could also increase legal costs and affect funding available for fisheries, habitat restoration, disease response, enforcement, public access, research, and field staff. Those programs support healthy wildlife and the people who hunt, fish, watch wildlife, and recreate outdoors. Initiative 302 could therefore hinder the very activities it is intended to protect.

The analysis should also explain the scope of the terms used in the amendment. Colorado law defines "hunt" to include pursuing, attracting, stalking, lying in wait for, or attempting to shoot, wound, kill, trap, capture, collect, or take wildlife. C.R.S. § 33-1-102(25.5). That definition is broader than many voters may assume. The amendment also uses "harvest" without defining it. Voters should be told whether that term could encompass trapping, snaring, hounding, predator and furbearer take, baiting, night hunting, commercial guiding, or other authorized methods. If its scope is uncertain, the Blue Book should say so rather than leave voters to assume the amendment concerns only ordinary hunting and fishing.

The economic discussion should not stop with hunting and fishing. They contribute to Colorado's economy, but so do wildlife watching, photography, hiking, rafting, guiding, lodging, restaurants, tourism, and other businesses tied to healthy wildlife, rivers, and public lands. These activities are especially important in rural communities. Wildlife-management decisions affect hunters and anglers, but also landowners, local businesses, families, taxpayers, wildlife watchers, and other outdoor recreationists.

The "What Your Vote Means" section should state:

A "yes" vote amends the Colorado Constitution to create a right to hunt, fish, and harvest wildlife. It also makes hunting and fishing the primary and preferred means of managing wildlife populations and creates new constitutional standards for wildlife regulations.

A "no" vote leaves lawful hunting and fishing legal and regulated under existing state and federal law.

Voters are not deciding whether hunting and fishing should remain legal. Colorado already allows both. They are deciding whether hunting, fishing, and undefined "harvest" should receive constitutional priority across Colorado's wildlife-management system and whether future protections could face new legal challenges, delays, and costs.

Wildlife management must be able to evolve. A constitutional amendment is designed not to. The Blue Book should make that choice clear.

Respectfully submitted,

Elise Lowe-Vaughn
10953 Emerald Lane
Conifer, CO 80433

Ms. Lowe-Vaugh also submitted Attachment I.

Delia Malone, representing Colorado Wild:

Dear Legislative Council Committee, please accept the attached comments regarding the draft language for Initiative 302.

Respectfully submitted. D.

Ecologist and Board President

ColoradoWild

Deliamalone@earthlink.net

970-319-9498

Ms. Malone also submitted Attachment J.

Melinda Marquis, representing Science for Colorado Wildlife:

Dear Legislative Council Staff,

Thank you for the opportunity to review and comment on the third draft of Initiative 302.

In order to accurately describe this initiative in the blue book, I suggest the following revisions.

In What Your Vote Means (page 1, lines 5-8), please revise the text to read:

A "yes" vote on Initiative 302 establishes that hunting and fishing are the preferred means of managing wildlife and fish populations.

This must be stated in the section "What Your Vote Means," because the point that hunting and fishing are the preferred means of managing wildlife and fish populations is what this initiative means. Making hunting and fishing the preferred means is the effect of 302. Hunting and fishing are already, by state law, the primary means of managing wildlife and fish populations. Initiative 302 would make hunting and fishing the preferred means. C.R.S. 33-1-101 already protects hunting and fishing and states clearly that, "The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests."

In How does this measure affect existing and future hunting and fishing regulations (page 2, lines 7-12), please add:

Please add that existing or future regulations for hunting, fishing, trapping, and other wildlife-related actions could be struck down by courts if they prevent any activity deemed a "traditional" use in a specific area, during a specific season, or statewide. For example, cases in which it is currently illegal to use bait or hounds, which are "traditional methods," could be struck down.

In What does Initiative 302 do (page 1, line 19), please add:

The meaning of "traditional methods" will be interpreted by courts, rather than wildlife biologists at CPW.

In What does Initiative 302 do (page 1, line 23), please add:

The meaning of "necessary" will be interpreted by courts, rather than wildlife biologists at CPW.

In What does Initiative 302 do (page 1, line 23), please add:

The meaning of "sound scientific reasons" will be interpreted by courts, rather than wildlife biologists at CPW.

In Argument For Initiative 302 (page 2, lines 13-19), please delete:

"Over \$100 million is collected annually by CPW from hunting and fishing licenses, which is used for wildlife and habitat management efforts in all areas of the state."

This statement is untrue. The term "wildlife and habitat management efforts" is vague and covers CPW staff, game wardens, and the general cost to administer the hunting, trapping and fishing programs. Hunting and fishing license fees do not provide \$100 million to actual conservation or providing habitat for wildlife, which is the way the majority of people define wildlife management.

If you cite dollar amounts from hunting and fishing, use the dollar amounts in Table 5 of the [Statewide Comprehensive Outdoor Recreation Plan \(SCORP\) that CPW](#) commissioned from Southwick Associates in 2017. The SCORP demonstrates that fishing brings \$2.445 billion to the state; hunting brings \$0.843 billion to the state; and wildlife viewing brings \$2.436 billion to the state. See: <https://www.southwickassociates.com/the-2017-economic-contribution-of-outdoor-recreation-in-colorado/>

Please add that if the ballot measure fails, the fees from hunting, trapping, and fishing licenses will not go away; they will remain because these activities are legal and require licenses. To the contrary, if the measure passes, the \$2.436 billion in wildlife viewing will likely decrease because there will be fewer wildlife-viewing opportunities.

Feel free to let me know if you have questions.

Thank you,

Melinda Marquis

Melinda Marquis, Ph.D.

President and Founder

[Science for Colorado Wildlife](#)

A 501c3 non-profit

303-949-9252 · melinda.marquis@scienceforcowildlife.org

Jacci McKenna, representing herself:

Dear Legislative Council Staff,

Thank you for the opportunity to provide comments on the third draft of the ballot analysis for Initiative 302. Your work in preparing a fair and informative analysis for Colorado voters is appreciated.

Although the revisions that have gone into the prior drafts are helpful, there is additional language needed to clarify several aspects of the proposed ballot measure to ensure voters have a clear understanding of the measure when casting their ballot.

Clarification to the following are respectfully requested:

Traditional methods needs further clarification. It should be stated that traditional methods is not defined and as a result could include methods banned previously (e.g. leghold traps and baiting of bears) and would be left up to interpretation by the courts.

Either delete reference to income generated by hunting and fishing or add "income from non-consumptive recreational uses generates 2.6 billion in revenue" per the Colorado Tourism Office. Including one and not both is problematic and doesn't paint the whole picture for voters.

The sentence stating "It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities." is not accurate. It suggests CPW can perform these functions without interference which is false. Voters need to understand court challenges can be brought to CPW's wildlife management and the courts can over-rule CPW's management plan if they determine it contradicts "traditional" methods of take. CPW biologists are no longer making these decisions, the courts are. As a result, this sentence should be removed.

Thank you for your consideration and efforts to provide factual analysis for voters in Colorado.

Be Well,

Jacci McKenna

Brett Ochs, representing himself:

I am submitting as a private individual, no organizational affiliation.

I am writing as a Colorado hunter and angler who strongly supports ethical hunting and science-based wildlife management. I am not asking for fewer hunting opportunities. I am asking that wildlife management continue to be guided by science rather than undefined constitutional language. For that reason, I respectfully oppose Initiative 302.

The greatest concern is not the intent of the initiative, but its wording. Wildlife regulations require precision, yet Initiative 302 places several undefined legal standards into the Colorado Constitution.

Section 12c(1) establishes a constitutional right to hunt and fish, "**the use of traditional methods.**" The initiative never defines what constitutes a "traditional method." Hunting regulations have evolved as wildlife science, humane harvest standards, and conservation practices have advanced. Ethical hunting depends on clear, enforceable regulations. Without a definition, disputes over what is constitutionally protected would likely become matters of legal interpretation rather than decisions made by Colorado Parks and Wildlife biologists and the Parks and Wildlife Commission using current science.

Section 12c(2) states that "**Hunting and fishing shall be the primary and preferred means of responsibly managing and controlling fish and wildlife populations.**" As a hunter, I believe wildlife management should be driven by biological objectives—not constitutional preference. For example, Colorado's management of gray wolves requires decisions based on population monitoring, livestock conflicts, ecological conditions, and evolving scientific information. Depending on the circumstances, successful management may require monitoring, conflict

mitigation, relocation, or other scientifically supported tools. The phrase "primary and preferred means" creates unnecessary ambiguity about how those tools would be evaluated.

Section 12c(4) permits regulations only when they are "**necessary for sound scientific wildlife conservation and management, public safety, or to preserve the future of hunting and fishing opportunities for all species statewide.**" The problem is not the goal—it is the undefined word "necessary." Wildlife management is most effective when it is proactive. Colorado Parks and Wildlife routinely adjusts regulations before populations decline, diseases spread, or conflicts worsen. Because "necessary" is undefined, future regulations could be challenged over whether they satisfy this constitutional standard, creating uncertainty precisely when wildlife managers need flexibility to respond to changing conditions.

Constitutions are intentionally difficult to amend, and undefined constitutional language is ultimately interpreted by courts—not wildlife biologists. Ethical hunting and fair chase depend on clear regulations, adaptive management, and science-based decision-making. Colorado's wildlife management system has been successful because it allows Colorado Parks and Wildlife to adapt regulations as new scientific information becomes available. Initiative 302 would replace that clarity with constitutional ambiguity.

Selected References

Williams, B.K. (2011). Adaptive management of natural resources—Framework and issues. *Journal of Environmental Management*, 92(5), 1346–1353. <https://doi.org/10.1016/j.jenvman.2010.10.041>

Nichols, J.D., Runge, M.C., Johnson, F.A., & Williams, B.K. (2007). Adaptive harvest management of North American waterfowl populations: A brief history and future prospects. *Journal of Ornithology*, 148(S2), 343–349. <https://doi.org/10.1007/s10336-007-0232-8>

Milner, J.M., Nilsen, E.B., & Andreassen, H.P. (2007). Demographic side effects of selective hunting in ungulates and carnivores. *Conservation Biology*, 21(1), 36–47. <https://doi.org/10.1111/j.1523-1739.2006.00591.x>

Brett Ochs

Denise Osmon, representing herself:

Dear Legislative Council Staff,

I am submitting comments on the third draft ballot analysis for Initiative 302. The third draft is clearer than earlier versions, but it still omits several material points from the measure's final filed text, current Colorado law, the fiscal impact statement, and Legislative Council's own Review and Comment record.

The central problem is this: the draft gives voters the simplified campaign version of the measure, while the filed constitutional language is broader and more legally significant. The campaign phrase is a "right to hunt and fish." The filed text creates a right to "hunt, fish, and take fish and wildlife," protects undefined "traditional methods," makes hunting and fishing the "preferred means" of wildlife management, and allows regulation only if the law is "necessary" for listed purposes.

Those are not minor wording differences. They are the words voters are being asked to place in the Colorado Constitution.

The Review and Comment process already identified many of these issues. Staff asked the right questions before the final text was filed, and the public hearing record shows that the proponents answered some of them. Those answers should strengthen the Blue Book analysis, not disappear from it.

The key point is not merely that staff asked about undefined and broad language. At the April 2 Review and Comment hearing, the proponents declined to define "traditional methods," said they did not think the term was vague, and indicated that courts could determine its meaning later. Staff also described two drafting choices: one that would narrow the right by tying it directly to traditional methods, and another that would first create a broad right and then separately say the right includes traditional methods. The proponents said they were looking at the second option. The final filed text follows that broader structure.

That record matters. Voters should know which issues were corrected, which issues were left unresolved, and which choices were deliberate.

Requested corrections are below.

1. Use the full operative language: "hunt, fish, and take fish and wildlife."

The third draft repeatedly describes Initiative 302 as creating a constitutional right to hunt and fish. That is incomplete.

The final filed text says: "There is established a right of the people of Colorado to hunt, fish, and take fish and wildlife."

Draft 3 omits "take fish and wildlife" from the opening description, the "What Your Vote Means - YES" section, and the main summary. That omission matters because "take" is a defined term in Colorado wildlife law.

During Review and Comment, staff specifically cited C.R.S. section 33-1-102(43), which defines "take" as "to kill or otherwise acquire possession of wildlife." Staff asked whether the proponents intended "harvest" to mean something different from "take." The proponents then filed final language using "take" in the operative right while keeping "harvesting" in the next sentence.

The Blue Book should not replace the filed word "take" with the softer shorthand "hunt and fish." It should use the full phrase.

Suggested replacement for the YES section:

A "yes" vote on Initiative 302 establishes a state constitutional right to hunt, fish, and take fish and wildlife, and creates a constitutional policy that hunting and fishing are the preferred means of managing fish and wildlife populations.

Suggested replacement for the opening summary:

Initiative 302 proposes amending the Colorado Constitution to establish a right to hunt, fish, and take fish and wildlife; to protect harvesting by undefined "traditional methods"; and to create a

constitutional policy that hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.

1. Explain that Colorado law places trapping inside the legal meaning of “hunt” and “take.”

The third draft mentions that current regulations include limits on how many animals can be hunted, fished, or trapped. But it does not explain why trapping is legally relevant to a measure presented to voters as a right to hunt and fish.

Current Colorado wildlife law defines “hunt” to include attempting to “trap, capture, collect, or take wildlife.” C.R.S. section 33-1-102(25.5). It defines “trap” as a mechanical device, snare, deadfall, pit, or other device used for catching wildlife. C.R.S. section 33-1-102(47). It defines “trapping” as taking or attempting to take wildlife by use of a trap. C.R.S. section 33-1-102(48).

Voters should be told that the legal words in the measure are broader than the campaign label. If the analysis says “hunt and fish” while the filed text says “hunt, fish, and take fish and wildlife,” voters are not seeing the full legal frame.

Suggested addition:

Under current Colorado wildlife law, “hunt” includes attempts to trap, capture, collect, or take wildlife, and “take” means to kill or otherwise acquire possession of wildlife. The measure does not separately define these terms.

1. State that “traditional methods” is undefined.

The third draft says the right “applies to traditional hunting and fishing methods.” That phrasing is too narrow and too clean.

