Issue:	Should the Commission adopt a rule prohibiting the sale of furbearer fur?

Discussion (Facts and figures, explanation of issue):

Summary: In March 2026, the Commission voted (6-4) to initiate rulemaking to consider a ban on the sale of fur obtained from game furbearer species taken by avocational sportspersons in Colorado. This issue paper responds to the Commission's request that the Division develop regulatory proposals for consideration.

The attached memo contains an in-depth analysis of Alternative 2 (prohibiting the sale of "fur products") and Alternative 3 (prohibiting the sale of "raw pelts"). Alternative 1 is status quo, no regulatory changes.

Alternative 2 prohibits the sale of "fur products" with exceptions. Alternative 2 defines "fur product" as "the pelt, hide or any part thereof, of a furbearer taken from the wild in the State of Colorado, and any tangible thing made from such a furbearer or its parts." The draft rule for Alternative 2 contains numerous exceptions, including exceptions for the sale of fur products where the animal was taken pursuant to the Colorado Department of Agriculture's authority under Title 35, where the animal was taken pursuant to section 33-6-107(9), C.R.S., and for Tribal uses, among others.

Alternative 3 prohibits the sale of "raw pelts" with exceptions. Alternative 3 defines "pelt" as "the skin of a furbearer, or any part thereof, with the pelage intact with the skin." And, Alternative 3 defines "raw pelt" as "the pelt of a furbearer taken in the State of Colorado which has not been tanned." Alternative 3 authorizes the sale of tanned pelts. Alternative 3 only has exceptions for animals taken under Title 35 and section 33-6-107(9), and for Tribal uses.

Alternatives 2 and 3 only apply to fur sales in Colorado, meaning a sportsperson could lawfully take a game furbearer in Colorado and sell it out of state, regardless of whether it was tanned. Similarly, Alternatives 2 and 3 only apply to furbearers taken in Colorado, meaning a sportsperson could lawfully sell a furbearer in Colorado that was lawfully taken in another state, regardless of whether it was tanned.

Alternatives 2 and 3 have similar enforcement challenges. For the reasons stated in the Division's prior recommendation, the Division's preferred alternative is Alternative 1 (status quo).

State law requires CPW to solicit input from stakeholders that may be affected positively or negatively by the proposed rules. The following stakeholders have been advised of and invited to provide input on the regulatory changes proposed in this issue paper:

Please see Section IV of the attached memo regarding public engagement to date.

***It is assumed that all necessary internal parties have been notified*.**
Alternatives (Possible outcomes or possible regulations): 1. ***Division's Preferred Alternative*:** Status quo. No regulatory changes. 2. A prohibition on the sale of "fur products" with exceptions. 3. A prohibition on the sale of "raw pelts" with exceptions.

Issue Raised by:	Commission-initiated rulemaking
Author of the issue paper (if different than person raising the issue):	Director Clellan
CC:	

Approved for further consideration by:	Commission
Requires new space in the brochure?	Yes
Does this change comply with BGSS?	NA
Are adequate staff and funding resources available to implement?	The Division has unresolved enforcement concerns
Region, branch, or section leading implementation:	Information and Education, Field Services
Any additional regions, branches or sections involved in implementation:	NA
Recommended for consent agenda?	No

Director's Office
6060 Broadway
Denver, CO 80216

July 2, 2026

To: Colorado Parks and Wildlife Commission
From: Laura Clellan, Director, Division of Parks and Wildlife
Re: Division's response to the Commission's request for regulatory proposals to enact a rule prohibiting the sale of furbearer fur

Parks and Wildlife Commission,

In March 2026, the Commission initiated a rulemaking to consider a ban on the sale of fur obtained from wild furbearer game species taken by avocational sportspersons in Colorado. This memo responds to the Commission's request that the Division develop regulatory proposals for further consideration.

Section I of this memo discusses the background of this rulemaking, statutory considerations relevant to Alternatives 2 and 3 (regarding the property damage exception), and common elements of Alternatives 2 and 3.

Section II discusses Alternative 2 – regarding "fur products" – and includes a draft rule.

