

Proposition __ : Prohibit Bobcat, Lynx, and Mountain Lion Hunting

Placed on the ballot by citizen initiative • Passes with a majority vote

1 **Proposition __ proposes amending the Colorado statutes to:**

- 2 • prohibit the hunting or trapping of bobcats, lynx, and mountain lions;
- 3 • continue to permit the killing of these animals under certain circumstances; and
- 4 • establish penalties for violations.

5 **What Your Vote Means**

6 **YES**

7 A “yes” vote on Proposition __ would
8 make it illegal to hunt bobcats, lynx, and
9 mountain lions in Colorado.

10 **NO**

11 A “no” vote on Proposition __ would
12 continue to allow the hunting of bobcats
13 and mountain lions, as it is currently
14 regulated by the state. Hunting lynx would
15 remain illegal under state and federal law.

16 **Summary and Analysis of Proposition __**

17 **What does Proposition __ do?**

18 Proposition _ would prohibit intentionally killing, wounding, pursuing, entrapping, or
19 discharging a deadly weapon at bobcats, lynx, and mountain lions in Colorado. While the
20 measure uses the term “trophy hunting,” it bans all hunting, pursuing, or entrapping of
21 bobcats, lynx, and mountain lions regardless of intent. Individuals convicted of any of these
22 activities are subject to up to 364 days in jail, a fine of up to \$1,000, or both, and a five-year
23 prohibition on holding a license issued by Colorado Parks and Wildlife (CPW), with more
24 stringent penalties for subsequent convictions.

25 **Would there still be instances where these animals can be killed lawfully?**

26 Certain scenarios are not unlawful under the measure and thus are not prohibited, including
27 when bobcats, lynx, or mountain lions are killed:

- 28 • in the defense of human life, livestock, personal property, or a motor vehicle;
- 29 • by an employee or contractor of any federal, state, or local agency acting in an official
30 capacity or with a special license from CPW, including to manage animals that pose a
31 threat to agricultural resources;
- 32 • as a result of an accident involving a motor vehicle, vessel, or train; or
- 33 • for scientific research or humane euthanasia.

1 **How is hunting regulated in Colorado?**

2 CPW is responsible for wildlife management in Colorado and administers regulations for
 3 hunting, fishing, and trapping as adopted by the Colorado Parks and Wildlife Commission.
 4 State law requires wildlife and their environment to be protected, preserved, enhanced, and
 5 managed for the use, benefit, and enjoyment of the people and visitors of Colorado. CPW
 6 manages individual animal species differently and uses regulated hunting, fishing, and
 7 trapping to meet management goals. Table 1 discusses the differences between bobcats,
 8 lynx, and mountain lions and the different hunting regulations associated with each.

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Table 1
Bobcats, Lynx, and Mountain Lions in Colorado

	Bobcats	Lynx	Mountain Lions
Description of animals	Bobcats are medium-sized cats, ranging from 28-37 inches long fully grown with reddish fur, often with distinctive black spots and black stripes. They have a stubbed tail and short tufted ears.	Lynx are medium-sized cats, ranging from 31-51 inches long fully grown with grayish fur. They often have large back paws, long tufts on their ears, and a solid black stubbed tail.	Mountain lions are large cats, over six feet long fully grown, with tannish fur, a white underbelly, and a long black tipped tail. They are also known as cougars, pumas, panthers, or catamounts.
Species conservation status	Bobcats are not currently classified as threatened in Colorado or in the United States. Their exact number is uncertain, but Colorado’s bobcat population is considered widespread across the state, stable, and possibly increasing in some areas.	The lynx (also called the Canada lynx) is currently listed as endangered in Colorado and as threatened under federal law. Colorado began its effort to reintroduce lynx in 1999 and now has what is considered a stable population.	Mountain lions are not currently classified as threatened in Colorado or in the United States. There are an estimated 3,800 to 4,400 mountain lions in the state, which is considered a stable population.
Hunting regulations	All hunters in Colorado must have a hunter education certification to buy a hunting license. Bobcats can be hunted with a furbearer license between December and February, and there is no limit on how many bobcats can be hunted. All harvested bobcats or their pelts must be inspected and tagged by CPW.	Because of their protected status, state and federal law currently prohibits all hunting and trapping of lynx, punishable by fines, imprisonment, or hunting license suspension.	In addition to a hunter education certification, hunters must have a special mountain lion education certificate. CPW limits when, where, how many, and the way mountain lions can be hunted each year. All harvested lions must be inspected and tracked by CPW, and all edible meat must be prepared for human consumption.

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**Table 1 (cont.)
Bobcats, Lynx, and Mountain Lions in Colorado**

	Bobcats	Lynx	Mountain Lions
Hunting statistics	From 2020 to 2023, an average of 880 bobcats were harvested per year.	There have been no reported kills of lynx in Colorado.	From 2020 to 2023, an average of 500 mountain lions were harvested per year.

3 **How would this measure change reimbursements for big game damage?**

4 Under current law, Colorado may provide reimbursement to landowners for damage to
5 crops, fences, orchards, nurseries, personal property, or livestock caused by any “big game”
6 species, including mountain lions. Colorado does not provide reimbursement for damage
7 caused by lynx or bobcats. This measure would remove mountain lions from the definition of
8 big game, making landowners ineligible for state reimbursement for any damage caused by
9 a mountain lion.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

10 **Arguments For Proposition __**

- 11 1) Bobcat and mountain lion hunting causes the animals pain and trauma. The hunting of
12 mountain lions may involve the use of dog-chases, while the hunting of bobcats may
13 involve the use of baits, lures, or live traps. Hunting and trapping these animals, often for
14 trophies or the commercial fur trade, is an unnecessary practice.
- 15 2) Bobcat and mountain lion populations can naturally regulate themselves without the
16 need for hunting or trapping, and there is no consistent evidence that banning these
17 activities would create new dangers to the public. Big cats provide valuable ecological
18 contributions, and Colorado should protect them rather than allowing them to be
19 hunted. Where circumstances warrant it, federal, state, and local officials will still be
20 allowed to protect human life with lethal and non-lethal methods.