The final filed text says: “The right includes hunting, fishing, and harvesting fish and wildlife by the use of traditional methods.”

The measure does not define “traditional methods.”

Legislative Council Staff and the Office of Legislative Legal Services already flagged this issue. The Review and Comment memorandum asked: “The term ‘traditional’ is vague. What is intended by the term?”

It also asked: “Would the proponents consider defining the phrase ‘traditional methods’?”

At the public Review and Comment hearing, the proponents still did not supply a definition for the final text. Instead, they said the phrase was not vague and that courts could determine its meaning later.

The final filed text answers the drafting question by leaving the phrase undefined.

The Blue Book should say that directly. It should not hide the issue inside a general phrase like “undefined, vague language.”

Suggested addition:

The measure does not define “traditional methods.” Legislative Council Staff and the Office of Legislative Legal Services asked the proponents to explain and consider defining that phrase during Review and Comment. At the public hearing, proponents declined to define it and

indicated that courts could determine its meaning. The final filed text leaves the phrase undefined.

1. Explain what the Review and Comment questions show, and what the final text left unresolved.

The third draft does not use the Review and Comment record to help voters understand what changed and what remains open.

That record is important because staff asked the exact questions voters need answered before amending the Constitution:

At the April 2 public hearing, the oral record made several of those issues clearer. When staff asked about the vagueness of “traditional methods,” proponents responded that they did not think it was vague. When staff asked whether they would define it, the response was “Don’t think so.” The proponents also indicated that courts could determine the meaning later.

Staff then described two possible drafting approaches. The first would tie the right directly to harvesting by traditional methods and would narrow the right to those methods. The second would establish the broad right first, then add a separate sentence saying the right includes harvesting by traditional methods. The proponents responded, “Yeah, we’re looking at doing the second one.” That is the structure they filed.

The Blue Book should use that record. It shows that the undefined phrase and broader structure were not accidental omissions after printing; they were choices made after staff raised the issue.

Review and Comment asked whether the proposed section is self-executing and whether it creates rights enforceable in court. The final filed text does not answer that question. Draft 3 says the measure can lead to changes depending on how courts interpret the language, but it does not tell voters that staff asked the enforceability question before the final text was filed.

Review and Comment asked whether “the people” means each individual has an enforceable right, whether it is a collective right, and how a collective right would be enforced in court. The final filed text still says the right belongs to “the people” and does not answer those questions.

Review and Comment asked what “traditional” means and whether “traditional methods” should be defined. The final text still does not define the phrase.

Review and Comment asked whether “harvest” means something different from “take.” The final text changed the operative right to “take fish and wildlife” and kept “harvesting” in the next sentence. Draft 3 does not explain that change.

Review and Comment asked whether the right would apply to state-managed species such as bison and wolves, including species that are illegal to hunt under current law or federal law. The final text partly answered that by adding exclusions for nongame species, endangered species, and species illegal to hunt under federal law. But subsection (4) still refers to preserving hunting and fishing opportunities for “all species statewide.” Draft 3 does not explain how those clauses work together.

Review and Comment asked whether the “preferred means” provision is intended to be enforceable in court. The final text removed “primary” but kept “preferred means” as a constitutional policy. It does not say whether the provision is enforceable in court.

Review and Comment asked what effect the proposal would have on wildlife-management tools that are not the "primary or preferred means," specifically including habitat conservation and vaccinations against disease. The final text does not answer that question. It keeps hunting and fishing as the constitutional "preferred means" and does not explain how that preference is weighed against habitat conservation, disease response, species recovery, relocation, monitoring, research, or other non-harvest tools.

Review and Comment asked about the earlier "reasonable and necessary" standard and warned that the conjunctive wording can require the higher standard of necessity. The final filed text removed "reasonable" and kept "necessary." The measure does not define "necessary."

The Blue Book should not leave these points out. These are not outside arguments. They are the public record created by Legislative Council's own review process.

Suggested addition:

During Review and Comment, Legislative Council Staff and the Office of Legislative Legal Services asked whether the proposed right is enforceable in court, what "traditional methods" means, whether "harvest" differs from "take," how the proposal applies to species such as bison and wolves, what "preferred means" does to other wildlife-management tools such as habitat conservation and disease vaccination, and how the "necessary" standard affects state regulation. At the public hearing, proponents declined to define "traditional methods" and indicated courts could determine its meaning. The final filed text resolved some drafting issues but still leaves "traditional methods," "necessary," and the effect of the "preferred means" policy undefined.

1. Clarify "no immediate change."

Draft 3 says the measure results in no immediate change to existing state law or regulations. That is technically true only in the narrow sense that current laws and regulations are not automatically repealed the morning after passage.

But the constitutional change would be immediate. From the effective date forward, existing and future laws, CPW rules, commission decisions, agency actions, and voter-approved guardrails would operate under a new constitutional right, a new "preferred means" policy, and a new "necessary" standard for regulation.

The fiscal impact statement already identifies the legal effect. It says CPW may have increased workload and costs for legal advice when developing new rules and regulations, and that litigation costs will increase if parties challenge rules and regulations based on the new constitutional language.

The Blue Book should not let voters read "no immediate change" as "no legal effect."

Suggested replacement:

The measure does not automatically repeal existing laws or regulations. However, if adopted, it would immediately add new language to the Colorado Constitution. Existing and future hunting, fishing, trapping, and wildlife-management laws and regulations would then be subject to the new constitutional right, the "preferred means" policy, and the requirement that regulation be "necessary" for the purposes listed in the measure.

1. Add the current-law baseline.

Colorado voters should be told what the law already says.

Colorado law already states: "The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests."

That is C.R.S. section 33-1-101(4).

Hunting and fishing are already legal in Colorado. CPW and the Parks and Wildlife Commission already regulate licenses, seasons, bag limits, methods of take, possession limits, public safety, and wildlife management.

Without that baseline, the draft risks making 302 sound as if it legalizes or rescues hunting and fishing. It does not. It changes the Constitution.

Suggested addition:

Under current Colorado law, hunting, trapping, and fishing are already legal and regulated, and state law already directs Colorado to use hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests. A "no" vote leaves hunting and fishing legal under existing state and federal law.

1. Explain wildlife management more accurately.

The third draft describes CPW as responsible for fish and wildlife management and says regulations are generally guided by wildlife and fish populations, habitat management plans, and recreational needs. That is a start, but it still lets voters equate wildlife management with hunting and fishing regulations.

Wildlife management includes more than seasons, bag limits, and licenses. It includes habitat conservation, population monitoring, research, disease prevention and response, species recovery, relocation, human-wildlife conflict management, public safety, and regulated harvest.

This matters because Initiative 302 gives hunting and fishing constitutional preference as a management tool while leaving other management tools without the same preferred status.

Suggested addition:

Wildlife management also includes habitat conservation, population monitoring, scientific research, disease prevention and response, species recovery, relocation, public safety, human-wildlife conflict management, and other tools that do not depend on hunting or fishing.

1. Name the undefined terms.

The argument against in Draft 3 says the measure uses undefined, vague language. That is accurate, but incomplete.

The analysis should name the terms. Voters should be told that the measure does not define: "traditional methods"; "necessary"; and "sound scientific wildlife conservation and management."

The analysis should also explain that "take" has a statutory meaning under Colorado wildlife law and is broader than the public phrase "hunt and fish."

Suggested addition to the argument against:

Opponents argue that hunting and fishing are already legal and that the measure adds permanent constitutional language using undefined terms, including “traditional methods,” “necessary,” and “sound scientific wildlife conservation and management.” They argue that these terms can affect future voter choices, laws, CPW rules, trapping guardrails, habitat decisions, disease response, and other wildlife-management tools.

1. Clarify the \$100 million license-revenue claim.

The argument for says over \$100 million is collected annually by CPW from hunting and fishing licenses and used for wildlife and habitat management.

That is existing revenue under current law. Initiative 302 does not create that revenue. If the statement remains, it should identify the fiscal year, source, and revenue categories. It should also clarify that the revenue is collected under current law and is not a fiscal effect of passing Initiative 302.

Suggested revision:

CPW currently collects license revenue under existing law. Initiative 302 does not create new license revenue.

1. Clarify the “24 other states” comparison.

Draft 3 says Colorado should join 24 other states that “similarly” protect the right to hunt and fish in their constitutions.

“Similarly” is too broad unless the analysis explains that state constitutional provisions vary. Colorado’s filed text includes a right to “take fish and wildlife,” undefined “traditional methods,” a “preferred means” policy, and a “necessary” standard for regulation. Not every state right-to-hunt provision uses the same words, standards, or policy preferences.

Suggested revision:

Twenty-four other states have some form of constitutional hunting or fishing protection, but the wording, legal standards, and effects of those provisions vary by state.

1. Restore a plain-language summary of what stays the same and what changes.

The final analysis should include one plain paragraph that gives voters the whole frame.

Suggested paragraph:

Hunting, fishing, and trapping are already legal and regulated in Colorado. Initiative 302 would not automatically repeal existing laws or regulations, but it would add a new constitutional right to hunt, fish, and take fish and wildlife; protect harvesting by undefined “traditional methods”; make hunting and fishing the state’s preferred means of managing fish and wildlife populations; and allow regulation if the law is “necessary” for the purposes listed in the measure.

This is the core voter question. Not whether hunting and fishing are legal. They are. The question is whether voters should add new, permanent, undefined constitutional language that future agencies, lawmakers, voters, and courts will have to apply.

Sources cited in these comments:

Initiative 302 final filed text, Secretary of State, received April 2,
2026: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2025-2026/302Final.pdf>

Initiative 302 Title Board results and title, April 15,
2026: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2025-2026/302Results.html>

Legislative Council Staff and Office of Legislative Legal Services Review and Comment Memorandum for Initiatives 302 and 303, March 30,
2026: https://leg.colorado.gov/initiative_files/3545/download

Initiative 302 Review and Comment public hearing, April 2, 2026: <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV3/20260816/46/18481>

Initiative 302 Fiscal Impact Statement, Legislative Council Staff, May 11,
2026: https://leg.colorado.gov/initiative_files/3634/download

C.R.S. section 33-1-101(4) and C.R.S. section 33-1-102(25.5), (43), (47), and (48): <https://olls.info/crs/crs2025-title-33.htm>

Please correct these omissions before the ballot analysis is finalized. Voters should receive the filed constitutional language, the current-law context, and the unresolved Review and Comment issues, not only the cleaner campaign shorthand.

Respectfully,

Denise Osmon

Lauren Rombach, representing herself:

From: **Lauren Rombach** <lauren.labradoodle@gmail.com>

Date: Mon, Aug 17, 2026 at 1:33 PM

Subject: Comments on the Blue Book

To: <righttohuntandfish2026@coleg.gov>

Hello,

As I read through the Blue Book for 302, there are some things that I find misleading. I think that it is very important that the general public understand what this new law will do if it is passed.

1. \$100 million license revenue claim under the "For" argument

- This is misleading because it is not a source of new income for the agency. Clarification needs to be provided that explains that the \$100 million dollar figure is money that Colorado Parks and Wildlife already collects yearly.

2. "Preferred means"

- There needs to be clarification that 302 fundamentally changes the Colorado Constitution to directly impact how wildlife is managed, how legislation is passed, and regulations

through Colorado Parks and Wildlife. It is also misleading in that there is already a right to hunt and fish. This should be clearly spelled out for people who have no knowledge of how this will ultimately affect our wildlife.

3. "No Immediate Change"

- The explanation about the effect on existing regulations and 302 having "no immediate change" is extremely misleading. Everything affecting wildlife management from here on out will need to comply with this new "Right to Hunt and Fish" if it is passed. Maybe it should state in the Blue Book that 302 could muddy the waters for voters regarding reasonable guardrails that we need in place under the reason not to vote for this.

4, "Sound scientific reasons"

- What are those and who implements them? Again, too vague.

Thank you,

Lauren Rombach

Dave Ruane, representing himself:

This is probably one of the most poorly worded initiatives I have ever seen. No wonder, it has been brought forward by a very unethical subset of the hunting community.

As a lifelong hunter and angler, I urge you to re-write this initiative wording to include TRAPPING wherever hunting and angling are mentioned.

As well, unless you actually define "traditional methods" that wording needs to be removed. It leaves the door wide open to more unethical practices.

Thanks - Dave Ruane

(970) 214-0923

daveruane@yahoo.com

Laurie Rugenstein, representing herself:

Colorado Legislative Council Staff
State Capitol
Denver, Colorado

Dear Legislative Council Staff,

I appreciate the opportunity to comment on the second draft ballot analysis for Initiative 302. It's important to ensure the ballot analysis provides voters with a complete and accurate understanding of the measure. I'm suggesting the following revisions to help ensure that the final Blue Book clearly explains what this proposed constitutional amendment would change and how it could affect fish and wildlife management.

The Blue Book analysis should clearly state the following:

- Initiative 302 would amend the Colorado Constitution and make hunting and fishing the “primary and preferred means” of managing and controlling fish and wildlife populations.
- Hunting and fishing are already legal in Colorado. Initiative 302 is not needed to protect either activity.

The statutory definition of "hunt" should be included in the ballot analysis.

This would help voters understand the scope of the proposed constitutional amendment and evaluate its potential effects. The statutory definition states the following:

"Hunt" means to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife. C.R.S. § 33-1-102(25.5)

The amendment also uses the terms “harvest” and “traditional methods” without defining them. Voters should be told whether these terms could encompass trapping, snaring, hounding, baiting, night hunting with lights, or other authorized methods. If its scope is uncertain, the Blue Book should clearly state this, rather than leave voters to assume the amendment concerns only ordinary hunting and fishing.

Since the income from hunting and trapping is mentioned, it would be fair to mention that 2.6 billion comes to the state from non-hunting and trapping activities, like hiking, birdwatching, water rafting, rock climbing, and many other outdoor activities. Enshrining one's hobby in the constitution is unfair to others with different interests. For example, skiing and camping are being down-prioritized even though they are much more commonplace by the public.

Colorado Parks and Wildlife (CPW) should not be hamstrung by a constitutional mandate to use hunting and fishing as the “primary and preferred means” of management. CPW needs maximum flexibility to address drought, changing climate conditions, loss of biodiversity, and the concerns of all of its constituents.