Section III discusses Alternative 3 – regarding "raw pelts" – and includes a draft rule.

Section IV discusses stakeholder engagement to date.

Section V provides a draft statement of basis and purpose.

Section VI identifies the Commission's statutory authority to adopt Alternative 2 or 3.

Section VII provides a chart showing the classification of furbearers as game, game species codified in section 33-6-107(9), C.R.S and nongame species. It also specifies which species are within the property damage exception to Alternatives 2 and 3.

I. Background, statutory considerations and common elements of Alternatives 2 and 3

A. Background

The Center for Biological Diversity (Center) filed a citizen petition for rulemaking seeking to amend Chapter W-0, #18 (Sale of Wildlife). The petition asked the Commission to adopt a rule prohibiting the sale of furbearer fur with exemptions.

The Division recommended the Commission deny the petition. The Commission rejected the Division's recommendation by voting to initiate rulemaking and directed the Division to develop this issue paper.

The draft rules for Alternative 2 and 3 are substantially different than the proposed rules included in the Center's petition and are intended to avoid the conflicts identified in the Division's prior recommendation to deny the petition. The draft rules also incorporate regulatory concepts and exemptions identified in the Division's survey of other laws on this issue.

Although the Division did not identify any example of a state wildlife agency enacting a commercial fur ban through regulation, it did identify two state statutes prohibiting the sale of fur which are discussed in Section III of this memo.[1] In addition, the Division identified similar municipal ordinances adopted by the City of Boulder, the City and County of San Francisco, West Hollywood, Ann Arbor, and six towns in Massachusetts.

B. Petitions for rulemaking

In Colorado, any interested person may file a petition for rulemaking with any state agency. § 24–4–103, C.R.S. CPW implements this right through Chapter W-16, #1606. Initiating a rulemaking need not result in the adoption of a final rule; it creates the framework enabling an agency to properly adopt a final rule, if desired. The draft rule submitted by the Center does not dictate the content of a final rule adopted by the Commission, if any.

C. Title 33's general prohibition on the sale of wildlife – § 33-6-113(1)(a), C.R.S.

Title 33 prohibits the sale of wildlife—including associated parts and products—unless doing so is authorized by a statute or Commission rule. *See* § 33-6-113(1)(a) ("Except as otherwise provided in articles 1 to 6 of this title or by rule of the commission, it is unlawful for any person to knowingly sell or purchase, or knowingly offer for sale or purchase, wildlife…."); § 33-1-102(51) (defining "wildlife" to include any part or product thereof).

There are two statutory exceptions to Title 33's general prohibition, one in CPW's Title 33 and another in Title 35, administered by the Colorado Department of Agriculture (CDA). These statutory exceptions allow specified persons to lethally remove certain furbearers causing property damage and sell the associated pelts and hides. Additionally, CPW has a longstanding regulation containing an additional exception

[1] *See* Cal. Fish & Game Code § 3003.1(voter-approved statutory change stating "It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit … the raw fur … of any fur-bearing mammal…."); Wash. Rev. Code. § 77.15.194 (voter-approved statutory change stating it is unlawful to "buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap….").

allowing the sale of nonedible portions of wildlife, including furbearer pelts and hides, Chapter W-0, #18 (Sale of Wildlife).

1. The Title 33 (CPW) statutory exception to the general prohibition

The CPW exception, codified in section 33-6-107(9), allows private landowners to lethally remove certain furbearers causing property damage and sell the associated pelts and hides. The CPW exception states:

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

The bolded species above identify nine game furbearer species listed in Chapter W-3, #300.B, including striped skunks and western spotted skunks. Eastern spotted skunks and common hog-nosed skunks are specified in Chapter W-10 as nongame wildlife and cannot be taken pursuant to section 33-6-107(9). Neither Alternative 2 or 3 authorize the removal or sale of eastern spotted skunks or common hog-nosed skunks. *See* § 33-2-104 (“Except as provided in regulations issued by the commission, it is unlawful for any person to take … [or] sell … nongame wildlife”).