21 **Arguments Against Proposition __**

- 22 1) The measure restricts the ability of wildlife management experts at CPW to make
23 science-based decisions to achieve the state’s ecological objectives, which include
24 preserving biodiversity, ensuring sustainable ecosystems, and protecting endangered
25 species. The state currently manages a healthy population of bobcats and mountain
26 lions, proving that its current management practices, which include regulated hunting,
27 are working. This measure undermines these objectives by disregarding the expertise
28 and research necessary for effective wildlife management. Furthermore, hunting lynx is
29 already illegal and the population is considered stable.

- 1 2) Hunting mountain lions and bobcats provides an important source of income to the
2 state wildlife management system and many local communities. Furthermore,
3 agricultural producers and landowners will lose the ability to be reimbursed for any
4 damage caused by a mountain lion. If a hunting ban results in an increased population of
5 mountain lions, these damages may become more frequent and costly for those
6 affected.

7 **Fiscal Impact of Proposition** __

8 **State revenue.** The measure is anticipated to decrease state revenue to CPW in the
9 Department of Natural Resources by about \$410,000 through June 2025, and by about
10 \$450,000 per year thereafter. This revenue reduction is the result of the elimination of all
11 mountain lion hunting license sales, and some reduction of furbearer hunting license sales.
12 To the extent that prohibited killing occurs, the state may receive additional revenue from
13 fines or civil penalties.

14 **State spending.** The measure will decrease state expenditures in CPW by approximately
15 \$39,000 in FY 2024-25, and by \$77,500 in FY 2025-26 and in future years. This is the result of
16 a decrease in game damage claims paid to livestock owners when livestock is damaged by a
17 mountain lion. In addition, state expenditures will increase by approximately \$57,000 in
18 FY 2024-25 and \$115,218 in FY 2025-26 in the Department of Law to provide general
19 counsel to CPW. This is required to create new rules and regulations needed to conform with
20 the requirements of this measure. In total, the measure increases state expenditures in CPW
21 by about \$22,000 in FY 2024-25 and about \$44,000 in FY 2025-26.

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16 federal law.

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20 discharging a deadly weapon at bobcats, lynx, and mountain lions in Colorado. While the
21 measure uses the term “trophy hunting,” it bans all killing, pursuing, or entrapping of
22 bobcats, lynx, and mountain lions regardless of the hunter’s purpose. Individuals convicted
23 of any of these activities are subject to up to 364 days in jail, a fine of up to \$1,000, or both,
24 and a five-year prohibition on holding a license issued by Colorado Parks and Wildlife
25 (CPW), with more stringent penalties for subsequent convictions.

26 **If the measure passes, are there any exemptions?**

27 Certain scenarios are not unlawful under the measure and thus are not prohibited, including
28 when bobcats, lynx, or mountain lions are killed:

- 29 • in the defense of human life, livestock, personal property, or a motor vehicle;
- 30 • by an employee or contractor of any federal, state, or local agency acting in an official
31 capacity or with a special license from the CPW, including to manage animals that pose a
32 threat to agricultural resources;
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- 1 • for scientific research or humane euthanasia.

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 4 hunting, fishing, and trapping as adopted by the Colorado Parks and Wildlife Commission.
 5 State law requires wildlife and their environment to be protected, preserved, enhanced, and
 6 managed for the use, benefit, and enjoyment of the people and visitors of Colorado. The
 7 CPW manages individual animal species differently and imposes hunting, fishing, and
 8 trapping regulations to meet management goals. Table 1 discusses the differences between
 9 bobcats, lynx, and mountain lions and the different hunting regulations associated with each.

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Hunting regulations	All hunters in Colorado must have a hunter education certification to buy a hunting license. Bobcats can be hunted with a furbearer license between December and February, and there is no limit on how many bobcats can be hunted. All harvested bobcats or their pelts must be inspected and tagged by the CPW.	Because of their protected status, state and federal law currently prohibits all hunting and trapping of lynx, punishable by fines, imprisonment, or hunting license suspension.	In addition to a hunter education certification, hunters must have a special mountain lion education certificate. The CPW limits when, where, how many, and the way mountain lions can be hunted each year. All harvested lions must be inspected and tracked by the CPW, and all edible meat must be prepared for human consumption.

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**Table 1 (cont.)
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6 species, including mountain lions. Colorado does not provide reimbursement for damage
7 caused by lynx or bobcats. This measure would remove mountain lions from the definition of
8 big game, making landowners ineligible for state reimbursement for any damage caused by
9 a mountain lion.

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10 **Arguments For Proposition __**

- 11 1) Bobcat and mountain lion hunting is unsporting and causes the animals pain and
12 trauma. The hunting of mountain lions may involve the use of dog-chases, while the
13 hunting of bobcats may involve the use of baits, lures, or live traps. The hunting and
14 trapping of these animals, which is typically for trophies and the commercial fur trade, is
15 unnecessary.
- 16 2) Bobcat and mountain lion populations can regulate themselves without hunting or
17 trapping, and there is no consistent evidence that banning these activities will increase
18 the density of their populations or create any new dangers to the public. Big cats provide
19 valuable ecological contributions and Colorado should protect them instead of allowing
20 them to be hunted. Where circumstances warrant it, federal, state, and local officials will
21 still be allowed to protect human life with lethal and non-lethal methods.

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- 23 1) The proposition restricts the ability of wildlife management experts at CPW to make
24 science-based decisions to achieve the state’s ecological objectives which include
25 preserving biodiversity, ensuring sustainable ecosystems, and protecting endangered
26 species. The state currently manages a healthy population of bobcats and mountain
27 lions, proving that its current management practices, which include regulated hunting,
28 are working. This measure undermines these objectives by disregarding the expertise

1 and research necessary for effective wildlife management. Furthermore, hunting lynx is
2 already illegal and the population is considered stable.