Thank you for your consideration,

Laurie Rugenstein

Devin Saunders, representing Coloradans for Responsible Wildlife Management:

Good afternoon,

Please see the attached requested revisions for Initiative 302 Draft 3: Constitutional Right to Hunt and Fish. These comments are submitted on behalf of the organization Coloradans for Responsible Wildlife Management.

Thank you for your attention to this matter, we sincerely appreciate it.

Devin Saunders

Government Affairs Manager

1801 Broadway, Suite 1000 | Denver, CO 80202

Email: devin.saunders@pacweststrategies.com

Mr. Saunders also submitted Attachment K.

Charles Seymour, representing herself:

Good evening: I just re-read the ballot analysis. There are a few things I'd like to highlight, and propose clarity in the analysis for the voters.

1) We need to be clear that trapping is included in this. Please consider changing the header to "Constitutional Right to Hunt, Trap and Fish". Voters need to know that trapping is NOT excluded from the existing definition of hunting, and that the undefined "traditional methods" does, in fact, include trapping. Colorado state statute (language currently in Chapter 33) includes trapping inside the legal meaning of "hunt" and "take"

2) In the Argument for 302, the last sentence notes that \$100 million is collected annually by CPW from license sales. While this is true, it implies that the \$100 million is somehow at risk if 302 fails. That is not true (and is contradictory) to the concept that 302 doesn't have any immediate impact. I would recommend either (i) specifying that if 302 fails, hunting and fishing license revenue will remain unchanged, or (ii) removing that sentence about hunting and fishing license sales.

Thanks for your consideration.

Charles
303-845-0200

Wendy Skizas, representing herself:

August 18, 2026

Colorado Legislative Council Staff
State Capitol
Denver, Colorado

Re: Comments on the Third Draft Ballot Analysis – Initiative 302

Dear Legislative Council Staff,

Thank you for the opportunity to provide comments on the third draft of the ballot analysis for Initiative 302. I appreciate the changes from draft two and the work that has gone into preparing a fair and informative analysis for Colorado voters.

The third draft still leaves out several facts voters need before deciding whether to amend the Colorado Constitution.

First, the analysis should use the full language of the measure. Initiative 302 does not only create a right to "hunt and fish." The final text says there is a right to "hunt, fish, and take fish and wildlife." The word "take" should appear in the voter-facing summary because it has legal meaning and broadens what voters may understand from the title alone.

- *Page 1 Line 2 should read: establish a constitutional right to fish and hunt AND TAKE certain wildlife; and*
- *Page 1 Line 23 should read: to hunt and fish AND TAKE*
- *Page 2 line 10 should read: Creating a new constitutional right to hunt and fish AND TAKE*

Second, the analysis should plainly state that “traditional methods” is not defined in the measure. The draft says the right applies to “traditional hunting and fishing methods,” but voters are NOT told that the phrase has no definition in the amendment. That omission matters because undefined constitutional language can later be interpreted by agencies, lawmakers, or courts.

The lack of definition for “traditional methods” along with the lack of the word “take” in the blue book is of utmost importance because Colorado does have a **statutory definition** for the word “Hunt”, which appears in the **TITLE of the amendment**. Voters deserve and need to know that while there remains no definition of “traditional methods” by proponents, there is nothing ambiguous in Colorado law regarding the definition of the word “Hunt”, which, again, appears in the very *title of the amendment*.

“Hunt” is in the title. Please include the statutory definition of “Hunt”.

- **Page 2 Line 26 should continue:** While “traditional methods” is not defined in the amendment, **Colorado Revised Statutes § 33-1-102(25.5) DOES define “Hunt”:** “Hunt” means to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife.

Third, the Argument Against analysis should explain the “necessary” threshold. The draft says the state may regulate hunting, fishing, and wildlife management “if necessary” for listed purposes. Voters should be told that this creates a constitutional challenge on future regulation. The amendment is in fact a constitutional challenge to wildlife regulations, it reduces CPW's flexibility to respond quickly to emerging wildlife issues like drought and wildfire, and shifts policy decisions away from wildlife managers to the courts.

Fourth, the Argument Against analysis should clearly explain the legal significance of “preferred means.” The measure creates a constitutional policy that hunting and fishing are the preferred means of managing fish and wildlife populations, not science. The draft repeats that “preferred means” phrase but does not explain how that preference will be weighed against CPW’s current statutory authority to choose habitat conservation, disease response, research, relocation, public safety, or other wildlife-management tools **that will no longer be a “preferred means”**.

Fifth, the analysis should make the trapping issue clearer. The third draft mentions trapping in the regulation section and argument against, but many voters will not understand from the title that trapping may be affected by this measure. Trapping is in the **Colorado Revised Statutes § 33-1-102(25.5) definition of “Hunt”** The analysis should explain that future guardrails on hunting, fishing, and trapping may be affected by the new constitutional right and related vague language and that the legal doctrine of Implied Repeal could jeopardize Amendment 14, the will of the people in 1996 when we voted to outlaw certain **“Traditional Methods” of trapping**.

Sixth, the “24 other states” sentence should be qualified. The draft says Colorado should join the 24 other states that “similarly” protect the right to hunt and fish. That can leave voters with the impression that these provisions are materially the same. They are not. The wording, standards, scope, and regulatory language vary by state. Colorado voters should be told that Initiative 302 does NOT contain the same language as 24 other states. The Colorado initiative differs, as it includes the usage of the language “traditional methods,” “preferred means,” and a “necessary”

standard. **Voters deserve and need to know the reality of this difference and not the campaign pitch about other states.**

I respectfully ask staff to add a short plain-language clarification such as:

- "Initiative 302 does not define 'traditional methods' or 'necessary.' But *Colorado Revised Statutes § 33-1-102(25.5)* does define "Hunt", which appears in the title of the initiative. Because the measure creates a constitutional right to hunt, fish, and take fish and wildlife, and creates a constitutional preference for hunting and fishing as the "preferred" wildlife-management tool, courts may be asked to interpret these terms when reviewing existing or future laws, rules, or agency actions."

This would help voters understand the actual legal change before them. Hunting and fishing are already legal in Colorado. The question is whether voters want to add permanent constitutional language that may affect future wildlife decisions, regulations, and court challenges.

These revisions would provide voters with important factual context regarding both existing Colorado law and the practical implications of the proposed amendment.

Thank you for your time and thoughtful consideration of these comments. I appreciate the opportunity to participate in the review process and respectfully request that these recommendations be considered as part of the Legislative Council's deliberations on the final ballot analysis.

Respectfully,

Wendy Skizas, Colorado Native and Resident
Thornton, CO 80602

Debra Taylor, representing herself:

Re: Language drafting for Colorado Blue Book for Right to Hunt & Fish.

Dear Blue Book Committee,

I believe that you must state that

All methods of Hunting is already legal and firmly protected under state law in Colorado State Statute Title 33,
the legal code governing parks and wildlife in Colorado, states, "The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests." C.R.S. § 33-1-101 (2026)

This Initiative will conflict with State Law to where judges will need to determine the law, with every conflict, regarding every form of hunting method.

ANY failure to mention the State Statute existence in the Blue Book, is an attempt to confuse the voting public.

You must also make an attempt to define "confusing words" used in any attempt for a Constitutional Amendment! You must also define "Traditional Methods".

Thank you.

I do define myself with any one organization!

Debra Taylor ~
5237 E Dakota Ave
Denver, CO
Dltaylor521@hotmail.com

Jennifer Ticsay, representing Dances With Woofs:

Dear Legislative Council Staff,

I'm writing about the third draft ballot analysis for Initiative 302. I am commenting as an individual.

The main items I would like to see addressed and corrected in the blue book include:

1. The 3rd draft says "hunt and fish."

"Hunt" legally means more than people picture.

Under current Colorado law (C.R.S. 33-1-102(25.5)), "hunt" already includes attempts to trap, capture, collect, or take wildlife. The definition of "hunt" or additional clarification of hunting needs to be included so voters understand that hunting includes fur trapping.

2. "Traditional methods" is never defined, and

Legislative Council Staff asked the proponents behind this measure to define "traditional methods." The proponents refused to define it. Voters deserve to know this.

3. This amendment makes hunting and fishing the constitutional "preferred means" of wildlife management.

This new legal priority puts hunting and fishing ahead of habitat work, disease response, and other tools CPW already uses. The draft doesn't explain this change to wildlife management.

4. "No immediate change" is misleading.

Any future statute or regulation immediately has to hold up against this new constitutional language. The state's own fiscal impact statement already admits CPW expects higher legal costs and more litigation risk because of it. The draft should clearly state this immediate change.

5. Hunting and fishing are already legal in Colorado.

State law (C.R.S. 33-1-101(4)) already directs the state to use hunting, trapping, and fishing as the primary method of wildlife harvest. Voters should understand that a no vote is no change to this law that allows hunting trapping and fishing.

Please address these items in the final version to provide an accurate analysis of what voters are evaluating to put in the Constitution.

Thanks for your time.

Sincerely,

Jennifer Ticsay

Golden, Colorado

303-271-9210 (My business line is a landline, texts will not get to me)

303-888-1659 (This is my cell. Sometimes I forget texts that I saw when I couldn't reply, so please text or email me again if I don't reply)

danceswithwoofsdogtraining@gmail.com

www.danceswithwoofsdogtraining.com

<http://www.facebook.com/pages/Dances-With-Woofs/158512570849966>

Jennifer Ticsay

Dances With Woofs

Eric Washburn, representing himself:

Hello,

Thank you for the opportunity to comment on the Blue Book description of the Right to Hunt ballot measure.

As you know, the Right to Hunt Constitutional Amendment explicitly protects "traditional methods" of hunting. The ballot language does not to define what "traditional methods" means.

"Traditional means" of hunting in Colorado include:

- The use of steel-jawed leghold traps, which Colorado voters banned in 1996.
- Wildlife killing contests, which were legal in Colorado until the CPW Commission finally banned them in 2020.
- Baiting bears with jelly donuts and other delicious treats, which was banned by Colorado voters in 1992 by an overwhelming 70% of the vote.
- Using hounds to hunt bears, a practice that was also banned by Colorado voters in 1992.
- Hunting bears in the spring, a practice that Colorado voters banned in 1992, because the spring bear hunts cause young bear cubs to become orphaned and eventually starve to death.
- Unlimited killing of beaver and other furbearers, which was finally restricted by the CPW Commission last month.

So, while the Blue Book correctly notes that "this measure may restrict the ability to place guardrails on hunting, fishing and trapping," the Right to Hunt measure can also be used subsequent to passage to legally **challenge these existing restrictions** on hunting and trapping, which is clearly the motivation by the proponents, since there is no real threat to hunting and fishing in Colorado.

Moreover, the Right to Hunt ballot measure also states that "hunting and fishing are the preferred methods of responsibly managing fish and wildlife populations." This means that killing wildlife would be given preference over all other forms of wildlife management like:

- Developing vaccines to prevent the transmission of respiratory disease from domestic sheep to bighorn sheep, rather than just shooting bighorn sheep that have contracted the disease.
- Making investments to increase the extent and quality of wildlife habitat, rather than killing wildlife because there is not enough habitat.
- Deploying non-lethal coexistence measures to prevent conflicts involving species like beavers and gray wolves, rather than simply killing the animals involved in the conflict.

Please consider revising the Blue Book to ensure that voters understand these consequences.

Cheers,

Eric

Michael Wenzl, representing himself:

Hello,

I want to ask that Initiative 302 be stricken from being on this November's ballot. Hunting, fishing, and trapping are legal and firmly protected under state law. The legislative declaration of Title 33, the legal code governing parks and wildlife in Colorado, states, "The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests.", C.R.S. § 33-1-101 (2026). This is already in place and is one reason to exclude this Initiative from the ballot.

Another reason to exclude it is that the Initiative wants to, "create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado".

This would be devastating to the future of hunting and fishing in Colorado. Giving this much authority to the public would be suicidal for the sustainability of our wildlife. CPW has biologists, licensing, established guidelines, and seasons to protect and ensure that hunting and fishing will be available for future generations to engage in.

The third reason to exclude this Initiative is due to the vague language of "Traditional hunting and fishing methods". That could mean allowing leghold traps and neck snares which are currently illegal in Colorado. The system is working. No one is complaining. Let CPW continue to do their job and strike this from the ballot.

Here are some additional points I made for the 2nd draft:

From: **Michael Wenzl** <michaelwenzl88@gmail.com>

Date: Tue, Jul 28, 2026 at 11:25 PM

Subject: Initiative 302 Draft 2 - Reply Against this Initiative

To: Colorado Legislative Council Staff <righttohuntandfish2026@coleg.gov>

Hello,

Here is a rebuttal to the Argument For Initiative 302:

1. Hunting and fishing are already defined in the Colorado Revised Statutes below. Citizens in all 50 states already enjoy the ability to hunt and fish. It has been part of America's heritage for the

last 250 years. There is no need to make it a Constitutional Right. There is no perceived threat "against future attempts to restrict or eliminate hunting and fishing". Creating a "Right" is unnecessary. Statutory policy already exists.

CRS § 33-1-102(25.5)

"Hunt" means to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife.

CRS § 33-1-102(16) (Definitions):

"Fishing" means any effort made to take any fish, amphibian, crustacean, or mollusk.

2. The Colorado Tourism Office, BEA Outdoor Recreation Satellite states the revenue for wildlife watching, skiing, and broader tourism contribute approximately \$18.1B in revenue. Fishing is \$1.3B, hunting is \$1.2B. Combined revenue is \$20.6B. Hunting and fishing total \$2.5B, which is approximately 12% of the total revenue. This is a case of the tail wagging the dog.

3. The Initiative wants to, "create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado". CPW needs the ability to act quickly, like the recent river closures to fishing, along with moving fish to safer havens. The same need is required for prompt action that applies to wildfires, chronic wasting disease, invasive species, habitat loss, declining populations, and public-safety threats. These areas often require immediate attention. These requirements make the above "preferred means" archaic at best.

4. It would be helpful if examples of "undefined vague language", stated in the Argument Against 302, were included. "Traditional hunting and fishing methods" are not defined. Letting voters know that this could mean reverting to leghold traps and snares, which are currently illegal. The term "harvest" is also undefined. It would be helpful to include the above two CRS definitions to clarify this.