2. The Title 35 (CDA) statutory exception to the general prohibition

The CDA exception, codified in section 35-40-101(2)(c), applies to owners of agricultural products or resources and their families, employees and agents (collectively, Agricultural Producers). Agricultural Producers may transfer, possess, trade, barter, or sell the pelts and hides of certain furbearers without a license, but only if they qualify as a “depredating animal” under Title 35 *and* the animal is listed in section 33-6-107(9). The CDA exception states:

> (1) It is the duty of the commissioner to control depredating animals within the state of Colorado to reduce economic losses to agricultural products or resources…. The commissioner has exclusive jurisdiction, as described in this article, over the control of depredating animals.

(2) The commissioner may take such steps as are necessary to carry out this part 1, including:

…

(c) Allowing state employees and owners of agricultural products or resources and their families, employees, agents, and identified designees to control depredating animals. Any bears or mountain lions taken by identified designees shall remain the property of the state. The license requirements of section 33-6-107(9), C.R.S., shall not apply to this article; except that the identified designee shall possess a small game or furbearer license.

See also, § 35-40-100.2(1) ("'Animal' means coyotes, foxes, bobcats, bears, mountain lions, wolves, beavers, muskrats, raccoons, opossums, and striped skunks and any animals identified by rule promulgated by the commissioner and approved by the parks and wildlife commission.") and § 35-40-100.2 (4) ("'Depredating animal' means any animal, animals, or group of animals that pose a threat to an agricultural product or resource.").

The CPW exception and the CDA exception are overlapping but materially different. Their interaction is discussed in more detail below in the section regarding "Exclusion of trade in furbearers taken under existing state statutes."

3. CPW has allowed the sale of fur for over 40 years; the petition

Since at least 1985, CPW has had a regulation generally allowing the sale of nonedible portions of wildlife, including furbearer pelts and hides. *See* Chapter W-0, #18 ("any person may sell, barter or trade nonedible portions of wildlife (fur, feathers, hides, hair, teeth, claws, hooves, horns, antlers, skulls and bones) which were legally taken or acquired.").

The Center's petition for rulemaking seeks to amend Chapter W-0, #18 to generally prohibit the sale of furbearer fur.

D. Common elements of Alternatives 2 and 3

The similarities between Alternatives 2 and 3 are discussed here.

1. Revised definition of "furbearer" in Chapter W-3, #300.B

Alternatives 2 and 3 both propose a change to CPW's regulatory definition of "furbearer." The current rule, codified in W-3, #300.B, is illustrative and contains references to commercial value. Either alternative would revise W-3, #300.B to exhaustively identify 17 furbearer game species and remove the reference to commercial value as follows:

"'Furbearers' means ~~those species with fur having commercial value and which provide opportunities for sport harvest including~~ mink, pine marten, badger, red fox, gray fox, swift fox, striped skunk, western spotted skunk, beaver, muskrat, long-tailed weasel, short-tailed weasel, coyote, bobcat, opossum, ring-tailed cat and raccoon."

The revised regulatory definition of furbearer would apply to all references to "furbearer(s)" in CPW's regulations, including the proposed commercial fur ban. "Furbearer" is not defined in Title 33, but Title 33 does list "furbearer license" as an available license in section 33-4-102(1.4)(h). *See also* Chater W-0, Appendix F (listing resident and nonresident furbearer licenses).

2. Delayed effective date

All regulatory examples surveyed by the Division delayed the effective date of a commercial ban for months to several years. Such a delay allows for the sale of previously acquired stock and allows all affected persons to adjust their business practices. Here, the Division proposes delaying the effective date of Alternative 2 or 3 to January 1, 2028. A delayed effective date takes into consideration the preparation of CPW's related publications and brochures and will allow for appropriate public education.

3. Exclusion of trade in furbearers taken under existing state statutes

As discussed in the Division's recommendation to deny the petition, an overly broad ban would conflict with the statutes codifying the CPW exception and CDA exception. Neither Alternative 2 nor 3 would prohibit the trade of twelve game furbearer species under the circumstances described in 35-40-101(2)(c) or section 33-6-107(9), relating to the protection of property (the property damage exception).