3 2) Hunting mountain lions and bobcats provides an important source of income to the
4 state wildlife management system and many local communities. Furthermore,
5 agricultural producers and landowners will lose the ability to be reimbursed for any
6 damage caused by a mountain lion, causing unnecessary financial burden.

7 **Fiscal Impact of Proposition** __

8 **State revenue.** The measure is anticipated to decrease state revenue to the CPW in the
9 Department of Natural Resources by about \$410,000 through June 2025, and by about
10 \$450,000 per year thereafter. This revenue reduction is the result of the elimination of all
11 mountain lion hunting license sales, and some reduction of furbearer hunting license sales.
12 To the extent that prohibited killing occurs, the state may receive additional revenue from
13 fines or civil penalties.

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15 \$39,000 in FY 2024-25, and by \$77,500 in FY 2025-26 and in future years. This is the result of
16 a decrease in game damage claims paid to livestock owners when livestock is damaged by a
17 mountain lion. In addition, state expenditures will increase by approximately \$57,000 in
18 FY 2024-25 and \$115,218 in FY 2025-26 in the Department of Law to provide general
19 counsel to CPW. This is required to create new rules and regulations needed to conform with
20 the requirements of this proposition. In total, the measure increases state expenditures in
21 the CPW by about \$22,000 in FY 2024-25 and about \$44,000 in FY 2025-26.

Last Draft Comments from Interested Parties

Initiative 91 Prohibit Bobcat, Lynx, and Mountain Lion Hunting

Benjamin Cassidy, on behalf of Chris Tymeson, representing Safari Club International:

Please find attached the written comments on the Third Draft of Ballot Analysis: Initiative 91 – Prohibit Bobcat, Lynx, and Mountain Lion Hunting by Benjamin Cassidy, EVP, Safari Club International.

Please don't hesitate to contact me if you have any questions.

Sincerely,
Chris Tymeson

Christopher J. Tymeson, J.D.
Western State and Local Liaison, Safari Club International
785-640-1946
ctymeson@scifirstforhunters.org
www.SafariClub.org
501 2nd Street NE, Washington, D.C. USA

Mr. Cassidy also submitted Attachment A.

Robert Edmiston, representing The Firearms Coalition of Colorado:

Legislative Council Staff,

Thank you very much for including the fact that the initiative would end reimbursement for persons damaged by the predation of mountain lions in the "Arguments Against" Section of the Ballot Analysis. We believe this provision puts an inequitable burden on rural Coloradans and should be included in the most widely read portion of the analysis.

Robert Edmiston
Volunteer Lobbyist
The Firearms Coalition of Colorado
PO Box 1454
Englewood, CO 80150-1454

Last Draft Comments from Interested Parties

Daphne Gervais, representing Colorado Parks and Wildlife, Department of Natural Resources:

Hi Alexa,

Please find some suggested edits from our team here. These are based on the last draft, but I believe most of the suggestions still apply to this latest version.

Let me know if you have any questions!

Thanks,
Daphne

Ms. Gervais also submitted Attachment B.

Brian Prater, representing Pac/West Strategies:

Hello,

I hope this email finds you well. Please find attached proposed feedback to the Legislative Council's third draft analysis for initiative 91. Feel free to let me know if you have any questions. Thank you for consideration of our comments.

Best,
Brian Prater
Senior Government Affairs Associate
1801 Broadway, Suite 1000 Denver, CO 80202
O: 720.259.4625
brian.prater@pacweststrategies.com

Mr. Prater also submitted Attachment C.

Representative Tammy Story, representing herself:

Thank you, Alexa. I have shared this doc with others. I believe they feel that anywhere that "hunt/hunting" is specified, it should also say "trap/trapping".

I will let you know what I find out.

On p. 1, bullet point 2: can it say, "[make it illegal to hunt or trap](#) bobcats . . . "
p.1, bullet point 8: can it say, "[make it illegal to hunt or trap](#) bobcats . . . "

Last Draft Comments from Interested Parties

Representative Tammy Story, representing herself (Cont.):

I'll let you know if there is more.

Best,

Tammy Story

State Representative

District 25

Colorado State Capitol

200 E Colfax Avenue

Denver, CO 80203

303-866-2582 office

tammy.story.house@coleg.gov

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19 August 2024

Colorado General Assembly, Legislative Council
c/o bigcathunting2024@coleg.gov
Room 029 State Capitol
Denver, CO 80203-1784

Re: Third Draft of Ballot Analysis: Initiative 91 – Prohibit Bobcat, Lynx, and Mountain Lion Hunting

Dear Ms. Jackson:

Safari Club International (SCI) appreciates the opportunity to comment on the Third Draft of Ballot Analysis: Initiative 91 – Prohibit Bobcat, Lynx, and Mountain Lion Hunting. SCI further appreciates the previous changes made to the draft analysis. The third draft is much more technically accurate and impartial.

SCI understands that the Legislative Council has a constitutional responsibility to prepare a fair and impartial analysis of Initiative 91 and to present issues in a factually correct manner. The Council must also keep the booklet concise and readable and use language a lay person can understand, limiting the use of technical terms, jargon, and slogan-type language. SCI offers the following comments, consistent with this framework, to ensure the analysis is presented fully, fairly, clearly, and in compliance with the Council's legal obligations.

Page 1

Line 19: The word "killing" is factually incorrect, technically inaccurate and should be changed to "hunting." Under the proposed ballot measure, intentional "killing" of a mountain lion or bobcat could still occur as an exception. Use of "killing" here also conflicts with lines 2-3, which state that individuals are allowed to "kill" these animals in limited circumstances under the initiative.

Line 21: The word "killing" is factually incorrect, technically inaccurate and should be changed to "hunting." Under the proposed ballot measure, intentional killing of a mountain lion or bobcat could still occur as an exception. Use of "killing" here also conflicts with lines 2-3, which state that individuals are allowed to "kill" these animals in limited circumstances under the initiative.