5. It would also be helpful for voters to know that this Initiative has received over \$1M in assistance from the International Order of Theodore Roosevelt, the Safari Club International, and others. Most of this money has come from out of state assistance from the first two organizations mentioned. No explanation has been given as to what is motivating this outside influence.

Thank you,

Michael Wenzl

816 W 11th St

Pueblo, CO 81003

719-250-8181

Sonya Zaremba, representing herself:

Several terms in Initiative 302 are undefined, including "traditional methods," "necessary," "sound scientific reasons," and "preferred means. All these terms need to be clarified and explained what they actually mean in real life situations.

The current summary says a "yes" vote establishes a constitutional right to hunt and fish, but this

does not describe all of the major provisions voters are being asked to approve: Establishes a right to "take" certain wildlife; Protects "traditional methods"; Establishes hunting and fishing as the "preferred means" of managing wildlife populations. The "Yes" description should include all major provisions of the amendment, not only the creation of a constitutional right to hunt and fish.

The word "necessary" may create a higher constitutional threshold for regulating hunting, fishing, trapping, and other wildlife activities than exists under current law. And this must be explained so that the voters can understand.

Initiative 302 establishes hunting and fishing as the "preferred means" of managing fish and wildlife populations. The analysis should acknowledge that elevating certain management tools above others in the state constitution could affect future wildlife decision-making. Please clarify that Initiative 302 fundamentally changes the Colorado Constitution in a way that will directly impact how wildlife is managed in Colorado, including any legislation that may be passed, and any regulations that Colorado Parks and Wildlife may institute.

The amendment protects hunting and fishing through "traditional methods," but does not define what those methods include. The analysis should acknowledge that this creates uncertainty about which practices could receive constitutional protection and that the scope of this language may ultimately be determined through future interpretation and litigation.

The fiscal analysis should explain that increased costs could result from litigation over how these new requirements apply to wildlife regulations and management decisions.

Initiative 302's proponents have publicly described similar constitutional amendments as creating legal barriers against future efforts to change hunting and wildlife policy. The analysis should acknowledge that constitutionalizing wildlife management could affect how future voters, lawmakers, and agencies are able to address changing conservation needs.

The \$100 million license revenue claim under the "For" argument: It should be clarified that the \$100 million figure is money that Colorado Parks and Wildlife already takes in each year, and not a source of new income for the agency!

All these aspects must be explained in plain English so that the voters do not get duped!

Thank you.

Sonya Zaremba

Loveland, Colorado

Initiative 302: Constitutional Right to Hunt and Fish

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

1 Initiative 302 proposes amending the Colorado Constitution to:

- 2 • establish a constitutional right to fish and hunt certain wildlife; and
- 3 • create a policy that states hunting and fishing are the preferred means of managing fish and
- 4 wildlife populations in Colorado.

5 What Your Vote Means

6 YES

7 A “yes” vote on Initiative 302 establishes a
8 state constitutional right to hunt and fish.

9 NO

10 A “no” vote on Initiative 302 means that
11 hunting and fishing will continue as
12 allowed under existing state and federal
13 law.

14 Summary and Analysis of Initiative 302

15 What does Initiative 302 do?

16 Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife,
17 and establishes hunting and fishing as the preferred means of managing fish and wildlife
18 populations.

19 The right applies to traditional hunting and fishing methods. ~~It does not apply to species that~~
20 ~~are not typically hunted or fished (nongame species), endangered species, or any species that is~~
21 ~~illegal to hunt under federal law.~~ This measure does not change existing laws related to
22 trespassing on private property. ~~It allows the state to regulate hunting, fishing, and wildlife~~
23 ~~management if necessary for sound scientific reasons, public safety, or to preserve future~~
24 ~~hunting and fishing opportunities.~~ **The measure’s requirement that hunting and fishing be the**
“primary and preferred means” of managing wildlife could restrict the ability of the State and
Colorado Parks and Wildlife (CPW) to adopt or defend their preferred wildlife management
approaches where such approaches include conflict prevention, habitat protection, and other non-
lethal conservation measures.

25 How does Colorado currently manage and regulate fish and wildlife?

26 Colorado Parks and Wildlife (CPW) is the state agency responsible for fish and wildlife
27 management in Colorado and administers regulations for hunting and fishing, as adopted by
28 the CPW Commission, a citizen board appointed by the Governor. State law requires wildlife and
29 their environment to be protected, preserved, enhanced, and managed for the use, benefit, and
30 enjoyment of the people and visitors of Colorado.
31 Current regulations on hunting and fishing include:

- 1 • where and when hunting and fishing can occur;
- 2 • license and permit requirements;
- 3 • methods and materials for hunters and anglers; and
- 4 • limits on how many animals can be hunted, fished, or trapped.

5 Regulations are generally guided by information on wildlife and fish populations, species and
6 habitat management plans, and recreational opportunities and needs.

7 **How does this measure affect existing and future hunting and fishing regulations?**

8 ~~The measure results in no immediate change to existing state law or regulations. Hunting and~~
9 ~~fishing will continue to be allowed under existing state and federal law and regulations.~~

10 Creating a new constitutional right to hunt and fish **and mandating that hunting and fishing shall**
11 **be the primary method of managing fish and wildlife populations** may effect how the
legislature or CPW Commission makes policies about hunting and fishing, and it could lead to
changes depending
12 on how courts interpret the language of the measure when reviewing existing or future policies.

13 **Argument For Initiative 302**

14 1) This measure provides lasting protection against future attempts to restrict or eliminate
15 hunting and fishing. Hunting and fishing are part of Colorado's heritage and cultural identity
16 and are important to its tourism and recreation economy. Colorado should join the 24 other
17 states that similarly protect the right to hunt and fish in their state constitutions. Over
18 \$100 million is collected annually by CPW from hunting and fishing licenses, which is used
19 for wildlife and habitat management efforts in all areas of the state.

20 **Argument Against Initiative 302**

21 1) The state constitution should protect fundamental rights and not recreational activities.

22 ~~Colorado law already allows hunting and fishing a leader in wildlife conservation and~~
~~management, and enshrining a right~~

23 to hunt and fish in the Colorado Constitution is unnecessary. This measure may restrict the
24 ability to place guardrails on hunting, fishing, and trapping.

Mandating that hunting and fishing shall be the primary and preferred method of managing fish and wildlife will limit the ability of CPW, state lawmakers, and voters to adopt and defend evidence-based wildlife management strategies, including reasonable restrictions on hunting, fishing and harvesting, to protect imperiled species, habitat, or safety. It could also limit CPW's ability to issue regulations to protect pets and domestic animals from dangerous trapping and harvesting methods because the measure limits the circumstances in which CPW could regulate hunting and fishing. Additionally, it would make nonlethal wildlife-management measures, including conflict prevention, habitat protection, and other coexistence tools more difficult to use if hunting or fishing could be viewed as an alternative.

Further, the use of undefined, vague language such as **"traditional hunting and fishing methods,"** and **"primary and preferred means,"** could prompt legal challenges and undermine reasonable

regulations that voters, state lawmakers, and CPW have already put in place.

25 _____

26 Information about the organizations supporting and opposing this measure is
27 available on the Colorado Secretary of State's website:

28 www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

29 **Fiscal Impact of Initiative 302**

30 **State Spending**

31 The measure is not expected to significantly change state spending in the near term, but could
32 result in increased legal costs for the state as the new right to hunt and fish is applied.

1 Specifically, CPW may have increased workload and costs for legal advice when developing new
2 rules and regulations to ensure that they comply with the measure. In addition, if legal
3 challenges to the constitutionality of new or existing hunting and fishing regulations occur, CPW
4 spending on litigation costs will increase. The exact amount of these potential costs cannot be
5 estimated because they depend on the actions of private parties and decisions by the courts.



August 18, 2026

VIA Electronic mail: righttohuntandfish2026@coleg.gov
Colorado Legislative Council Staff

Re: *Official Comments on the Third Draft Summary and Analysis of Initiative 302: Constitutional Right to Hunt and Fish*

Dear Colorado Legislative Council Staff,

Friends of Animals¹ respectfully submits these comments regarding the Third Draft Summary and Analysis of Initiative 302: Constitutional right to Hunt and Fish.² The Third Draft (Draft) is an improvement but still does not adequately explain the legal uncertainty created by Initiative 302 or the wildlife management choices that may be affected by its new constitutional right and mandatory preference for hunting and fishing. The Draft remains vague, and continues to use broad or potentially misleading phrases throughout, such as “no immediate change,” and “allows the state to regulate,” without fully identifying potential consequences of the measure.

For voters to evaluate the initiative accurately, the final summary and analysis should identify what is uncertain, who may be affected, and what types of wildlife protections and management decisions may be subject to constitutional challenge. Proposed deletions to the proposed analysis are shown with strikethrough and proposed additions appear in red.

A. The draft explanation about “What does Initiative 302?” is unclear and not supported by the text of the measure.

i. Language that the measure “allows the state to regulate” is incomplete.

Under “**What does Initiative 302 do?**” the Draft states: “It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.” This wording **at page one, line 22**, does not adequately explain the State’s existing regulatory authority or how that authority would operate under the proposed constitutional amendment. The language is unclear by claiming that the regulation is “allowed,” without explaining whether that authority could be limited, conditioned, or challenged under the new constitutional right.

¹ Friends of Animals is a non-profit international advocacy organization incorporated in the state of New York since 1957. Friends of Animals’ Wildlife Law Program operates out of Greenwood Village, Colorado. Friends of Animals and its members seek to free animals from cruelty and exploitation worldwide and promote a respectful view of non-human, free-living, and domestic animals.

² *Third Draft, Initiative 302: Constitutional Right to Hunt and Fish.*

ii. Language stating what species this would apply to is not supported by the text of the measure.

The language that this measure would not apply to species that are not typically hunted or fished and other species is not supported by the text of the measure which states that it “shall apply to all species of fish and wildlife managed by the State.” There text does not state that it does not apply to nongame species or any other species, thus this explanation of what initiative 302 does appears inaccurate.

iii. Clarification that the measure required hunting and fishing to be the “primary and preferred” management method will more accurately inform Colorado voters.

Overall, the draft overlooks how the measures would impact state laws and regulations by requiring hunting and fishing to be the “primary and preferred means” of wildlife management. It should clarify that the phrase may affect the State’s ability to choose and defend alternatives to lethal management.

Based on the concerns identified above, Friends of Animals recommends the following edits, with additions in red:

15 What does Initiative 302 do?

16 Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife,
17 and establishes hunting and fishing as the preferred means of managing fish and wildlife
18 populations.

19 The right applies to traditional hunting and fishing methods. ~~It does not apply to species that~~

20 ~~are not typically hunted or fished (nongame species), endangered species, or any species that is~~

21 ~~illegal to hunt under federal law.~~ This measure does not change existing laws related to
22 trespassing on private property. ~~It allows the state to regulate hunting, fishing, and wildlife~~

23 ~~management if necessary for sound scientific reasons, public safety, or to preserve future~~

23 ~~hunting and fishing opportunities.~~ **The measure’s requirement that hunting and fishing be the “primary and preferred means” of managing wildlife could restrict the ability of the State and Colorado Parks and Wildlife (CPW) to adopt or defend their preferred wildlife management approaches where such approaches include conflict prevention, habitat protection, and other non-lethal conservation measures.**

B. The draft language stating that the measure would cause “no immediate change” is inaccurate.

Under **“How does this measure affect existing and future hunting and fishing regulations?”** at lines eight and nine on page three, the Draft states, “The measure

results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations.”

This language is misleading. As stated later on, it could lead to changes of existing laws and regulations “depending on how courts interpret the language of the measure when reviewing existing or future policies.” These two statements conflict with each other and the latter is more accurate. Describing how it would change the law would be more accurate than claiming it would not have a change. Therefore, Friends of Animals recommends deleting these two sentences and replacing them with the following language marked in red:

7 How does this measure affect existing and future hunting and fishing regulations?

~~8 The measure results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations.~~ **Creating a new constitutional right to hunt and fish, and mandating that hunting and fishing shall be the primary method of managing fish and wildlife populations, may restrict how the legislature and CPW Commission can manage wildlife, and it could lead to changes of existing laws and regulations depending on how courts interpret the language of the measure when reviewing existing or future policies.**

C. The Argument Against Initiative 302 should more clearly identify and explain the impact of the measure and its vague and undefined terms.

Starting at line 22 on page three, in the “Argument Against Initiative 302,” where voters seeking to make rapid decisions are most likely to look, the Draft states, “This measure may restrict the ability to place guardrails on hunting, fishing, and trapping.” “Guardrails” is undefined and does not tell voters enough about what restrictions may be affected, or how a new constitutional right could alter wildlife-management authority. Likewise, the draft fails to explain the concerns with making hunting and fishing the primary method of managing wildlife. Finally, the Draft correctly states that the “use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place,” but does not actually identify the vague language at issue.

Friends of Animals recommends adding the following language shown below in red:

20 Argument Against Initiative 302

21 1) The state constitution should protect fundamental rights and not recreational activities. Colorado law already allows hunting and fishing ~~is already a leader in wildlife conservation and management~~, and enshrining a right to hunt and fish in the Colorado Constitution is unnecessary. This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. **Mandating that hunting and fishing shall**

be the primary and preferred method of managing fish and wildlife will limit the ability of CPW, state lawmakers, and voters to adopt and defend evidence-based wildlife management strategies, including reasonable restrictions on hunting, fishing, and harvesting to protect imperiled species, habitat, or safety. It could also limit CPW's ability to issue regulations to protect pets and domestic animals from dangerous trapping and harvesting methods. Such regulations could be challenged as not "necessary" to manage fish and wildlife. Additionally, it would make nonlethal wildlife-management measures, including conflict prevention, habitat protection, and other coexistence tools more difficult to use if hunting or fishing could be viewed as an alternative.

Further, the use of undefined, vague language such as "traditional hunting and fishing methods," and "primary and preferred means," could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.

Conclusion

The Final Summary and Analysis should replace the remaining and numerous, vague generalities with concrete, clear descriptions of the initiative's potential effects. Voters need to understand that, even without automatic repeal of existing regulations, Initiative 302 would immediately create a constitutional right and a preference for hunting and fishing that could affect existing protections and regulations for wildlife, agency authority, nonlethal management decisions, and future litigation. Our proposed revisions are attached in full. Thank you for considering these comments.