The CDA exception and the CPW exception authorize the sale of specified furbearers that have been lethally removed for causing damage to private property. The two statutes substantially overlap because they both allow the lethal removal and sale of certain furbearers causing property damage. The two statutes are materially different, however, because the lists of species in the statutes are not perfectly aligned for badger, fox, skunk and opossum. The draft rules attempt to reconcile these differences in a manner that reduces enforcement challenges and, where necessary, gives appropriate deference to CDA's "exclusive jurisdiction … over the control of depredating animals." § 35-40-101(1).

Badgers – Badgers are listed in the CPW exception but not the CDA exception. The draft rules allow the sale of badgers removed for causing damage to private property because it would be challenging from an enforcement perspective to discern whether only section 33-6-107(9) applied to the removal of a badger (and the sale would be lawful) or whether only section 35-40-101(2)(c) applied (and the sale would be unlawful).

Skunks – The CPW exception identifies “skunks” generally and does not expressly identify subspecies. The CDA exception refers only to striped skunks. There are four subspecies of skunk in Colorado, two of which are nongame species. The draft rules allow for the sale of striped skunks and western spotted skunks removed for causing damage to private property because they are both game species and due to the general use of “skunks” in section 33-6-107(9). The sale of common hog nose skunks and eastern spotted skunks is prohibited by current law because they are nongame species and are not specifically identified in either the CDA exception or the CPW exception.

Foxes – The CDA exception identifies “foxes” generally and does not expressly identify subspecies. The CPW exception refers only to red foxes. There are four subspecies of fox in Colorado, one of which is a nongame species (kit fox). The draft rules allow for the sale of gray foxes, red foxes and swift foxes, which are all game species, in deference to CDA’s exclusive jurisdiction over the control of depredating animals. Further absent such an allowance it would be challenging from an enforcement perspective to discern whether only the CDA exception applied to the removal of gray foxes or swift foxes (and the sale would be lawful) or whether only the CPW exception applied (and the sale would be unlawful). The sale of kit foxes is prohibited by current law because they are a nongame species and are not specifically identified in either statutory exception.

Opossum – The CDA exception identifies opossum and the CPW exception does not. The draft rules allow for the sale of opossum in deference to CDA’s exclusive jurisdiction over the control of depredating animals. Further absent such an allowance it would be challenging from an enforcement perspective to discern whether only the CDA exception applied (and the sale would be lawful) or whether only the CPW exception applied (and the sale would be unlawful).

Given these considerations, the draft rules for Alternative 2 and Alternative 3 propose a property damage exception stating:

> This rule does not apply to any badger, beaver, bobcat, coyote, gray fox, muskrat, opossum, raccoon, red fox, striped skunk, swift fox or western spotted skunk or any part thereof that was taken under the circumstances described in the Predatory Animal Control Act, §§ 35–40–100.2 to 35–40–207, C.R.S., or section 33-6-107(9), C.R.S.

4. Tribal use

Most municipal regulatory examples surveyed by the Division include an exception recognizing the sale or barter of fur for traditional tribal, cultural, and spiritual purposes. The Division thinks it is appropriate to include a tribal use exception, which is subject to change pending ongoing Tribal consultations as discussed in Section IV.

II. Alternative 2: Prohibiting the sale of “fur products”

This section discusses the unique attributes of Alternative 2 – regarding “fur products” – and includes a draft rule.

Definition of “fur product” – The municipal regulatory examples reviewed by the Division operate to ban commercial trade in a defined "fur product," which itself has certain exceptions. Here, the Division has similarly defined “fur product” and limited the definition to the 17 species of furbearers specifically listed in revised Chapter W-3, #300.B. The Division has further limited the definition of fur product to goods made only from furbearers taken from the wild in Colorado.

Broadened petition exceptions – The petition included three proposed exceptions for: (1) “handtied fishing flies sold as a finished product;” (2) “felted fur Western hats, provided that such hats are crafted using heritage techniques like wet felting that promote sustainability and cultural craftmanship;” and (3) “fur and fur-derived materials” sold “for the purposes of scientific research, education, or museum collections.”