Line 22: The word "hunter's" should be stricken and replaced with "person's" or "individual's" regarding the purpose. Poaching or killing indiscriminately without purpose is not hunting and should not be attributed to hunters as it is factually incorrect, technically inaccurate, and biased.

Line 29: The clause "or a motor vehicle" should be stricken as technically inaccurate as you cannot defend a motor vehicle from an animal attack and, in any event, a motor vehicle is "personal property." Additionally, the clause is also presented on page 1, line 33, and the duplication is potentially confusing to readers.

Page 2

Lines 6-8: This sentence should be revised because it omits necessary language in the Colorado Revised Statutes and is misleading to voters because it provides emphasis on one section of the law but not the others. As written, this section uses the language in Title 33, Article 1, Section 101, Subsection (1) of the Colorado Revised Statutes, under the title "Legislative declaration." But this Section also includes Subsection (4), which specifically applies to



hunting and has been omitted: “The state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests.” Omitting Subsection (4) while using part of Colorado Revised Statutes Section 33-1-101 in lines 6-8 does not answer fully the question presented in line 3 (“How is hunting regulated in Colorado?”) and is therefore misleading. As such, that language should be added as a new sentence, after the word “Colorado.”

As revised, these sentences should read as follows:

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. The CPW manages individual animal species differently and ~~imposes~~ **uses** hunting, fishing, and trapping ~~regulations~~ **as the primary methods of wildlife harvest** to meet management goals, **as is required by the state law.**

Line 10, Table 1, Mountain Lions Column, Species Conservation Status Row: This column should include a sentence at the end stating, “Mountain lions have benefited from regulations on take and management actions that have resulted in increasing populations.” This is both accurate, as confirmed by CPW,¹ and consistent with how the Lynx Column refers to management actions and population stability. SCI appreciates that the Council added that the mountain lion population “is considered a stable population,” which is true, but it is incomplete. To be complete, impartial, and factually accurate, the analysis should incorporate the conclusions of CPW.

Page 3

Lines 11-12: The words “unsporting” and “causes pain and trauma” should be stricken as factually inaccurate at a minimum. The term “sporting” is undefined and has several meanings. To the extent the proponents mean it as “fair chase,” what is considered “fair chase” here is a matter of state law. Colorado law currently permits the use of bait and dogs for hunting purposes. Further, there is no evidence that baits, lures, traps, or dog-chases cause pain and trauma to mountain lions or bobcats. Finally, this sentence is internally inconsistent and misleading because it suggests that all hunting of bobcats and mountain lions is “unsporting” and “causes pain and trauma,” but it clearly states that only some hunting involves baits, lures, traps, or dogs. If some hunting does not use baits, lures, traps, or dogs, then under this sentence, it appears to be “sporting” and not the cause of pain or trauma. We suggest striking the entire first sentence and adding the following revision, “Certain practices permitted for the hunting of mountain lions are objectionable to some from a welfare perspective.”

While SCI understands that this language may come from the proponents of the initiative, the Legislative Council has the legal obligation to present these arguments clearly, fairly, impartially, and in a factually correct manner.

Line 13-15: The entirety of the last sentence of the section should be stricken as factually inaccurate and misleading. Mountain lions may not be trapped nor may they enter the commercial fur trade as they are classified as big game animals in the State of Colorado and the sentence mixes bobcats and mountain lions interchangeably. Alternatively, the word “typically” is factually inaccurate and misleading. It should be stricken and replaced with “sometimes” because “typically” when related to “trophy” is purely subjective and therefore the words “trophies and” should also be stricken.

¹ CPW, “Bobcats, Mountain Lions and Lynx: Frequently Asked Questions on the Management of Colorado’s Wild Feline Population,” available at <https://cpw.state.co.us/Documents/Education/LivingWithWildlife/Bobcat-Lion-Lynx-Management-FAQ.pdf>.



While SCI understands that the language used by the Council may come from the proponents of the initiative, the Legislative Council has the legal obligation to present these arguments clearly, fairly, impartially, and in a factually correct manner.

Lines 16-18: All of lines 16-18 should be stricken as factually inaccurate. As explained by the CPW “Bobcats, Mountain Lions and Lynx: Frequently Asked Questions on the Management of Colorado’s Wild Feline Population” document,

Colorado now has 5.8 million human residents and while we still have many wild areas, our human footprint in wildlife habitat cannot be overstated. Such a footprint has and continues to alter ecosystems carrying capacities and various wildlife species that have evolved together through millennia thus creating imbalances and requiring management to restore or mimic balances. Well-regulated management has consistently benefited the population densities of big-game species. Managing lions and bobcats with harvest is one management tool to maintain more stable populations.²

While SCI understands that the language used by the Council may come from the proponents of the initiative, the Legislative Council has the legal obligation to present these arguments clearly, fairly, impartially, and in a factually correct manner.

Line 26: The words “or increasing” should be added after “stable,” to read: “The state currently manages a stable **or increasing** population of bobcats and mountain lions ...” As explained above, CPW has indicated that bobcat and mountain lion populations are stable or increasing in some areas. This language should be added for consistency and factual accuracy.

Page 4

Line 7: Mountain lion populations will still be regulated and managed by CPW. However, instead of allowing hunters to harvest lions, CPW will be forced to control lions through depredation and human-lion conflict kills. It has been demonstrated that just as many mountain lions are killed in California under a mountain lion hunting prohibition—but those lions are killed by state agents and vehicle strikes.³ The following sentence should be added after the first sentence in line 7. “Mountain lions will continue to be killed but by CPW agents, landowners under depredation permits, and vehicle strikes, leading to the waste of these lions and increasing the burden and cost on the State and Colorado citizens.”

Line 8: It does not appear that the figures include regarding the decrease to state revenue to CPW includes the matching Federal Pittman-Robertson dollars. These are a crucial source of funding for CPW. As such, the information is incomplete, does not provide the full financial picture and is misleading as to the state revenue picture.