Sincerely,

Jennifer Best
Wildlife Law Program Director
jenniferbest@friendsofanimals.org

Liz Holland
Philanthropy & Communications Manager
Liz.holland@friendsofanimals.org

Friends of Animals
Wildlife Law Program
6041 S. Syracuse Way, Suite 250
Greenwood Village, Colorado 80111



August 17, 2026

Colorado Legislative Legal Office

Re: Comments on the draft legal analysis for Initiative 302

Via email: righttohuntandfish2026@coleg.gov

Dear Legislative Legal Staff,

Thank you for the opportunity to comment on the third round of Draft Ballot Analysis for Initiative 302, named the Constitutional Right to Hunt and Fish.

[Colorado Nature League](#) is a coalition of sportspeople, scientists and conservationists dedicated to protecting and restoring Colorado's native wildlife. Through our member groups we reach approximately 250,000 Coloradans.

With regard to the comments in the Argument for 302 section – who is it that gets to decide what the cultural identity of Colorado is, and whether or not a particular activity is part of that identity, particularly an activity undertaken by just 5% of Coloradans? In fact, body gripping traps which could be considered a “traditional method” of hunting/trapping is considered to be so unsporting that it was outlawed by a vote of a majority of Coloradans in the 1990's, same with baiting and hounding of bears.

The Argument against 302 should include the fact that it is unnecessary, not because Colorado is a leader in wildlife conservation (this is a subjective statement) but because hunting and fishing are already enshrined in Colorado law in Title 33.

The current version of the Blue Book language is right to point out that Initiative 302: “could lead to changes depending on how courts interpret the language of the measure when reviewing existing or future policies.”

There are several terms that are undefined in the language of the Initiative. For example, “traditional methods” is not defined in the measure and voters should not be left with the impression that the phrase has a clear meaning. Initiative 302 opens the door to legal challenges that could potentially bring back snares, body-gripping traps and bear baiting. Proponents of the measure have publicly stated that they have used vague terms

intentionally to avoid telling voters such possibilities exist. Colorado voters deserve to know if they are protecting these practices in the state constitution.

It should be noted in the Blue Book that this measure would reduce the ability of Colorado Parks and Wildlife to manage wildlife populations, and to manage hunting and trapping. While the analysis states that the amendment does not limit the state's ability to regulate wildlife for "sound scientific reasons," the measure does not define "sound scientific reasons." Any restriction on hunting to maintain healthy populations of native wildlife could be challenged as we have already seen in other states that have Right to Hunt laws or amendments.

The right of the voters of Colorado to bring future ballot initiatives forward to manage wildlife could also be restricted. Thus, the initiative is not truly about protecting a right but about taking away a right. Coloradans deserve to know that they are restricting their ability to take to the ballot as we can any other issue.

Particularly through the language that hunting is the preferred means to manage wildlife, Colorado Parks and Wildlife's ability to manage wildlife in other ways such as translocation or using coexistence measures could be restricted. Colorado has hundreds of species that are listed as Species of Greatest Conservation Need in the State Wildlife Action Plan. The survival of those species requires a great deal of conservation management beyond hunting and Initiative 302 could preclude best practices. The well-being of huntable species could also be prioritized over non-game species.

The amendment could restrict policymakers' ability to respond to new science, changing public values, or emerging wildlife issues but all of that is intentionally hidden by proponents in the language of the ballot measure. The analysis should make such hidden agendas clear.

Ultimately, Coloradans have the right to understand that they are amending their constitution in a way that may give them fewer opportunities to shape wildlife policy than we have today.

Thank you for your consideration of these comments.

Sincerely,

Jen Clanahan
Executive Director

Colorado Legislative Council

200 E. Colfax, Room 011
Denver, CO 80203

July 1, 2026

Official Comment on Initiative 302 – Legislative Legal Office Analysis

To the Legislative Legal Office,

I am writing to express concern that the current analysis of Initiative 302 does not adequately examine the measure’s likely legal and administrative consequences.

While the summary accurately describes the text of the proposal, it substantially understates how the amendment would function in practice and omits key interpretive risks that arise from its undefined and legally operative terms.

The analysis should more clearly explain that constitutional amendments are not merely descriptive; they are controlling legal standards that courts apply when reviewing legislation, regulations, and agency action. Even seemingly broad or aspirational language can become enforceable constraints in litigation challenging wildlife regulations.

1. The statement that “nothing changes” is overly broad and should be revised.

The draft states, “Nothing in the measure changes existing laws.” This statement is too broad and should be removed or revised. The idea that “nothing changes” because existing statutes remain in place is legally incomplete. Constitutional amendments do not need to immediately repeal statutes to materially change governance; they alter the legal framework against which all future statutes, regulations, and agency decisions are interpreted and enforced.

Initiative 302 amends the Colorado Constitution to establish a constitutional right to hunt, fish, and take fish and wildlife through “traditional methods” such as trapping and establishes a constitutional policy that hunting and fishing are the preferred means of managing fish and wildlife populations. Therefore, the analysis should also clarify the extent to which the amendment may constrain not only agency rulemaking, but also legislative enactments and Commission-adopted regulations, given that all such decisions would be subject to constitutional review under the new standards.

The analysis should further consider whether the introduction of constitutional standards governing wildlife management could create a legal basis for challenging future citizen ballot initiatives (and previously passed initiatives,^{1,2} through harmonization)³ that conflict with those standards. While Colo. Const. Art. V § 1 reserves initiative authority to the people, courts may be required to reconcile that power with newly adopted constitutional limitations. The analysis should point to this uncertainty. If a new or existing ballot measure conflicts with the “preferred means” framework, the “necessary” standard, or is alleged to “infringe” on the right to hunt or fish, could it be challenged in court as unconstitutional? Will the initiative process remain intact on its face but be functionally bereft?

2. The analysis understates the legal force of undefined and subjective terms.

The analysis notes that the measure preserves state authority to regulate wildlife for “sound scientific reasons” or when “necessary,” but it does not evaluate how those standards would be interpreted in litigation or administrative proceedings. These phrases are not defined in the measure and therefore would become judicially interpreted standards governing wildlife policy decisions.

In administrative law, terms such as “necessary” are not neutral qualifiers; they establish a heightened legal threshold that must be affirmatively demonstrated by the agency. As a result, Colorado Parks and Wildlife (CPW) would likely be required to justify any management action not merely as reasonable or science-based, but as strictly “necessary” under constitutional scrutiny.

In administrative and constitutional interpretation, such undefined terms may shift core policy questions from legislative or agency discretion to case-by-case judicial determination. The analysis should acknowledge this interpretive uncertainty because this represents both a significant shift from the current statutory framework and leaves core wildlife policy definitions to future judicial interpretation rather than legislative or administrative clarification.

Further, the use of undefined terms such as “traditional methods” and “preferred means,” raises constitutional vagueness concerns that will not be resolved legislatively but through case-by-case judicial interpretation. The Review and Comment memorandum specifically

¹ [Amendment 10 — Colorado 1992 — MultiState Elections](#)

² [1996 Nov 5 • General • Amendment 14 • State of Colorado](#)

³ [Commonly Applied Rules of Statutory Construction | Colorado General Assembly](#)

identified "traditional" as vague, reinforcing the need for the ballot analysis to explain the legal uncertainty created by these undefined standards.

The Congressional Sportsmen's Foundation advises the coded use of the phrase, "traditional methods" to reference practices like trapping, hounding⁴ (using packs of dogs to chase wildlife), and baiting. These are unpopular practices that most Americans including Coloradans no longer find acceptable⁵, and Coloradans should know if they are protecting these practices in perpetuity. The manual, titled *"IN DETAIL: State Constitutional Amendments and the right to hunt and Fish,"* states, "...by using a phrase like 'traditional methods,' proponents can give a stronger protection to trapping without actually mentioning trapping."

3. The analysis does not address the practical shift in management burden.

The analysis states that the amendment does not limit the state's ability to regulate wildlife for "sound scientific reasons," but it does not address how "sound science" is likely to be litigated or constrained in practice.

In wildlife management contexts, "sound science" is often operationalized through population modeling focused on maintaining harvestable populations⁶ within sustainable bounds. While important, this is only one component of ecological science. Broader ecosystem science also includes predator-prey relationships, trophic cascades, habitat integrity, biodiversity conservation, and non-game species dynamics.

By elevating "sound science" without defining it, the measure could be interpreted in ways that narrow the effective scope of acceptable agency decision-making to models that prioritize sustained yield of game species, rather than holistic ecosystem outcomes. This ambiguity mirrors longstanding disputes over what constitutes the "best available science" under the Endangered Species Act, where undefined scientific standards have fueled litigation and competing interpretations rather than providing clearer guidance. Without a

⁴ Congressional Sportsmen's Foundation. (n.d.). *Right to hunt, fish and harvest wildlife*. Retrieved June 26, 2026, from <https://congressionalsportsmen.org/policy/right-to-hunt-fish-and-harvest-wildlife/>

⁵ Dietsch, A.M., Bright, A. D., Don Carlos, A.W., Manfredo, M. J., Teel, T. L., & Sullivan, L. (2018). State report for Colorado from the research project entitled "America's Wildlife Values." Fort Collins, CO: Colorado State University, Department of Human Dimensions of Natural Resources. <https://sites.warnercnr.colostate.edu/wildlifevalues/results/>

⁶ Weinbaum KZ, Brashares JS, Golden CD, Getz WM. (2012). Searching for sustainability: are assessments of wildlife harvests behind the times? *Ecol Lett.* 16(1):99-111. doi: 10.1111/ele.12008. <https://pmc.ncbi.nlm.nih.gov/articles/PMC3521087/>

clear definition, "sound science" becomes a subjective standard that can be invoked to privilege certain scientific approaches or management objectives over others, rather than ensuring decisions are grounded in the full body of relevant biological and social evidence.

4. The analysis does not examine the “preferred means” language as a policy constraint.

The measure’s statement that hunting and fishing are the “preferred means” of wildlife management is treated in the analysis as largely declaratory. However, this language is legally significant. In constitutional interpretation, “preferred means” may create a hierarchy of management tools from which future regulatory decisions would be required to justify deviating.

The Review and Comment memorandum noted that Colorado wildlife management includes tools beyond hunting and fishing, including habitat conservation, relocation, disease management, public safety measures, and non-lethal conflict mitigation. The analysis should clarify how the “preferred means” language may interact with these broader management tools. In particular, it does not address whether non-lethal or conservation-based approaches could be challenged as inconsistent with a constitutional preference for hunting and fishing as management methods.

If interpreted as creating a hierarchy of wildlife management tools, the amendment could hinder CPW's ability to select non-lethal management approaches, affecting agency discretion in selecting among scientifically supported options such as relocation, exclusion, habitat modification, or coexistence-based strategies. In practice, agencies may be required to demonstrate why such methods are not merely optional but inferior to lethal control, even in contexts where non-lethal tools are scientifically and publicly supported.

Beyond direct litigation costs, the measure is likely to produce a “chilling effect” on agency rulemaking, as happened in Nebraska a few years after that state passed a similar constitutional amendment.⁷ Similar to that state, the Colorado legislature, Commission, or CPW staff may avoid adopting innovative, non-lethal, publicly supported and well funded management tools due to increased legal risk and the need to defend every deviation from hunting/fishing as the “preferred means.”

⁷ Dorsey, C. (2026, June 4). *Do constitutional “right to hunt and fish” amendments really matter?* The Outdoor Wire. Retrieved June 26, 2026, from <https://www.theoutdoorwire.com/features/2026/06/donbspconstitutionalnbspright-to-hunt-and-fish-amendments-really-matter/>

In addition to costing the state money in repeated litigation, hunting and fishing as the “preferred means” may also prevent the state from utilizing private and public funds dedicated to conservation and restoration activities. Voters have a right to understand that the state may not be able to take advantage of conservation funds during a time of increased need and decreased funding from declining sales of hunting licenses.⁸

5. The analysis should address whether the measure is self-executing and enforceable.

The analysis should explicitly assess whether the right created is self-executing and therefore directly enforceable in court. If it is, individuals could bring constitutional claims against CPW regulations without the need for additional implementing legislation or rulemaking. This would materially affect administrative deference and could increase litigation challenging agency decisions related to wildlife management.

Public statements by proponents of 302 characterize similar constitutional amendments as creating a “lock on the door” for future wildlife policy changes.⁹ While such statements are not legally operative, they are relevant to understanding how the amendment is intended to function as a constraint within future regulatory and constitutional interpretation.

Further, the analysis does not evaluate whether the measure could affect local governments, park authorities, or other state entities that engage in wildlife-related land management, particularly where local conservation measures may conflict with the constitutional preference for hunting and fishing. Other states with constitutional or statutory “right to hunt and fish” provisions have experienced litigation over the scope of wildlife agency authority and conflicts between constitutional hunting rights and evolving conservation practices. For example, Florida has been cited as illustrating how constitutional hunting and fishing provisions can be invoked to challenge wildlife regulations when a local government restriction intended to protect sea turtle nesting

⁸ Price Tack, J. L., McGowan, C. P., Ditchkoff, S. S., Morse, W. C., & Robinson, O. J. (2018). Managing the vanishing North American hunter: a novel framework to address declines in hunters and hunter-generated conservation funds. *Human Dimensions of Wildlife*, 23(6), 515-532. <https://www.tandfonline.com/doi/abs/10.1080/10871209.2018.1499155>

⁹ Hall, T. (2026). *Groups push for constitutional right to hunt and fish in Colorado*. *Field & Stream*. Retrieved June 26, 2026, from <https://fieldandstream.com/stories/conservation/hunting-conservation/groups-push-for-constitutional-right-to-hunt-and-fish-in-colorado>

habitat from disturbance by nighttime shark fishing activity was overturned in court.¹⁰ This illustrates how constitutional “rights” provisions can be used to invalidate or constrain management decisions even when those decisions are grounded in conservation science and public resource protection.