The Division’s recommendation to deny the petition explained why these specific proposals were problematic. However, the Division proposes to include similar exceptions that do not conflict with the current statutory framework, present fewer enforcement issues, and avoid CPW having to regulate matters outside of its expertise, such as what hat manufacturing techniques qualify as “heritage” or “promote sustainability and cultural craftsmanship.”

Additional exceptions – The Division has proposed numerous additional exceptions found in the regulatory examples.

DRAFT RULES PROHIBITING THE SALE OF FUR PRODUCTS (ALTERNATIVE 2)

Insert text below. Deletions shown in ~~strikethrough~~.

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Chapter 0, #018 - Sale of Wildlife

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

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

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

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

2. Prohibition on the sale of fur products

a. Definitions:

i. “Fur product” means the pelt, hide or any part thereof, of a furbearer taken from the wild in the State of Colorado, and any tangible thing made from such a furbearer or its parts.

ii. “Sell” has the meaning provided in section 33-1-102(4), C.R.S. (“‘Sell’ includes bartering, exchanging, trading, or giving or offering a gift and each such transaction made by any person whether as principal proprietor, agent, servant, or employee with or without remuneration.”).

b. Beginning January 1, 2028, it shall be unlawful for any person to knowingly sell fur products in the State of Colorado.

c. This rule does not apply to any badger, beaver, bobcat, coyote, gray fox, muskrat, opossum, raccoon, red fox, striped skunk, swift fox or western spotted skunk or any part thereof that was taken under the circumstances described in the Predatory Animal Control Act, §§ 35–40–100.2 to 35–40–207, C.R.S., or section 33-6-107(9), C.R.S.

d. This rule does not apply to selling fur products where the seller, buyer or offeror has an objectively reasonable basis to believe the fur products will be used:

i. By an enrolled member of a federally recognized tribe; this rule also does not alter existing rights to sell, barter or trade furbearers or furbearer parts provided under federal Indian law, including the Brunot Agreement. [placeholder]

ii. For purposes of making artificial flies or lures;

iii. For purposes of taxidermy;

iv. For purposes of making apparel;

v. For purposes of scientific research, education, or public museum collections;

vi. For purposes of making leather or other products where the pelage is completely removed;

vii. By non-profit organizations, and

viii. As authorized by federal law.

Chapter W-3, #300 – Definitions

…

B. **"Furbearers"** means ~~those species with fur having commercial value and which provide opportunities for sport harvest including~~ mink, pine marten, badger, red fox, gray fox, swift fox, striped skunk, western spotted skunk, beaver, muskrat, long-tailed weasel, short-tailed weasel, coyote, bobcat, opossum, ring-tailed cat and raccoon.

III. Alternative 3: Prohibiting the sale of "raw pelts"

This section discusses the unique attributes of Alternative 3 – regarding "raw pelts" – and includes a draft rule.

Alternative 3 creates definitions for "pelt" and "raw pelt." A "pelt" is the skin of a furbearer, or any part thereof, with the pelage intact with the skin. A "raw pelt" is "the pelt of a furbearer taken in the State of Colorado which has not been tanned." Alternative 3 prohibits the sale of raw pelts, meaning pelts that haven't been tanned.

Tanning furbearer pelts converts raw skin into a soft, supple, and durable leather while preserving the fur. Prior to being tanned, pelts must be skinned, fleshed and cured. Smallidge, S. (2012), *How to Prepare Pelts,* New Mexico State University Cooperative Extension Service (Guide L-101).

Alternative 3 is designed to undermine the profit margin of commercial fur sales by preventing individual fur harvesters from selling raw pelts that would otherwise be tanned by another party, potentially overseas. Under Alternative 3, such harvesters can still sell pelts, but only if they incur the burden and expense of tanning them, either personally or through a commercial tannery. If adopted, Alternative 3 would further the Commission's goal of removing the commercial incentive to take wildlife and would also preserve avocational fur harvesters' ability to sell tanned furbearer pelts.