² <https://cpw.state.co.us/Documents/Education/LivingWithWildlife/Bobcat-Lion-Lynx-Management-FAQ.pdf>.

³ L. Sahagun, California Is Turning Mountain Lions Into Roadkill Faster Than They Can Reproduce, L.A. Times (Feb. 2, 2023), available at <https://www.latimes.com/environment/story/2023-02-02/cars-are-killing-mountain-lions-faster-than-they-can-breed>; P. Morrison, California Used to Pay People to Hunt Mountain Lions. Now We Spend Millions to Protect Them, L.A. Times (July 26, 2022), available at <https://www.latimes.com/california/story/2022-07-26/how-california-went-from-paying-people-to-hunt-mountain-lions-to-spending-millions-to-protect-them>.



While the fiscal impact of the proposition includes sections on State Revenue and State Spending, there should also be a section on “Collateral Economic Impact,” which would include the lost revenue generated from the hunting of mountain lions and bobcats and the impact on the businesses that depend on that revenue, including the loss of state sales and income tax revenues from hunting and related businesses. That information can be obtained from the full economic impact assessment of the measure recently published at <https://commonsenseinstitute.org/initiative-91-big-cat-hunting-ban/>. According to this analysis, CPW’s revenues will decline by \$4.0 million–\$6.2 million, and Colorado will face \$61.65 million in lost economic output. These are important numbers reflecting a far more extensive economic impact that the third draft shows. Coloradans have a right to see the full and fair economic impact of this measure, and the Legislative Council has the legal obligation to present its analysis in a factually correct and complete manner.

Thank you again for the opportunity to comment on the Third Draft of Ballot Analysis: Initiative 91 - Prohibit Bobcat, Lynx, and Mountain Lion Hunting. SCI is dedicated to protecting the freedom to hunt and is always first for hunters.

Sincerely,

Benjamin Cassidy
Executive Vice-President for International, Government and Public Affairs
Safari Club International

1. Eliminate “The” before “CPW” throughout or else call it “The Colorado Division of Parks and Wildlife”
2. At the language under Line 11, clarify what a NO vote means with the red language below.
 - a. A “no” vote on Proposition __ would continue to allow the hunting of bobcats and mountain lions, as it is currently regulated. Hunting lynx would remain illegal, per current state and federal law, **because lynx are currently listed as threatened under the federal Endangered Species Act and endangered under the state’s Nongame, Threatened, or Endangered Species Act.**
 - b. May also need to change the name of the state endangered species statute since we added “native plants” to the title
3. The lynx (also called the Canada lynx) is currently listed as endangered in Colorado and is **nationally listed as threatened under federal law.**
4. Recommend changing this section as follows:
 - a. How would this measure change reimbursements for big game damage? Under current law, Colorado may provide reimbursement to landowners for damage to crops, fences, orchards, nurseries, personal property, or livestock ~~from~~ **caused by** any “big game” species, ...

Feedback to Third Draft Analysis for Initiative 91

August 19, 2024

Page 1, Lines 1-5 (Proposition _ Proposes Amending Colorado statutes to):

Current Drafted Text: Proposition _ proposes amending the Colorado statutes to:

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Proposed Text Change: Proposition _ proposes amending the Colorado statutes to:

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- Establish penalties for violations.

Justification for Change:

The second bullet (Page 1, Line 3) should be removed for the following reason:

Current Colorado state law already provides exceptions for killing mountain lions, bobcats, and lynx under varying circumstances ⁽¹⁾⁽²⁾. The current draft would indicate to a layperson that current state statute provides *zero* exceptions for the killing of these animals already, as the text is located in a section that explains how state statute would be modified if the proposition passed. While the measure may modify current exceptions in state statute, it is not modifying state statute to now allow the killing of these animals under certain circumstances. Exceptions such as these already exist in state law. As such, Page 1 Line 3 should be removed, as it would misinform voters on the actual statute impacts of the proposition.

Page 3, Lines 11-15 (Arguments for Proposition _)

Current Drafted Text: Bobcat and mountain lion hunting is unsporting and causes the animals pain and trauma. The hunting of mountain lions may involve the use of dog-chases, while the hunting of bobcats may involve the use of baits, lures, or live traps. The hunting and trapping of these animals, which is typically for trophies and the commercial fur trade, is unnecessary.

Proposed Text Change: Bobcat and mountain lion hunting causes the animals pain and trauma. The hunting of mountain lions may involve the use of dog-chases, while the hunting of bobcats may involve the use of baits, lures, or live traps. The hunting and trapping of these animals is unnecessary.

Justification for Change: Current regulations in Colorado require individuals to prepare all edible parts of a mountain lion for human consumption.³ As such, the hunting of mountain lions is typically for the collection of meat. This refutes the claim made in the current drafted argument which states that the

¹ [Nuisance Wildlife Laws in Colorado \(state.co.us\)](https://state.co.us)

² [Colorado Revised Statute. 33-3-106 \(3\)](#)

³ [Frequently Asked Questions about the Management of Bobcats, Mountain Lions, and Lynx in Colorado \(state.co.us\)](#)

hunting of these animals is “typically for trophies and the commercial fur trade.” As such, this portion of text should be removed from the draft analysis entirely.

In addition, the phrase “unsporting” should be removed from the text as well. The commonly accepted understanding of this phrase most closely resembles “unsportsmanlike” or “unfair”. This phrasing is entirely subject to individual interpretation. As such, proponents of the proposition should not be permitted to state that the activity of hunting is unsporting as a universal fact.

Page 3, Lines 6-21 (Arguments for Proposition _)

Current Drafted Text: Bobcat and mountain lion populations can regulate themselves without hunting or trapping, and there is no consistent evidence that banning these activities will increase the density of their populations or create any new dangers to the public. Big cats provide valuable ecological contributions and Colorado should protect them instead of allowing them to be hunted. Where circumstances warrant it, federal, state, and local officials will still be allowed to protect human life with lethal and non-lethal methods.