6. The analysis does not evaluate cumulative impacts on agency discretion.

Finally, the analysis considers individual provisions in isolation but does not assess their cumulative effect. The combination of:

- a constitutional right to hunt and fish,
- an undefined “sound science” standard,
- a “necessary” threshold for regulation, and
- a “preferred means” hierarchy

collectively may shift wildlife governance from a flexible statutory framework to a constitutionally constrained system with heightened judicial oversight of routine management decisions. This represents a structural change in governance authority that should be explicitly acknowledged in any voter-facing analysis.

While Initiative 302 is presented as largely declaratory, its legal architecture introduces ambiguous standards that are likely to reshape wildlife governance through litigation and administrative constraint. The current analysis does not sufficiently examine these downstream effects or the practical burdens placed on CPW and local governments.

7. The “What Your Vote Means” section should be expanded for accuracy and completeness.

The current “Yes” description states only that the measure establishes a constitutional right to hunt and fish. It should also reflect that the measure includes the right to “take fish and wildlife,” protects “traditional methods” that many Coloradans do not support (as evidenced in part by past ballot initiatives as well as peer-reviewed research), and establishes hunting and fishing as the “preferred means” of wildlife management.

The draft should also clarify that the measure introduces new constitutional standards, including undefined terms and a “necessary” threshold for regulation, which may be subject to judicial interpretation.

¹⁰ Tomlinson, G. (2026, May 5). *Marco Island drops fishing restriction proposal after pushback*. Gulf Coast News. Retrieved June 26, 2026, from <https://www.gulfcoastnews.com/article/fishing-restriction-debate-marco-island-florida/71223040>

The “No” description should likewise clarify that a “no” vote maintains the current statutory and regulatory framework for wildlife management without adding new constitutional rights, undefined management standards, or a constitutional preference for specific management tools.

I respectfully request that the analysis be revised to more clearly reflect these legal, administrative, and practical implications so that voters receive a complete and accurate understanding of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Lute". The signature is fluid and cursive, with the first name "Michelle" written in a larger, more prominent script than the last name "Lute".

Michelle Lute, PhD
Executive Director, Wildlife for All

Colorado Legislative Council

200 E. Colfax
Room 011
Denver, CO 80203

July 28, 2026

RE: Wildlife for All comments on the Second Draft Ballot Analysis for Initiative 302

To the Legislative Council Staff:

Thank you for the opportunity to comment on the second draft of the ballot analysis for Initiative 302.

The revised draft improves upon the first draft by acknowledging that creating a constitutional right to hunt and fish “could lead to changes depending on how courts interpret existing or future policies.” However, the analysis still does not adequately explain the legal significance of elevating hunting and fishing policy into the Colorado Constitution.

Initiative 302 does more than preserve existing hunting and fishing opportunities. It creates a new constitutional framework that courts will use to evaluate future wildlife regulations, including the amendment’s undefined requirements that regulations be necessary for “sound scientific reasons,” public safety, or preserving future hunting and fishing opportunities. The measure also establishes hunting and fishing as the “preferred means” of managing fish and wildlife populations, a provision that could affect how agencies, local governments, and courts evaluate future wildlife management decisions.

The draft repeatedly emphasizes that the measure does not create immediate changes to existing regulations. While technically accurate, this framing risks misleading voters about the amendment’s effect. Constitutional amendments do not need to immediately repeal statutes or regulations to materially change how government authority operates. The significant effect of Initiative 302 is that existing and future wildlife policies would be reviewed under new constitutional standards.

The final ballot analysis should also more clearly disclose that several key terms in the amendment are undefined, including “traditional methods,” “necessary,” “sound scientific reasons,” and “preferred means.” These terms will likely require judicial interpretation and could create uncertainty about the scope of the constitutional right and the limits placed on wildlife management authority.

For these reasons, Wildlife for All recommends the following revisions to ensure voters receive a complete and impartial explanation of Initiative 302's purpose and potential effects.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Lute".

Michelle Lute, PhD
Executive Director, Wildlife for All

PAGE 1

Edit throughout analysis: Replace references to “hunt and fish” alone with “hunt, fish, and take wildlife” where describing the scope of the constitutional right.

Lines 1–3: *establish a right to fish and hunt certain wildlife; and create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.*

Revision: establish a constitutional right to hunt, fish, **and take certain wildlife using traditional methods;** and create a **constitutional** policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.

Rationale: The measure does not merely establish a right to hunt and fish. It establishes a right to “take” fish and wildlife and applies to “traditional methods,” both of which are legally significant terms voters should understand.

Lines 7-8: *A “yes” vote on Initiative 302 establishes a state constitutional right to hunt and fish.*

Revision: A “yes” vote on Initiative 302 establishes a state constitutional right to hunt, fish, **and take certain wildlife using undefined traditional methods and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.**

Rationale: The current language describes only one portion of the amendment and omits the provision establishing hunting, fishing and non-specified traditional methods as the preferred means of wildlife management.

Lines 16–18: *Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.*

Revision: Initiative 302 establishes a right in the Colorado Constitution to hunt, fish, **and take certain wildlife using traditional methods**, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations. **The measure does not define the term “traditional methods,” leaving this to future interpretation through administrative decisions and potentially through litigation.**

Rationale: “Traditional methods” is a central operative term in the amendment but is not defined. Voters should understand that its meaning may ultimately be determined through future interpretation by agencies and through challenges via litigation.

Lines 19-24: *It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law. This measure does not change existing laws related to trespassing on private property. It also does not limit the authority of the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.*

Revision: It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law. This measure does not change existing laws related to trespassing on private property. **However, regulations governing hunting, fishing, and wildlife management would be subject to new constitutional standards requiring that restrictions be necessary for sound scientific reasons, public safety, or preserving future hunting and fishing opportunities.**

Rationale: The current language may imply that existing regulatory authority remains unchanged. The amendment does preserve some regulatory authority, but it also changes the legal standard under which regulations may be reviewed.

Lines 26-28: Colorado Parks and Wildlife (CPW) is the state agency responsible for fish and wildlife management in Colorado and administers regulations for hunting and fishing, as adopted by the CPW Commission, a citizen board appointed by the Governor.

Add before line starting with “State law...”: However, the measure may also affect other state agencies, local governments, municipalities, and public entities involved in wildlife-related decisions.

Rationale: Wildlife management decisions are also made by other state agencies, local governments, municipalities, and other public entities. The analysis should acknowledge that the amendment could affect any public entity making decisions related to wildlife management, land use, conservation, or wildlife conflicts.

PAGE 2

Lines 7-9: *Creating a new constitutional right to hunt and fish may affect how the legislature or CPW Commission makes policies about hunting and fishing, and it could lead to changes depending on how courts interpret existing or future policies.*

Add at the end: Existing regulations could become subject to legal challenges depending on how courts interpret the measure. Because the measure establishes new constitutional standards, future wildlife policies adopted by voters, legislators, or agencies could be subject to legal challenges if they are alleged to conflict with the amendment.

Rationale: The analysis should explain that existing regulations are not simply carried forward unchanged; they become subject to a new constitutional framework. The current language does not explain that litigation may focus on interpretation of the amendment itself.

Lines 21-23: *Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.*

Revision: Further, the use of undefined, vague language could prompt legal challenges, undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place, **and create uncertainty about the authority of voters, state lawmakers, CPW, and local governments to adopt future wildlife regulations.**

Rationale:

The concern is not only existing regulations but also the future ability of public institutions to respond to changing conservation needs.

Lines 29-30: ... *could result in increased legal costs for the state as the new right to hunt and fish is applied.*

Revision: ... could result in increased legal costs for the state **as the new constitutional right and related standards are interpreted and applied through administrative decisions and potential litigation. Increased legal costs may result from litigation regarding the interpretation and application of new constitutional standards, including undefined terms such as “traditional methods,” “necessary,” “sound science,” and “preferred means.”**

Rationale: The fiscal analysis should reflect that litigation risk is not limited to the creation of a new right but also arises from interpretation of undefined constitutional standards.

Thank you for considering these comments. We appreciate the Legislative Council Staff's work to provide voters with clear, accurate, and impartial information about statewide ballot measures. We respectfully request that the analysis be revised to better explain the constitutional and legal effects of Initiative 302, including the new standards it creates for future wildlife management decisions.

**Colorado Legislative Council**

200 E. Colfax, Room 011
Denver, CO 80203

August 17, 2026

RE: Wildlife for All comments on the Third Draft Ballot Analysis for Initiative 302

To the Legislative Council Staff:

Thank you for the opportunity to comment on the third draft of the ballot analysis for Initiative 302. Wildlife for All appreciates the Legislative Council Staff's responsiveness to previous comments and recognizes that the third draft is substantially more informative than the first.

However, several important aspects of the measure remain insufficiently explained. Most significantly, the analysis continues to understate the legal significance of establishing a constitutional right and preference for hunting and fishing as wildlife management tools. The draft also does not adequately explain the uncertainty created by undefined terms in the measure or the potential implications for existing and future wildlife regulations.

The ballot analysis should provide voters with a clear understanding of the new constitutional standards that would govern wildlife policy if Initiative 302 passes. The fact that the measure does not automatically repeal existing regulations does not eliminate these possible legal effects. The creation of a constitutional right and accompanying constitutional standards can change the framework under which existing and future laws, regulations, and agency decisions are evaluated.

We respectfully recommend the following revisions. Thank you for considering these comments and for the Legislative Council Staff's work to provide voters with clear and balanced information about statewide ballot measures.

Sincerely,

Executive Director, Wildlife for All



PAGE 1

Lines 1–4: Description of what the initiative does

Current language: “establish a constitutional right to fish and hunt certain wildlife; and create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.”

Suggested revision: “establish a constitutional right to fish and hunt certain wildlife; and create a **constitutional** policy stating that hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.”

Rationale: Clarify that the “preferred means” provision would be part of the constitutional framework governing future wildlife management. Voters should understand that the “preferred means” language would have constitutional status rather than simply expressing a legislative or administrative policy preference.

Lines 7–8: “What Your Vote Means — YES”

Current language: “A ‘yes’ vote on Initiative 302 establishes a state constitutional right to hunt and fish.”

Suggested revision: “A ‘yes’ vote on Initiative 302 establishes a state constitutional right to hunt and fish **and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.**”

Rationale: The current YES statement omits one of the two provisions expressly identified in the measure's summary. Voters should not have to read several pages into the analysis to learn that a vote in favor also places a constitutional preference for hunting and fishing into Colorado's wildlife management framework.

Lines 16–18: Description of the measure

Current language: “Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.”

Suggested revision: “Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife **using traditional methods**, and establishes hunting and fishing



as the preferred means of managing fish and wildlife populations. **The measure does not define “traditional methods,” which could require interpretation by state agencies and courts.”**

Rationale: Voters need to understand that “traditional methods” is an undefined term whose meaning may require future administrative or judicial interpretation given that the term could potentially result in significant changes to current rules and regulations.

Lines 19–24: Limits on state regulatory authority

Current language: “This measure does not change existing laws related to trespassing on private property. It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.”

Suggested revision: “This measure does not change existing laws related to trespassing on private property. The state may regulate hunting, fishing, and wildlife management, but regulations would be subject to the constitutional standards in the measure, including requirements that they be necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.”

Rationale: Revise this language so that it does not suggest that the state's existing regulatory authority simply remains unchanged. The measure establishes conditions under which regulation of the constitutional right is permitted and the phrase “It allows the state to regulate” is potentially misleading because the amendment does not merely affirm existing regulatory authority. It establishes a new constitutional framework within which that authority would operate.

PAGE 2

Lines 7–12: Effect on existing and future regulations

Current language: “The measure results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations. Creating a new constitutional right to hunt and fish may affect how the legislature or CPW Commission makes policies about hunting and fishing, and it could lead to changes depending on how courts interpret the language of the measure when reviewing existing or future policies.”



Suggested revision: **“The measure does not immediately repeal or change existing state laws or regulations. However, existing and future regulations would be subject to the new constitutional right and standards established by the measure. The measure's designation of hunting and fishing as the preferred means of managing fish and wildlife populations could also limit future decisions to use other types of wildlife management approaches. Creating a new constitutional right to hunt and fish ...”**

Rationale: The phrase “no immediate change” is technically accurate but incomplete without explaining what changes legally when a constitutional provision is adopted. The central effect of Initiative 302 is not necessarily the immediate repeal of a regulation; it is the creation of a new constitutional framework against which existing and future wildlife policies could be evaluated. Further, a voter could reasonably read “no immediate change to existing state law or regulations” as meaning that the measure largely preserves the status quo, so the subsequent sentence should make clear that the amendment could alter the legal standards applicable to those same regulations. Finally, “preferred means” is one of the measure's two central operative provisions and should not be presented merely as a policy statement without explaining its potential effect on wildlife management decisions.

Lines 13-19: Argument For Initiative 302

Current language: “Over \$100 million is collected annually by CPW from hunting and fishing licenses, which is used for wildlife and habitat management efforts in all areas of the state.”

Suggested revision: **Remove this sentence, or clarify that the \$100 million represents existing revenue collected under current law and is not a fiscal effect of passing Initiative 302.**

Rationale: The existing revenue is not directly relevant to whether hunting and fishing should receive constitutional protection or be designated the preferred means of wildlife management. Including the figure without context may imply that passage of Initiative 302 is necessary to preserve or generate this revenue, which the measure does not establish.



Lines 20–26: Argument Against Initiative 302

Current language: “Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.”

Suggested addition: “Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place. **The meaning and application of terms such as ‘traditional methods,’ ‘necessary,’ and ‘sound scientific reasons’ could require interpretation by agencies and courts and create uncertainty about future wildlife regulations.**”

Rationale: The existing language correctly identifies vagueness as a concern but does not tell voters which terms create that uncertainty or why. Because these terms establish the conditions under which wildlife regulations may be adopted or challenged, identifying them would provide meaningful information rather than merely characterizing the language as vague.

Fiscal Impact, PAGE 2–3

Current language: “The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new right to hunt and fish is applied.”

Suggested revision: “The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new **constitutional right and related standards are interpreted and applied. Increased costs could result from legal challenges concerning whether existing or future hunting, fishing, and wildlife management regulations comply with the measure.**”

Rationale: The current language appropriately recognizes litigation risk but frames that risk primarily as an incidental consequence of applying the new right. The measure also creates new constitutional standards governing regulation, and those standards could themselves become the subject of litigation.