Alternative 3 is a compromise of sorts, intended to preserve the history and tradition of tanning furbearer fur, which "requires time and patience. No tanning formula is foolproof, and success can be attained only through hard work, close observation, care and patience." Boren, J. (2009), *Tanning Deer Hides and Small Fur Skins,* New Mexico State University Cooperative Extension Service (Guide L-103). Preserving the opportunity to sell tanned fur, particularly for novice and youth harvesters, furthers the state's interest in "[i]ncreasing the number of hunters and anglers in Colorado in the face of national declines." Senate Bill 18-143, § 2 (Hunting, Fishing, and Parks for Future Generations Act), *see also,* § 33-4-102(1.5)(c) (authorizing CPW to discount wildlife licenses for recruitment purposes).

Alternative 3 only prohibits the sale of pelts or skins with pelage attached. This means that fur can be sold separately if shorn from the hide and that skin can be sold separately if it doesn't include the fur, regardless of whether it is tanned. Enabling harvesters to sell these two products separately reduces the need to create exceptions

for final products that rely only on the skin or the fur, such as finished leather products or felt. In that sense, Alternative 3 has built-in exceptions that don't need to be codified in rule.

Alternative 3 is patterned after the two state statutes identified in the first footnote of this issue paper. Both were codified as a result of successful ballot initiatives, which are discussed in detail below.

California Proposition 4 (1998)

In 1998, California voters approved Proposition 4, a statutory ballot initiative. Proposition 4 prohibited the use of body gripping traps for purposes of taking furbearers for "recreation or commerce." Proposition 4 also prohibited the sale of "raw fur" of any furbearer taken with a body gripping trap. Read together, these prohibitions banned the use of body gripping traps and banned the sale of raw fur from animals taken with such traps. The initiative relied on the existing statutory definition of "raw fur" which was defined as "any fur, pelt, or skin which has not been tanned or cured, but salt or sun cured pelts are raw furs." Cal. Fish & G. Code § 4005 (1998). The voter guide discussing the initiative is available here.

Alternative 3 differs from California Proposition 4 by turning *solely* on whether the pelt was tanned, whereas Proposition 4 allows the sale of tanned or cured fur, so long as the pelt wasn't salt cured or sun / air cured. Based on the Division's research, salt curing and sun / air curing are the only means of curing pelts, *see* Smallidge, S. (2012), so the Proposition 4 definition seems illogical and unnecessarily complicated. Alternative 3 narrows the wording of the exception by prohibiting the sale of pelts that have been cured (regardless of the curing method). Doing so eliminates the illogical text of Proposition 4 and should aid in enforcement because a tanned hide is readily identifiable due to its soft texture.

Washington Initiative Measure 713 (2000)

In 2000, Washington voters approved Invitiative Measure 713, a statutory ballot initiative that is nearly identical to California Proposition 4, now codified at Wash. Rev. Code § 77.15.194 ("It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.").The voter guide discussing the initiative is available here.

DRAFT RULES PROHIBITING THE SALE OF RAW PELTS (ALTERNATIVE 3)

Insert text below. Deletions shown in ~~strikethrough~~.

Chapter 0, #018 - Sale of Wildlife

A. Except as prohibited by Federal law or regulations of the ~~Wildlife~~ Commission, any person may sell, barter or trade nonedible portions of wildlife (fur, feathers,

hides, hair, teeth, claws, hooves, horns, antlers, skulls and bones) which were legally taken or acquired.

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

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

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

B. Prohibition on selling raw pelts of furbearers; definitions

1. Definitions

a. “Pelt” means the skin of a furbearer, or any part thereof, with the pelage intact with the skin.

b. “Raw pelt” means the pelt of a furbearer taken in the State of Colorado which has not been tanned.

c. “Sell” has the meaning provided in section 33-1-102(4), C.R.S. (“‘Sell’ includes bartering, exchanging, trading, or giving or offering a gift and each such transaction made by any person whether as principal proprietor, agent, servant, or employee with or without remuneration.”).

2. Beginning January 1, 2028, it shall be unlawful for any person to knowingly sell the raw pelt of any furbearer in the State of Colorado.