Proposed Text Change: Bobcat and mountain lion populations can regulate themselves without hunting or trapping. Big cats provide valuable ecological contributions and Colorado should protect them instead of allowing them to be hunted. Where circumstances warrant it, federal, state, and local officials will still be allowed to protect human life with lethal and non-lethal methods.

Justification for Change:

The current draft states the following:

“...there is no consistent evidence that [hunting and trapping] will increase the density of [mountain lion and bobcat] populations or create any new dangers to the public.”

The way this portion of text is structured would lead the average voter/layperson to assume that a vast majority of readily available evidence on this subject would show that banning hunting and trapping of these animals will not increase population densities. This is not true and is leading the voter without sufficiently substantiating the claim.

As noted in feedback on past ballot analysis drafts, voters in California approved Proposition 117 in 1990 to ban the hunting of mountain lions in the state (however, it is worth noting that mountain lions have been granted specially protected status in the state since 1972, and thus have not been hunted since then)⁴. According to the Institute for Wildlife Studies, mountain lion populations in California have increased in population since the enactment of Proposition 117, and instances of unwanted interactions have increased as well:

“Mountain lion populations have been increasing in California since 1990 when the species was given state-wide protection from hunting...Although mountain lions tend to avoid humans, conflicts with humans, livestock, and pets have increased as mountain lion populations have grown.”⁵

⁴ [California Department of Fish and Wildlife, "Mountain Lions in California"](#)

⁵ [Mountain Lion — Institute for Wildlife Studies \(iws.org\)](#)

In addition, the California Department of Fish and Wildlife conducted a study in 2020 which used back-calculations to estimate mountain lion population trends in the state from 1906-2018, and how the annual population was impacted after being granted specially-protected status in 1972 (It is worth noting that the study also examined how mountain lion populations were impacted by a state imposed bounty system for the population). The findings of the study were as follows:

“[granting mountain lions] specially-protected status was also likely effective [in increasing the population], as mountain lion populations appear to have increased statewide following the cessation of the bounty period.”⁶

Supporters of the ballot measure may claim that presenting California as the only example of this scenario demonstrates that there is no “consistent evidence” to make this assertion. However, the reason for this is because California is the only state in the country that has banned the hunting of mountain lions, and therefore is the only available example. In instances where a state has imposed a hunting ban for mountain lions, there has been a subsequent increase in their population 100% of the time. This would indicate that there is “consistent evidence” to demonstrate that banning the hunting of mountain lions would result in an increase in their population densities.

In conclusion, the phrase “there is no consistent evidence that that banning [hunting or trapping] will increase the density of their populations or create any new dangers to the public” should be removed from the draft analysis entirely due to how it would misinform the layperson on available evidence on the subject matter.

Page 4, Lines 3-6 (Arguments Against Proposition _)

Current Drafted Text: Hunting mountain lions and bobcats provides an important source of income to the state wildlife management system and many local communities. Furthermore, agricultural producers and landowners will lose the ability to be reimbursed for any damage caused by a mountain lion, causing unnecessary financial burden.

Proposed Text Change: This proposition may lead to increases in the populations of these big cats and the chance of potentially dangerous encounters with humans, pets, and livestock. Hunting provides a source of income to the state wildlife management system, which would be lost if the measure passes. Further, agricultural producers and landowners will lose the ability to be reimbursed for any damage caused by a mountain lion causing unnecessary financial burden.

Justification for Change: Changes to the mountain lion population in California demonstrate that prohibiting the hunting of these animals may lead to an increase in their population.⁷ It is entirely likely that prohibiting the hunting of them in Colorado may also result in the increase of these populations. As such, the argument against the proposition should include this proposed change.

⁶ [Dellinger, Justin. Torres, Steven. "A Retrospective Look at Mountain Lion Populations in California \(1906-2018\)." California Fish and Wildlife, 2020.](#)

⁷ [Dellinger, Justin. Torres, Steven. "A Retrospective Look at Mountain Lion Populations in California \(1906-2018\)." California Fish and Wildlife, 2020.](#)

Page 4, 8-21 (Fiscal Impact of Proposition __)

Current Drafted text:

State Revenue. The measure is anticipated to decrease state revenue to the CPW in the Department of Natural Resources by about \$410,000 through June 2025, and by about \$450,000 per year thereafter. This revenue reduction is the result of the elimination of all mountain lion hunting license sales, and some reduction of furbearer hunting license sales. To the extent that prohibited killing occurs, the state may receive additional revenue from fines or civil penalties.

State Spending. The proposition will decrease state expenditures in CPW by approximately \$39,000 in FY 2024-25, and by \$77,500 in FY 2025-26 and in future years. This is the result of a decrease in game damage claims paid to livestock owners when livestock is damaged by a mountain lion. In addition, state expenditures will increase by approximately \$57,000 in FY 2024-25 and \$115,218 in FY 2025-26 in the Department of Law to provide general counsel to CPW. This is required to create new rules and regulations needed to conform with the requirements of this proposition. In total, the measure increases state expenditures in the CPW by about \$22,000 in FY 2024-25 and about \$44,000 in FY 2025-26.

Proposed Text Change:

State Revenue. The measure is anticipated to decrease state revenue to the CPW by \$410,000 through June 2025, and by about \$450,000 per year thereafter. This revenue reduction is the result of the elimination of all mountain lion hunting license sales, and some reduction of furbearer hunting license sales. CPW would also lose revenue due to a likely decline of deer and elk hunting licenses. When combining the decline of mountain lion, bobcat, deer, and elk hunting, it is projected that CPW would lose \$4.0-\$6.2 million in revenue.