Initiative 302 – By Professor Justin Marceau, Law Professor and Constitutional Law Expert

Initiative 302 is not really about whether hunting should continue in Colorado. Hunting is legal and firmly protected under state law. In fact, the legislative declaration of Title 33, the legal code governing parks and wildlife in Colorado, states, “The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests.” C.R.S. § 33-1-101 (2026). What Initiative 302 would do is create an undefined constitutional right to hunt and fish by “traditional methods.” In other words, Initiative 302 freezes progress in time by protecting “traditional methods” of hunting.

As a constitutional law scholar, I find Initiative 302 a very strange use of a Constitution. Constitutions are meant to establish the basic structures of government and protect enduring principles, not to freeze a particular wildlife-management philosophy in place.

Ordinarily, law reforms are passed as legislation through the normal legislative process. In Colorado, this means an idea is drafted into a bill, approved by a majority vote in both the state Senate and House, and then signed by the governor, or permitted to become law without a signature. Because a regular law is created relatively easily, it can also be repealed or changed relatively easily. Conversely, a constitutional amendment is not just a law; it alters the foundational legal document that everything else, including all laws, must follow.

Courts can strike down a regular law if it conflicts with the Constitution, however they cannot strike down part of the Constitution itself. This is important, because just as they are difficult to pass, repealing a constitutional amendment is intentionally difficult and requires strict legal steps, such as a direct vote by the public, or supermajorities in the state legislature.

Given all this, constitutional amendments tend to lock in only the most generally accepted principles, such as due process, free speech, and structural rules of government, rather than policy minutiae, which is left to regular laws that can adapt as majorities and circumstances change. One could debate whether the constitution is a good home for general decrees about the need to protect or preserve habitats or wild animals. Other nations have constitutional rights protecting nature, and in some instances wildlife.

But what a constitution should not do is wade into the minutiae of policy questions, such as whether lawmakers or voters can ever limit hunting practices. Wildlife management is best left to science, legislation, and agency work, which can evolve and address new concerns and react in a timely fashion. Indeed, a defining feature of responsible wildlife management is the capacity to learn and change.

But even if we wanted to have our constitution address questions of hunting, surely we would not support a constitutional provision that equates those practices that have “traditionally” been permitted with the scope of practices that must always and forever be allowed in this state. American history is full of wildlife practices that once seemed traditional and even sensible but later proved disastrous. In the nineteenth century, bison were slaughtered on an almost unimaginable scale; predators were systematically eradicated, frequently in government-sponsored bounty hunts; and countless species were treated as essentially inexhaustible, with some, like the passenger pigeon, driven to complete extinction. We know that yesterday’s conventional wisdom can become

tomorrow's cautionary tale. Locking in, as constitutionally untouchable, all "traditional methods" of hunting is nonsensical and contrary to the clear lessons of state and federal history.

I would also be remiss if, as an attorney, I did not flag the remarkably vague language of the initiative. In constitutional terms, we say that law is void for vagueness when it fails to provide sufficient guidance on its meaning to a person of ordinary intelligence. Unfortunately, even as a law professor I cannot make sense of what this initiative would prohibit and allow. First, as already noted, the amendment would enshrine a right to use "traditional methods." But what does this mean? Traditional as of 2026? Or traditional as of 1876 (when Colorado became a state)? Is a practice traditional if many hunters do it? Similarly, Initiative 302 allows hunting practices to be limited when there are "sound scientific reasons." But what is a scientific reason? What level of scientific certainty is required? Must it be peer-reviewed? Must it be conducted by Colorado Parks and Wildlife, or can independent researchers supply the basis?

My primary concern with Initiative 302, however, is that it is inconsistent with democratic values and the long tradition in Colorado of evolving norms of wildlife protection. Historically, Colorado has acted to prohibit some of the more ghastly and unsportsmanlike forms of hunting. For example:

- In 1992, Colorado voters prohibited hunting black bears with bait or dogs and prohibited spring bear hunting; and
- In 1996, Colorado voters prohibited leghold traps, body-gripping traps, poisons, and snares, subject to specified exceptions.

Whether one agrees with those decisions or not, they demonstrate something important about democracy: Coloradans have repeatedly reconsidered which methods of killing wildlife they are prepared to tolerate. Initiative 302 would lock-in present thinking of a minority of Coloradans and prevent evolution. It seeks to calcify what is legal now as forever protected. Make no mistake about it, the goal of Initiative 302 is to cut off future public debate and lawmaking around wildlife protection.

Consider the range of initiatives that could no longer come up for a vote:

- Banning inhumane capture methods
- Restricting or prohibiting commercial fur trapping
- Enacting new protections for bears, bobcats, and mountain lions
- Limiting the number of animals killed by trapping in a given season for ethical reasons
- Banning trophy hunting of specific species based on public values rather than population data alone
- Prohibiting canned hunts or baiting practices
- Restricting hunting methods near residential areas for reasons of community character rather than immediate physical danger
- Passing future ballot initiatives—like the 1996 trapping measure—that reflect the public's growing commitment to coexistence with wildlife

The key term in Initiative 302 is "traditional." It seeks to enshrine in the Colorado Constitution a right to hunt and fish using traditional methods. When Colorado achieved statehood in 1876, its "traditional" legal system prevented women from voting, permitted racial discrimination in housing, public accommodations, and employment; and

accepted child labor, with young children working long hours in factories, fields, and mines with no hour limits, no minimum age, and no safety standards. So, it is striking that here, the drafters of Initiative 302 have deliberately avoided defining traditional. Why would they not want clarity on a key term in their constitutional provision? The answer is a historical one: the history of wildlife protection that we celebrate is not traditional hunting. Successes in wildlife protection have tended to come when we as a society were bold enough to abandon traditions and embrace scientific discovery.

Unregulated traditional practices once devastated wildlife populations, leaving passenger pigeons gone and many other species pushed to the brink of extinction. The preservation of these animals turned on evolution of practices, not simply celebrating much less constitutionalizing traditional practices. A Constitution should leave room for learning and progress and not simply assume that what was traditional will always be what is best for wildlife management. There is no reason to confuse traditional hunting practices with valid constitutional law.



Formerly called the Humane
Society of the United States and
Humane Society International

Attachment H

1255 23rd St. NW, Suite 450
Washington, DC 20037
202-452-1100
humaneworld.org

August 18, 2026

RE: Official comment on the third draft analysis of Initiative 302

To the Legislative Legal Office,

On behalf of Humane World for Animals, I thank you for the opportunity to comment on the third draft analysis for Initiative 302: Constitutional Right to Hunt and Fish. We appreciate the substantial changes that have been made between the first and third drafts of the analysis and urge you to consider the following additional revisions.

On pg. 1, lines 3-4, there is no mention that Initiative 302 would create a *constitutional* policy that hunting and fishing are the preferred means of managing fish and wildlife. We urge the final draft to clarify that. In that same section, we also request the inclusion of the intentionally vague term "traditional methods." This language is a coded phrase advised in a bill drafting manual by the Congressional Sportsmen's Foundation to reference unpopular practices like trapping, hounding and baiting.¹

Colorado residents themselves have utilized the initiative process to vote against these practices, first by passing Amendment 10, which prohibited hounding and the use of bait to hunt black bears, as well as spring bear hunting, and then with Amendment 14, which prohibited the use of leghold and instant-kill, body-gripping design traps, snares, or poisons. Initiative 302 would ensure the continued use of those unpopular killing methods and would hinder the ability to update, modernize and improve wildlife management policy in Colorado—all of which should also be included under "How does this measure affect existing and future hunting and fishing regulations?" (Pg 2., lines 7-12).

We also want to reiterate our concerns regarding the section "What does Initiative 302 do?", as the draft frames the initiative as permissive rather than restrictive. By using the language "It allows the state to regulate... if necessary for..." the draft reads as though the initiative is granting new regulatory authority. However, the language of Initiative 302 actually operates as a *restriction*, because it narrows the state's existing regulatory power down to three justifications, preventing regulation for any purpose outside those categories. Voters reading "allows" may reasonably conclude the measure expands or clarifies authority, when the substantive effect is the opposite: it constrains the authority of the Colorado Parks and Wildlife Commission and the legislature that currently exists more broadly. Accordingly, we recommend the following edits to pg. 1, lines 22-24: "It **amends the constitution to restrict** ~~allows~~ the state's **authority** to regulate hunting, fishing, and wildlife management, **permitting such regulation only when the state can demonstrate it is** if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities—**terms the initiative does not define.**"

¹ The Congressional Sportsmen's Foundation: "IN DETAIL: State Constitutional Amendments and the Right to Hunt and Fish," pg. 7; <http://congressionalsportsmen.org/policies/state/right-to-hunt-fish>

We believe it's important to specify that definitions are not provided for those provisions, as that could mean it is left to the courts to interpret what is and is not acceptable for the legislature and Commission to enact.

We also remain concerned that in the initiative language, unlike subsection (1), subsection (2) provides no exemption for nongame, threatened, or endangered species—inviting the question of whether “hunting and fishing are the preferred means” of managing all “fish and wildlife populations” could potentially include even threatened and endangered species. This would be a *significant, and disastrous*, change to current law and should be addressed in this analysis.

The third analysis also continues to omit the fact that Initiative 302 could prevent citizens from using the statutory ballot initiative process for measures related to wildlife management and hunting. This content-based exclusion explicitly denies Colorado residents their constitutional right to advance policymaking through the statutory ballot process on issues of their choosing.

While pg. 1, lines 3-4 and 17-18 mention that Initiative 302 would establish hunting and fishing as the “*preferred means*” of managing wildlife in Colorado, the third draft does not adequately explain the implications of this provision. This broad and undefined language means that state and local officials could be prevented from authorizing common and effective humane wildlife management tools, such as nonlethal coexistence strategies. We urge you to include this information under “What does Initiative 302 do?”.

Under the “Argument for Initiative 302,” we reiterate our suggestion to revise lines 16-17 on pg. 2, specifically the portion that states “Colorado should join the other 24 states that *similarly* protect the right to hunt and fish in their state constitutions” (emphasis added). While 24 other states have *some* form of constitutional or statutory right to hunt and fish protected, the language in many of those states is *vastly different* from what Initiative 302 contains. The majority of those states do *not* remove the right of citizens to use the ballot initiative process on future wildlife issues, and also don't limit the authority of the legislature and wildlife commission the way Initiative 302 does. Stating that 24 other states have similar provisions is outright false and heavily misleading.

Finally, we propose additional edits to the “Argument Against 302” section on pg. 2:

“The state constitution should protect fundamental rights and not recreational activities. Colorado is already a leader in wildlife conservation and management, and enshrining a right to hunt and fish in the Colorado Constitution is unnecessary. This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place—**such as existing bans on cruel practices like hounding, spring bear hunting, baiting, and trapping.**”

Thank you for your time and attention.

Samantha Hagio
Director, Wildlife Protection
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LCS Right to Hunt and Fish 2026 <righttohuntandfish2026@coleg.gov>

Third Comments on Initiative 302 Blue Book Analysis

1 message

Elise Lowe-Vaughn <elise@rewildingamericanow.org>
To: righttohuntandfish2026@coleg.gov

Tue, Aug 18, 2026 at 5:39 PM

August 18, 2026

Colorado Legislative Council Staff
State Capitol
Denver, Colorado

Dear Legislative Council Staff and Legislative Legal Services:

Thank you for the opportunity to comment on the third draft ballot analysis for Initiative 302. Rewilding America Now offers the following suggested revisions to help ensure the final Blue Book clearly explains what this proposed constitutional amendment would change and how it could affect fish and wildlife management.

The Blue Book analysis should clearly state:

- Hunting and fishing are already legal in Colorado. Initiative 302 is not needed to protect either activity.
- Colorado law already directs the state to use hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests. C.R.S. § 33-1-101. The issue is not whether these activities will continue, but whether that existing policy should be elevated into the Constitution.
- Initiative 302 would amend the Colorado Constitution and make hunting and fishing the “primary and preferred means” of managing and controlling fish and wildlife populations.
- Putting this language in the Colorado Constitution means it would control if it conflicts with statutes, regulations, or local ordinances. Initiative 302 could therefore affect far more than hunting and fishing rules. Courts may be asked whether CPW regulations and Commission decisions are consistent with the new constitutional standard. That question could also reach local safety rules, future wildlife laws and ballot measures, and policies on how wildlife may be taken or protected. That includes restrictions on trapping, hounding, and lead ammunition, as well as predator protections, nonlethal management, and habitat safeguards.
- Those challenges could delay needed action, increase state legal costs, and affect resources available for CPW programs.

Colorado voters have changed wildlife policy before as public values and understanding evolved. In 1992, voters prohibited spring bear hunting and the use of bait or dogs to hunt black bears. In 1996, voters restricted leghold traps, body-gripping traps, poisons, and snares. Initiative 302 raises the question of whether future voters and lawmakers would retain the same ability to reconsider wildlife practices. The draft correctly notes that Colorado Parks and Wildlife and the General Assembly would retain regulatory authority. At the same time, regulations would have to satisfy a new constitutional test by being “reasonable and necessary” for specified purposes. Because the measure does not define that standard or what qualifies as “sound scientific wildlife conservation and management,” courts may ultimately determine how it applies.

Constitutional law professor Justin Marceau also notes that the measure does not say what “traditional methods” means—traditional as of when—or what level or source of scientific evidence would satisfy the new standard. That uncertainty matters most when CPW must act quickly. Colorado has already expanded fishing restrictions because low stream flows and dangerous water temperatures threaten fish survival:

<https://www.denver7.com/news/drought/colorado-fishing-restrictions-expand-amid-extreme-drought-and-dangerous-river-temperatures>

River conditions can change in days. CPW must be able to close a fishery before fish die. CPW also needs to move quickly when wildfire, chronic wasting disease, invasive species, habitat loss, population declines, or public-safety threats arise. A constitutional challenge could delay a response even if the state ultimately prevails. It could also increase legal costs and affect funding available for fisheries, habitat restoration, disease response, enforcement, public access, research, and field staff. Those programs support healthy wildlife and the people who hunt, fish, watch wildlife, and recreate outdoors. Initiative 302 could therefore hinder the very activities it is intended to protect.