3. This rule does not apply to any badger, beaver, bobcat, coyote, gray fox, muskrat, opossum, raccoon, red fox, striped skunk, swift fox or western spotted skunk or any part thereof that was taken under the circumstances described in the Predatory Animal Control Act, §§ 35–40–100.2 to 35–40–207, C.R.S., or section 33-6-107(9), C.R.S.

4. This rule does not apply to the sale, barter or trade of raw pelts or furbearers or any part thereof by an enrolled member of a federally recognized tribe; this rule also does not alter existing rights to sell, barter or trade furbearers or furbearer parts provided under federal Indian law, including the Brunot Agreement. [placeholder]

*****

Chapter W-3, #300 – Definitions

…

B. **"Furbearers"** means ~~those species with fur having commercial value and which provide opportunities for sport harvest including~~ mink, pine marten, badger, red fox, gray fox, swift fox, striped skunk, western spotted skunk, beaver, muskrat, long-tailed weasel, short-tailed weasel, coyote, bobcat, opossum, ring-tailed cat and raccoon.

IV. Stakeholder engagement to date

EngageCPW

The Division initiated stakeholder engagement to help develop this issue paper. Between April 7 and May 3, 2026, members of the general public were able to provide feedback on the petition through EngageCPW. CPW also specifically invited a diverse set of organizations to provide comments through EngageCPW, including hunting, angling and trapping organizations, nonconsumptive organizations and business groups engaged in the fur trade.

The Division also engaged the Wildlife and Habitat Roundtable and Sportsperson's Roundtable on the topic through facilitated discussions and input gathering.

An overview of the initial stakeholder feedback the Division received via EngageCPW is included in a separate memo in the meeting materials.

Analysis of initial stakeholder feedback regarding enforcement concerns and sealing

The Division's recommendation to deny the petition states that enforcement of a commercial ban would be "virtually impossible" because the Division could not distinguish between sales prohibited under the petition's desired rule from the sales permitted under Title 35 or section 33-6-107(9). Recommendation, p. 13/14.

Some commentors in favor of the petition contend that CPW could ameliorate its enforcement concerns by requiring any of the species taken pursuant to section 35-40-101(2)(c) to be sealed. But the relevant statutes foreclose such an approach.

Section 33-6-107(9) provides that the specified furbearer species doing damage to private property can be sold if the person removing such species obtains a small game license. Title 35 refers to this obligation as the "license requirements" of Section 33-6-107(9).

Title 35 waives the "license requirements" of section 33-6-107(9) for depredating animals. This means that Agricultural Producers can lawfully transfer, possess, trade,

barter, or sell the pelts or hides of most depredating animals without a license if taken under CDA's title 35 authority.

"Seal" and "license" are synonymous under Title 33. *See* 33-1-102(27) ("'License', with regard to activities governed by articles 1 to 6 of this title 33, means a permit, stamp, card, certificate, tag, **seal**, preference point, or other document provided for by statute or commission rule and issued or required by the division authorizing the hunting, fishing, trapping, taking, transportation, or possession of wildlife or other activity for which express authorization is required by articles 1 to 6 of this title 33.").

Because Agricultural Producers can remove depredating animals pursuant to Title 35 without a license and because license and seal are synonymous under Title 33, the Commission cannot adopt a rule requiring Agricultural Producers to have the pelts or hides of depredating animals that are furbearers sealed.

Tribal Consultation

The Division is also engaged in ongoing consultations with the Ute Mountain Ute Tribe and Southern Ute Indian Tribe.

On April 13, 2026, the SUIT provided a letter to the Division expressing concerns with the petition. The letter states, among other things, that the Tribe "opposes any effort to ban commercial sale, barter, or trade of furs by Tribal members. Any ban imposed upon Tribal members infringes upon Tribal rights and sovereignty." The Division had a formal consultation meeting with the SUIT on May 27, 2026.

On May 1, 2026, the UMUT provided a letter to the Division expressing concerns with the petition. The letter states, among other things, that any CPW commercial fur ban regulation "must comprehensively recognize the Tribe's hunting rights, including the commercial sale of furs." The Division formally consulted with the UMUT on June 22, 2026.