State Spending. The proposition will decrease state expenditures in CPW by approximately \$39,000 in FY 2024-25, and by \$77,500 in FY 2025-26 and in future years. This is the result of a decrease in game damage claims paid to livestock owners when livestock is damaged by a mountain lion. In addition, state expenditures will increase by approximately \$57,000 in FY 2024-25 and \$115,218 in FY 2025-26 in the Department of Law to provide general counsel to CPW. This is required to create new rules and regulations needed to conform with the requirements of this proposition. In total, the measure increases state expenditures in the CPW by about \$22,000 in FY 2024-25 and about \$44,000 in FY 2025-26.

Justification for Changes: The Common Sense Institute, a nonpartisan research organization, released a study on the proposition and the fiscal impact that it would have on Colorado. According to the study, Colorado Parks & Wildlife lose \$4.0 million-\$6.2 million in lost revenue if the ballot measure was to be approved.⁸ Given that this research was developed by a nonpartisan entity, it would be appropriate to include its findings in the fiscal impact statement for the proposition.

⁸ [CSI-Report-CO-Big-Cat-Hunting-Ban-1.pdf \(commonsenseinstituteco.org\)](#)

Initiative 91
Prohibit Bobcat, Lynx, and Mountain Lion Hunting
Contact List

Interested Party	Organization Name	Email Address
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Initiative 91
Prohibit Bobcat, Lynx, and Mountain Lion Hunting
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Initiative 91
Prohibit Bobcat, Lynx, and Mountain Lion Hunting
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Initiative 91
Prohibit Bobcat, Lynx, and Mountain Lion Hunting

Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning a prohibition on the hunting of mountain lions, lynx, and bobcats, and, in connection therewith, prohibiting the intentional killing, wounding, pursuing, entrapping, or discharging or releasing of a deadly weapon at a mountain lion, lynx, or bobcat; creating eight exceptions to this prohibition including for the protection of human life, property, and livestock; establishing a violation of this prohibition as a class 1 misdemeanor; and increasing fines and limiting wildlife license privileges for persons convicted of this crime?

Text of Measure:

Be it Enacted by the People of the State Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 33-4-101.4 as follows:

33-4-101.4. TROPHY HUNTING PROHIBITED – EXCEPTIONS – LEGISLATIVE DECLARATION – RULES – PENALTY – DEFINITIONS. (1) THE VOTERS OF COLORADO FIND AND DECLARE THAT ANY TROPHY HUNTING OF MOUNTAIN LIONS, BOBCATS, OR LYNX IS INHUMANE, SERVES NO SOCIALLY ACCEPTABLE OR ECOLOGICALLY BENEFICIAL PURPOSE, AND FAILS TO FURTHER PUBLIC SAFETY. TROPHY HUNTING IS PRACTICED PRIMARILY FOR THE DISPLAY OF AN ANIMAL’S HEAD, FUR, OR OTHER BODY PARTS, RATHER THAN FOR UTILIZATION OF THE MEAT. MOREOVER, IT IS ALMOST ALWAYS CONDUCTED BY UNSPORTING MEANS, INCLUDING, BUT NOT LIMITED TO, USING PACKS OF DOGS WITH ELECTRONIC DEVICES TO PURSUE AND ENTRAP AFFECTED ANIMALS IN PLACES FROM WHICH THEY CANNOT ESCAPE IN ORDER TO ACHIEVE THE KILL. THEREFORE, IT IS APPROPRIATE AND NECESSARY TO BAN TROPHY HUNTING OF MOUNTAIN LIONS, BOBCATS, AND LYNX IN COLORADO.

(2) AS USED IN THIS SECTION:

(a)(I) “TROPHY HUNTING” MEANS INTENTIONALLY:

(A) KILLING, WOUNDING, PURSUING, OR ENTRAPPING A MOUNTAIN LION, BOBCAT, OR LYNX; OR

(B) DISCHARGING OR RELEASING ANY DEADLY WEAPON, AS DEFINED IN SECTION 18-1-901(3)(e), AT A MOUNTAIN LION, BOBCAT, OR LYNX.

(II) “TROPHY HUNTING” DOES NOT INCLUDE:

(A) ANY ACT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION IF IT WAS CONDUCTED IN THE DEFENSE OF HUMAN LIFE, LIVESTOCK, REAL OR PERSONAL PROPERTY, OR A MOTOR VEHICLE PURSUANT TO SECTION 33-3-106 AND APPROPRIATE NONLETHAL METHODS HAVE BEEN USED AS DEFINED BY THE COMMISSION, EXCEPT THAT LETHAL MEANS MAY BE USED TO DEFEND HUMAN LIFE;

(B) ANY ACT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION IF IT WAS CONDUCTED BY AN AUTHORIZED EMPLOYEE OF THE DIVISION OF PARKS AND WILDLIFE, THE UNITED STATES DEPARTMENT OF AGRICULTURE, OR THE UNITED STATES DEPARTMENT OF THE INTERIOR, WHEN THE EMPLOYEE IS ACTING IN HIS OR HER OFFICIAL CAPACITY;

(C) THE ACCIDENTAL WOUNDING OR KILLING OF A MOUNTAIN LION, LYNX, OR BOBCAT BY A MOTOR VEHICLE, VESSEL, OR TRAIN;

(D) THE USE OF NONLETHAL METHODS BY A PERSON AUTHORIZED TO CAPTURE A MOUNTAIN LION, BOBCAT OR LYNX FOR PURPOSES OF BONA FIDE SCIENTIFIC RESEARCH, FOR RELOCATION PERMITTED IN ACCORDANCE WITH RULES OF THE DIVISION OR FOR MEDICAL TREATMENT OF THE ANIMAL BEING CAPTURED AS PERMITTED BY SECTION 33-6-206(1)(a), (1)(c), OR (1)(d);

35 (E) ANY ACT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION IF AUTHORIZED BY THE COMMISSIONER OF AGRICULTURE PURSUANT TO
36 SECTION 35-40-101 TO CONTROL DEPREDATING ANIMALS;