The analysis should also explain the scope of the terms used in the amendment. Colorado law defines “hunt” to include pursuing, attracting, stalking, lying in wait for, or attempting to shoot, wound, kill, trap, capture, collect, or take wildlife. C.R.S. § 33-1-102(25.5). That definition is broader than many voters may assume. The amendment also uses “harvest” without defining it. Voters should be told whether that term could encompass trapping, snaring, hounding, predator and furbearer take, baiting, night hunting, commercial guiding, or other authorized methods. If its scope is uncertain, the Blue Book should say so rather than leave voters to assume the amendment concerns only ordinary hunting and fishing.

The economic discussion should not stop with hunting and fishing. They contribute to Colorado’s economy, but so do wildlife watching, photography, hiking, rafting, guiding, lodging, restaurants, tourism, and other businesses tied to healthy wildlife, rivers, and public lands. These activities are especially important in rural communities. Wildlife-management decisions affect hunters and anglers, but also landowners, local businesses, families, taxpayers, wildlife watchers, and other outdoor recreationists.

The “What Your Vote Means” section should state:

A “yes” vote amends the Colorado Constitution to create a right to hunt, fish, and harvest wildlife. It also makes hunting and fishing the primary and preferred means of managing wildlife populations and creates new constitutional standards for wildlife regulations.

A “no” vote leaves lawful hunting and fishing legal and regulated under existing state and federal law.

Voters are not deciding whether hunting and fishing should remain legal. Colorado already allows both. They are deciding whether hunting, fishing, and undefined “harvest” should receive constitutional priority across Colorado’s wildlife-management system and whether future protections could face new legal challenges, delays, and costs.

Wildlife management must be able to evolve. A constitutional amendment is designed not to. The Blue Book should make that choice clear.

Respectfully submitted,

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Third Comments on Initiative 302.docx
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Regarding: Official Comment on Initiative 302 – Legislative Legal Office Analysis
To: Legislative Counsel Staff
Date submitted: 8/18/2026
Delivered by email: righttohuntandfish2026@coleg.gov

Dear Legislative Counsel Staff,

Please accept the following comments regarding initiative 302 on behalf of ColoradoWild. ColoradoWild is a dedicated group of Coloradans who embrace both western science and traditional ecological knowledge to guide the protection and restoration of our native wildlife and the wildlands upon which we all depend.

Accordingly, we are concerned that the 3rd draft analysis of Initiative 302 does not adequately disclose to Colorado's voters the potential impact to Colorado's wildlife and wildlands and the potential reversal of decades of progress in the scientific management of our wildlife. We are also concerned that 302 is inconsistent with democratic values and the long tradition in Colorado of evolving norms of wildlife protection based on ethical application of peer-reviewed science.

Initiative 302 would prevent new and contemporary scientific understandings from being used to sustainably manage wildlife populations and could instead relegate Colorado to managing wildlife with outdated and antiquated methods, "traditional" that have often proven disastrous.

The term "traditional methods" is used in 302 but that term is not defined and could mean a return to hunting and fishing methods that are no longer accepted by the majority of Coloradans. Historically Colorado's "traditional" legal system did not permit women to vote, allowed racial discrimination and accepted child labor. Similarly, "traditional" hunting and fishing methods led to the near extermination of bison, pronghorn, elk and mule deer.

Recovery of elk, mule deer, pronghorn and bighorn has occurred because we have abandoned "traditional" methods and embraced ethical, peer-reviewed science to manage wildlife. Changes to Colorado's constitution proposed by 302 would prevent advancement in the management of wildlife and instead lock us into "traditional" methods that have often proven disastrous. Preventing change, especially in this time of rapid global change, when contemporary science is essential in developing new ideas on how to best manage wildlife in response to our changing climate.

SUMMARY AND ANALYSIS OF INITIATIVE 302.

1. Page 1 Line 16: "Initiative 302 establishes a right in the Colorado Constitution to fish and hunt certain wildlife..."

Argument against 302: 302 conflicts with Colorado’s constitutional public trust doctrine. Colorado’s constitution enshrines the Public Trust Doctrine which acknowledges that wildlife belongs to all the people: “Public trust resources are the common property of all the people, including generations yet to come. As trustee of these resources, the state shall conserve and maintain them for the benefit of all the people.”

302 would privilege one class of citizens over another, essentially telling Coloradans that wildlife belongs first to those who hunt or fish it, instead of to all of us – this contradicts Colorado’s Public Trust Doctrine.

2. Line 17 & 18: “...and establishes hunting and fishing as the **preferred means** of managing fish and wildlife population”.

Argument against 302: Colorado Parks and Wildlife (CPW) uses numerous nonlethal means of managing fish and wildlife populations, in addition to hunting and fishing. As identified in Colorado’s State Wildlife Action Plan numerous nonlethal strategies to manage and conserve wildlife populations are currently implemented.

Under 302, methods other than hunting and fishing would be relegated to secondary status thereby constraining the management discretion of CPW to determine the best strategy for managing sustainable wildlife populations. For instance, [best scientific information](#) documents that nonlethal methods to prevent conflict with beavers are more effective and economical than lethal strategies.

3. Page 1 lines 22 and 23: “It also does not limit the authority of the state to regulate hunting, fishing, and wildlife management **if necessary for sound scientific reasons**,...”

Argument against 302: The phrase “necessary for sound scientific reasons” is vague and subjective. Conversely, the phrase “best available science” or “best scientific information” has precise definitions which the term “sound scientific reasons” does not have. For instance, [best available science](#) (A) maximizes the quality, objectivity, and integrity of information, including statistical information; (B) uses peer-reviewed and publicly available data; and (C) clearly documents and communicates risks and uncertainties in the scientific basis for such projects.

4. Page 1 line 19: “The right applies to **traditional hunting and fishing methods**”.

Argument against 302: The phrase “traditional hunting and fishing methods” is vague and depends on the specific cultural or legal context and could mean the use of methods that have been outlawed in Colorado.

In Colorado, **"hunt"** is defined in the wildlife statutes at C.R.S. §33-1-102: "Hunt" means to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect,

or take wildlife. Colorado voters have put guardrails around the definition of “hunt” with statutes 33-4-101.3 and 33-6-203, which outlaw many of the “traditional” hunting methods.

Traditional hunting and fishing methods include steel-jawed traps, neck snares, body gripping traps, hounding and baiting. Traditional hunting methods” go against FAIR CHASE PRINCIPLES and against the North American Model of Wildlife Conservation to which Colorado Parks and Wildlife subscribes.

These methods have been outlawed by Colorado statutes 33-4-101.3 in 1992 and 33-6-203 in 1996 . In 1992 Coloradans voted to outlaw hunting black bears in the spring and also the use of dogs and bait to hunt black bears. In 1996 Coloradans voted to outlaw the use of use of leghold traps, instant-kill body-gripping design traps, poisons, or snares.

Under 302, the statutes outlawing these “traditional” hunting and fishing methods could be overturned so that hunting and fishing with traps, snares, body-gripping traps, hounding and baiting could again become legal in Colorado.

5. Page 1 lines 19, 20, 21:” It does not apply to species that are not typically hunted or fished (nongame species), **endangered species, or any species that is illegal to hunt under federal law.**”

Argument against 302: Numerous wildlife species are protected under State endangered and threatened species listing but not by federal endangered or threatened listing. Under 302 these State endangered or threatened species, such as River Otter, Kit Fox and Plains Sharp-Tailed Grouse could be open to hunting & fishing.

6. Page 2 lines 10-16: “Hunting and fishing are a part of Colorado’s heritage and cultural identity and are **important to its tourism and recreation economy**...Revenue from hunting and fishing benefits all areas of the state, with sales from hunting and fishing licenses contributing over \$100 million annually towards wildlife management efforts.”

Argument against 302: According to the Statewide Comprehensive Outdoor Recreation Plan ([SCORP](#)) the **economic output from wildlife watching is \$2.4 BILLION** in Colorado which is 3x the amount that comes from hunting. 302 could undermine the wildlife watching economy by, as directed by the language of 302, establishing “hunting and fishing as the **preferred means** of managing fish and wildlife population”. Simply put, dead wildlife is not watchable wildlife.

HOW DOES COLORADO CURRENTLY MANAGE AND REGULATE FISH AND WILDLIFE?

7. Page 1 lines 28, 29,30, 31 and Page 2 lines 1,2,3: “State law requires wildlife and their environment to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people and visitors of Colorado. Existing regulations

address where and when hunting, fishing, and trapping can occur, license and permit requirements, methods and materials for hunters and anglers, and limits on how many animals can be hunted, fished, or trapped”.

Argument against 302: 302 could undermine CPW’s ability to regulate when and where hunting, fishing and trapping could occur and how many animals could be taken. CPW’s flexibility and discretion in determining appropriate management strategies is essential to maintaining and protecting sustainable populations of wildlife. CPW works continuously to adaptively manage wildlife populations in response to our changing physical and cultural environment. Such management includes closing certain rivers to fishing when water temperatures are too high for fish to survive the stress from angling; and lowering hunting quotas for ungulates in response to drought and disease. Such management strategies could be deemed illegal under 302.

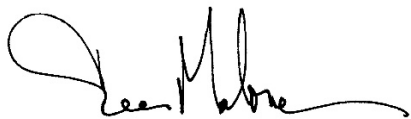
FISCAL IMPACT OF INITIATIVE 302

8. Page 2 lines 29 and 30: The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new right to hunt and fish is applied.

Argument against 302: 302 would enable the challenge of current and future statutes and regulations implementing CPW’s management decisions. Consequently, 302 has the high potential of increasing litigation and associated legal costs for the State.

Please consider making these changes to the bluebook regarding Initiative 302 to enable Colorado voters to better understand the reality and ramifications of this initiative.

Respectfully submitted,
Delia G. Malone

A handwritten signature in black ink, appearing to read 'Delia Malone', with a large loop at the start and a long horizontal stroke at the end.

Ecologist and Board President,
ColoradoWild
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Requested Revisions: Initiative 302 Draft 3: Constitutional Right to Hunt & Fish

August 13, 2026

Page # and Line #	Original Text	Revised Text/Issue Stated	Justification for Change
Page 1, Lines 19-21	“The right applies to traditional hunting and fishing methods. It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law.”	“The right would apply only to traditional hunting and fishing methods. It would not apply to nongame species, endangered species, or species prohibited under federal law.”	Adds “would apply only” for clarity; simplifies second sentence.
Page 1, Lines 21–23	“This measure does not change existing laws related to trespassing on private property. It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.	“This measure does not change existing laws related to trespassing on private property. It would not change or limit the state’s authority to regulate hunting, fishing, or wildlife management when needed for scientific reasons, public safety, or to preserve future opportunities. ”	Improved flow; streamlines long sentences; improves readability.
Page 1, Lines 28-30	“State law requires wildlife and their environment to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people and visitors of Colorado. ”	“State law requires wildlife and their habitats to be protected, preserved, enhanced, and managed for the use, benefit and enjoyment of Colorado residents and visitors. ”	“Habitats” follows CPW terminology; simplifies phrasing.
Page 2, Lines 5–6	“Regulations are generally guided by information on wildlife and fish populations, species and habitat management plans; and recreational opportunities and needs”	“Regulations are guided by information on wildlife and fish population data , species and habitat management plans; and recreational opportunities and needs”	Ensures technical accuracy.

Page 2, Lines 21	“The state constitution should protect fundamental rights and not recreational activities. Colorado is already a leader in wildlife conservation and management, and enshrining a right to hunt and fish in the Colorado Constitution is unnecessary.”	“Opponents argue the constitution should protect fundamental rights rather than recreational activities. They claim Colorado already has strong wildlife conservation systems, making establishing a constitutional right unnecessary.”	Adds attribution “opponents argue” to maintain neutrality; maintains neutrality in overall language.
Page 2, Lines 24– 26	“This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. Further, the use of undefined, vague language could prompt legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place”	“Opponents warn that vague language could prompt legal challenges and may reduce the ability of citizens and officials to set reasonable guardrails on hunting, fishing, and trapping”	Adds Opponents warn; maintains neutrality

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Amendment 84

Constitutional Right to Hunt and Fish

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Amendment 84

Constitutional Right to Hunt and Fish

Ballot Title: Shall there be an amendment to the Colorado Constitution creating a constitutional right to hunt, fish, and harvest fish and wildlife by traditional methods, including all species of fish and wildlife managed by the state except non-game species, endangered species, or any species that is illegal to hunt under federal law, and, in connection therewith, establishing hunting and fishing as the preferred means of managing fish and wildlife populations; and preserving the right of the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific wildlife conservation and management, public safety, or to preserve the future of hunting and fishing opportunities for all species?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** Section 13 to article XVIII as follows:

Section 13. Right to fish and hunt.

(1) THERE IS ESTABLISHED A RIGHT OF THE PEOPLE OF COLORADO TO HUNT, FISH, AND TAKE FISH AND WILDLIFE. THE RIGHT INCLUDES HUNTING, FISHING, AND HARVESTING FISH AND WILDLIFE BY THE USE OF TRADITIONAL METHODS. THE RIGHT APPLIES TO ALL SPECIES OF FISH AND WILDLIFE MANAGED BY THE STATE EXCEPT NONGAME SPECIES, ENDANGERED SPECIES, OR ANY SPECIES THAT IS ILLEGAL TO HUNT UNDER FEDERAL LAW.

(2) THE POLICY OF THE STATE OF COLORADO IS THAT HUNTING AND FISHING ARE THE PREFERRED MEANS OF RESPONSIBLY MANAGING FISH AND WILDLIFE POPULATIONS.

(3) THIS SECTION IS NOT INTENDED TO AUTHORIZE TRESPASS UPON PRIVATE PROPERTY OR TO MODIFY ANY PROVISION OF STATUTES RELATING TO TRESPASS OR PROPERTY RIGHTS.

(4) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF AN AGENCY OF THE STATE OF COLORADO OR THE GENERAL ASSEMBLY TO REGULATE HUNTING, FISHING, AND WILDLIFE MANAGEMENT IF THE LAW IS NECESSARY FOR SOUND SCIENTIFIC WILDLIFE CONSERVATION AND MANAGEMENT, PUBLIC SAFETY, OR TO PRESERVE THE FUTURE OF HUNTING AND FISHING OPPORTUNITIES FOR ALL SPECIES STATEWIDE.

