



Animal Law Program
UNIVERSITY OF DENVER

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Attorney

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Colorado Parks & Wildlife Commissioner (*Speaking as an individual and not representing the Commission at large*)

Re: Queries, in my capacity as an attorney steeped in wildlife law, about the legal effects of Amendment 83 and hunting and related outdoor activities

Hunting and fishing are already lawful in Colorado and firmly anchored in state statute. Title 33, the legal code governing parks and wildlife, declares that “the state shall utilize hunting, trapping, and fishing as the primary methods of effecting necessary wildlife harvests.”¹ Amendment 83 would not change that. Instead, it would embed vague, undefined language such as “traditional methods,” “preferred means,” “sound scientific” limits, directly into the Colorado Constitution, handing courts the power to decide what those terms mean and inviting litigation that would drain resources from the very agency charged with managing wildlife and taking away authority of members of the Colorado Parks & Wildlife Commission, state lawmakers, and voters.²

The central problem is not that the amendment protects hunting. It is that the terms it uses are so open-ended that no one can predict how courts will apply them. The measure offers no baseline for determining which practices qualify as “traditional” or what evidence would satisfy its science exception. Once undefined constitutional language takes root, attorneys and judges, not wildlife biologists, not the legislature, not the Colorado Parks and Wildlife Commission, become the ultimate arbiters of wildlife policy. That shift from administrative expertise to judicial interpretation is the real danger.

This is not hypothetical. Hunting and trapping organizations have a track record of challenging state wildlife decisions in court. Safari Club International, for instance, has previously sued the Colorado Parks and Wildlife Commission, and put it on notice of legal deficiencies,³ over judgements it opposed.⁴ On August 17, 2026, Safari Club International contributed \$30,000 in

¹ C.R.S. § 33-1-101 (2026).

² Amendment 83 (2026), formerly Proposed Initiative 2025-2026 #302, Constitutional Right to Hunt and Fish, final text at <https://www.coloradosos.gov/pubs/elections/Initiatives/titleBoard/filings/2025-2026/302Final.pdf>.

³ SAF and SCI Issue Formal Legal Warning to Colorado Commission: <https://sportsmensalliance.org/news/saf-and-sci-issue-formal-legal-warning-to-colorado-commission/>

⁴ Safari Club International personally named the author as an individual commissioner in a SLAPP suit (Strategic Lawsuit Against Public Participation) alleging violation of Colorado’s Open Meetings Law for her support of an op-ed backing Proposition 127, a ballot initiative that would have banned the hunting of mountain lions and trapping of bobcats, in October 2024. Opponents of the ballot measure were angered by her support and decided to take issue with the fact that both she and Jack Murphy, a fellow commissioner, signed onto the op-ed, which was drafted by neither. She never communicated with

cash to “VOTE YES ON 83.”⁵ An out-of-state trophy hunting organization spending heavily to constitutionalize its preferred management approach should give every Coloradan pause, particularly when the measure’s ambiguity would give that same organization new constitutional grounds to challenge any restriction it dislikes.

The financial consequences for Colorado Parks and Wildlife (CPW) would be serious. Declaring hunting and fishing the “preferred means” of wildlife management is not merely aspirational. Courts routinely weigh constitutional preferences when reviewing government action, and this amendment could compel CPW to justify using nonlethal tools whenever hunting could arguably substitute, constraining the agency’s ability to manage adaptively. Worse, the inevitable litigation would be paid out of the Wildlife Cash Fund. As the Commission learned during its September 2026 financial update, CPW is an agency client that hires attorneys from the Department of Law and pays them from the Wildlife Cash Fund, which finances the majority of the state’s wildlife management, conservation, and research operations. That fund is sustained primarily by hunting and fishing license revenue. CPW reports that 68% of its wildlife revenue comes from licenses, passes, fees, and permits.⁶ If Amendment 83 passes, money from those licenses, money that currently funds agency staff, habitat conservation, and hunting programs, could be redirected toward defending lawsuits. The amendment would not generate any new funding; it would only create new legal costs borne by the hunters and anglers it claims to protect.

Consider, too, how this could disrupt routine agency decisions. At its September 2026 meeting, the Commission discussed preference point fees and changes to the draw system for limited licenses, including new non-resident allocation caps set to take effect in 2028.⁷ These are administrative and revenue mechanisms, not restrictions on the right to hunt, but under Amendment 83’s vague standards, even routine fee structures or allocation rules could face constitutional challenges. Would CPW need to document the “science” behind a preference point fee? Could a new fee be framed as discouraging participation and therefore conflicting with the amendment’s intent? The fact that these questions cannot be answered is itself the problem. Every management decision could require additional legal review, adding overhead and cost to an agency already navigating complex revenue trade-offs.