37 (F) EUTHANASIA OF AN ILL OR INJURED MOUNTAIN LION, BOBCAT, OR LYNX, DONE FOR HUMANE REASONS, BY A PERSON LICENSED TO
38 PRACTICE VETERINARY MEDICINE UNDER THE COLORADO VETERINARY PRACTICE ACT, ARTICLE 315 OF TITLE 12;

39 (G) ANY ACT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION IF IT WAS CONDUCTED PURSUANT TO A SPECIAL LICENSE ISSUED BY THE
40 DIVISION OF PARKS AND WILDLIFE UNDER SECTION 33-4-102(2)(a), 2(i), OR (13); OR

41 (H) ANY ACT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION IF IT WAS CONDUCTED BY AN EMPLOYEE OR CONTRACTOR OF A FEDERAL,
42 STATE, COUNTY, CITY AND COUNTY, OR MUNICIPAL DEPARTMENT OF HEALTH FOR THE PURPOSE OF PROTECTING HUMAN HEALTH OR
43 SAFETY PURSUANT TO SECTION 33-6-205.

44 (b) "PURSUING" MEANS FOLLOWING OR CHASING IN ORDER TO ATTACK, ENTRAP, WOUND, OR KILL, INCLUDING, BUT NOT LIMITED TO,
45 USING ONE OR MORE DOGS IN SUCH ACT.

46 (3) TROPHY HUNTING OF ANY MOUNTAIN LION, BOBCAT, OR LYNX IS UNLAWFUL.

47 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS 1
48 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

49 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON CONVICTED OF ANY OFFENSE UNDER THIS SECTION WHO HOLDS A
50 WILDLIFE LICENSE SHALL NOT BE ABLE TO HOLD OR EXERCISE THE PRIVILEGES OF SUCH A LICENSE FOR FIVE YEARS.

51 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON CONVICTED OF TWO OR MORE OFFENSES UNDER THIS SECTION IS
52 PROHIBITED FROM HOLDING OR EXERCISING THE PRIVILEGES OF SUCH A LICENSE FOR LIFE.

53 **SECTION 2.** In Colorado Revised Statutes, 33-4-102, **amend** (1.4)(s) as follows:

54 **33-4-102. Types of licenses and fees - rules.** (1.4) Except as otherwise provided in subsections (1.5) and (1.6) of
55 this section, the division may issue the following resident and nonresident licenses and shall collect the following
56 fees:

	Fees	
	Resident	Nonresident
59 (s) Mountain lion	48.00	660.00

60 **SECTION 3.** In Colorado Revised Statutes, 33-6-107, **amend** (9) as follows:

61 **33-6-107. Licensing violations – penalties – rule.** (9) For the purposes of this section, any person, any member
62 of such person's family, or any employee of the person may hunt, trap, or take black-billed magpies, common
63 crows, starlings, English or house sparrows, common pigeons, coyotes, ~~bobcats~~, red foxes, raccoons, jackrabbits,
64 badgers, marmots, prairie dogs, pocket gophers, Richardson's ground squirrels, rock squirrels, thirteen-lined
65 ground squirrels, porcupines, crayfish, tiger salamanders, muskrats, beavers, exotic wildlife, and common
66 snapping turtles on lands owned or leased by the person without securing licenses to do so, but only when such
67 wildlife is causing damage to crops, real or personal property, or livestock. Any person may kill skunks or
68 rattlesnakes when necessary to protect life or property. The pelts or hides of any mammals taken under this
69 subsection (9) may be transferred, possessed, traded, bartered, or sold by a person who holds an appropriate
70 small game license.

71 **SECTION 4.** In Colorado Revised Statutes, 33-6-109, **amend** (3)(c) as follows:

72 **33-6-109. Wildlife – illegal possession.** (3) A person who violates subsection (1) or (2) of this section is guilty of
73 a misdemeanor and, depending upon the wildlife involved, shall be punished upon conviction by a fine or
74 imprisonment, or both, and license suspension points or suspension or revocation of license privileges as follows:

75 (c) For each elk, bear, moose, LYNX, BOBCAT, or mountain lion, a fine of one thousand dollars and an assessment of
76 fifteen points.

77 **SECTION 5.** In Colorado Revised Statutes, 33-6-110, **amend** (1)(a) and (c) as follows:

78 **33-6-110. Division action to recover possession and value of wildlife unlawfully taken.** (1) The division may
79 bring and maintain a civil action against any person, in the name of the people of the state, to recover possession
80 or value or both possession and value of any wildlife taken in violation of articles 1 to 6 of this title. A writ of
81 replevin may issue in such an action without bond. No previous demand for possession shall be necessary. If
82 costs or damages are adjudged in favor of the defendant, the same shall be paid out of the wildlife cash fund.
83 Neither the pendency of such civil action nor a criminal prosecution for the same taking shall be a bar to the
84 other; nor shall anything in this section affect the right of seizure under other provisions of articles 1 to 6 of this
85 title. The following shall be considered the minimum value of the wildlife unlawfully taken or possessed and may
86 be recovered in addition to recovery of possession of the wildlife:

87 (a) For each eagle, member of an endangered species, rocky mountain goat, moose, rocky mountain bighorn
88 sheep, MOUNTAIN LION, BOBCAT, or lynx...\$1,000

89 (c) For each pronghorn, deer, OR black bear ~~or mountain lion~~...\$500

90 **SECTION 6.** In Colorado Revised Statutes, 33-1-102, **amend** (2) as follows:

91 **33-1-102. Definitions.** (2) "Big game" means elk, white-tailed deer, mule deer, moose, rocky mountain bighorn
92 sheep, desert bighorn sheep, rocky mountain goat, pronghorn antelope, black bear, ~~mountain lion~~, and all
93 species of large mammals that may be introduced or transplanted into this state for hunting or are classified as
94 big game by the commission.

95 **SECTION 7. Effective date - applicability.** This measure shall be effective on and after the date it is declared by
96 proclamation of the governor to have been adopted by voters and shall apply to offenses committed on or after
97 the effective date.