The amendment also conflicts with the North American Model of Wildlife Conservation, the framework that CPW itself follows.⁸ The Model rests on principles that Amendment 83 would undermine: wildlife held in public trust for all residents and visitors, not just one stakeholder group; allocation of wildlife by law through democratic processes, rather than a permanent constitutional preference; and science as the basis for management decisions, adaptable as

Commissioner Murphy about the op-ed or any other commission business. Through its CORA requests (state records requests), Safari Club International found no communications between her and Commissioner Murphy and decided to settle. This case was an attack on free speech and an intimidation tactic, i.e. a SLAPP suit. Agreeing to a settlement was not an admission of guilt, but rather a way of preserving funding for wildlife conservation (legal fee payment system described later in this opinion), which Safari Club International seemed intent on wasting through litigation.

⁵ Campaign finance records available at <https://tracer.sos.colorado.gov/PublicSite/SearchPages/ContributionSearch.aspx> (searching “Safari Club International”).

⁶ Colorado Parks & Wildlife, <https://cpw.state.co.us/funding-colorado-parks-and-wildlife#4257225834-2043701162>.

⁷ Colorado Parks & Wildlife, Commission Preference Point Fee Memo (Aug. 20, 2026), https://cpw.state.co.us/sites/default/files/dam/ayf0q715yp/item.16_commission-preference-point-fee-memo_main.pdf; see also Colorado Parks & Wildlife, Primary Draw, <https://cpw.state.co.us/activities/hunting/big-game/primary-draw>.

⁸ Colorado Parks & Wildlife, <https://cpw.state.co.us/conservation/north-american-model-of-wildlife-conservation>.

habitats, populations, disease, and technology change over time. Amendment 83 would elevate one set of stakeholders above the broader public interest, duplicate protections that already exist in Colorado law, and reduce the flexibility that professional wildlife management demands.

Colorado's history shows why that flexibility matters. Voters have repeatedly revisited which wildlife practices they are willing to tolerate, banning bear baiting and hounding and spring bear hunting in 1992,⁹ and restricting leghold traps, poisons, and snares in 1996.¹⁰ Amendment 83 would give the current preferences of a minority of Coloradans, and powerful out-of-state interests, constitutional force, obstructing future democratic debate. Ballot initiatives on trapping, trophy hunting, fur commercialization, or new protections for bears, bobcats, and mountain lions could all face constitutional challenges under the amendment's undefined standards.

Colorado's species are facing unprecedented effects of climate change, habitat loss, disease, lack of food and water, and more. New threats that we could never have conceived of are emerging, like AI and its associated data centers, and they will persist. Meeting them requires thoughtful, innovative, and strategic tools for coexistence, and detailed wildlife policy belongs with professional wildlife leaders, statutes, and regulations that can progress, rather than being permanently anchored into the Colorado Constitution for attorneys and judges to squabble over. If Amendment 83 passes, vital wildlife management decisions, made during a human-driven sixth mass extinction, will not rest with the experts who have dedicated their careers to ensuring Colorado's species thrive for generations to come. They will rest with whoever has the most convincing attorney, the most money to subsidize litigation, and the judge tasked with deciding the case that day. Now is the time for selfless governance that reflects the changing values of the people of Colorado.

Amendment 83 is not a safeguard for hunting. It is an attempt by out-of-state interests to constitutionalize their preferred management philosophy, at the cost of agency resources, democratic process, and the adaptive, science-based governance that Colorado's wildlife needs.

Respectfully submitted,



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⁹ Ballotpedia, [https://ballotpedia.org/Colorado_Amendment_10,_Limitations_on_Black_Bear_Hunting_Initiative_\(1992\)](https://ballotpedia.org/Colorado_Amendment_10,_Limitations_on_Black_Bear_Hunting_Initiative_(1992)).

¹⁰ Ballotpedia, [https://ballotpedia.org/Colorado_Amendment_14,_Prohibition_of_Certain_Hunting_Methods_Initiative_\(1996\)](https://ballotpedia.org/Colorado_Amendment_14,_Prohibition_of_Certain_Hunting_Methods_Initiative_(1996)).