The Division intends to continue to consult with the SUIT and UMUT throughout this rulemaking.

V. Draft statement of basis and purpose

The draft statement of basis and purpose below applies equally to Alternatives 2 and 3, with one exception. The second to last bracketed paragraph should be added only if the Commission adopts Alternative 3.

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Purpose of the revised rules

The revised rules rest on the Commission's policy determination that allowing a financial incentive promoting the avocational take of furbearers is inconsistent with the general statutory prohibition that "it is unlawful for any person to knowingly sell or purchase, or

knowingly offer for sale or purchase, wildlife….” § 33-6-113(1)(a). Such an incentive is also inconsistent with the notion that wildlife are “the property of this state.” § 33-1-6-101(2).

The purpose of the revised rules is to guard against the Commission’s concern that financial incentives for the take of wildlife can result in the over-harvest of wildlife, particularly at the local population level. Localized overharvest undermines the opportunity for other avocational hunters and trappers to take a limited furbearer resource and decreases opportunities for non-consumptive users to enjoy wildlife related recreational opportunities, including furbearer viewing and photography.

The Commission finds that a financial incentive promoting the avocational take of furbearers is unnecessary to maintain “an adequate, flexible, and coordinated statewide system of wildlife management [or] to maintain adequate and proper populations of wildlife species….” § 33-1-106(1).

The revised rules also expressly recognize the Colorado statutes authorizing the sale of certain furbearers: section 33-6-107(9), C.R.S. and section 35-40-101(2)(c), C.R.S. Nothing in the revised rules is intended to alter or impair the authority granted under these statutes.

*[**Insert only if Alternative 3 is adopted:** The adopted rules are intended to preserve the history and tradition of tanning furbearer fur, which “requires time and patience. No tanning formula is foolproof, and success can be attained only through hard work, close observation, care and patience.” Boren, J. (2009), Tanning Deer Hides and Small Fur Skins, New Mexico State University Cooperative Extension Service (Guide L-103). Preserving the opportunity to sell tanned fur, particularly, for novice and youth harvesters, furthers the state’s interest in “[i]ncreasing the number of hunters and anglers in Colorado in the face of national declines.” Senate Bill 18-143, § 2 (Hunting, Fishing, and Parks for Future Generations Act), see also, § 33-4-102(1.5)(c) (authorizing CPW to discount wildlife licenses for recruitment purposes).]*

The revised rules strike the appropriate balance between numerous competing policy considerations and contain appropriate exceptions. The revised rules are intended to promote CPW’s sound programs of hunting and trapping of furbearers and a variety of wildlife viewing opportunities for future generations.

VI. Statutory authority for Alternative 2 or 3

The Title 33 statutes authorizing the Commission to repeal or amend the sale permissions currently codified in Chapter W-0, #18 – and effectively revert to the general prohibition codified in section 33-6-113(1)(a) – arises out of the following CPW statutes:

Section 33-6-113(1)(a), C.R.S. (Illegal sale of wildlife—penalties)

> Except as otherwise provided in articles 1 to 6 of this title or by rule of the commission, it is unlawful for any person to knowingly sell or purchase, or knowingly offer for sale or purchase, wildlife….

Section 33-1-106(1), C.R.S. (Authority to regulate taking, possession, and use of wildlife—rules)

> (1) In order to provide an adequate, flexible, and coordinated statewide system of wildlife management and to maintain adequate and proper populations of wildlife species, the commission shall have authority in this state, by appropriate rules and regulations, to: … (c) Control the exportation, importation, transportation, release, possession, sale, transfer, and donation of wildlife;

Section 33-1-104(1)(& (2), C.R.S. (General duties of commission)

> (1) The commission is responsible for all wildlife management, for licensing requirements, and for the promulgation of rules, regulations, and orders concerning wildlife programs.
>
> (2) The commission shall establish objectives within the state policy, as set forth in section 33-1-101, which will enable the division to develop, manage, and maintain sound programs of hunting, fishing, trapping, and other wildlife-related outdoor recreational activities. Such objectives shall employ a multiple-use concept of management.

These specific grants of authority should be read in conjunction with the broader statements of policy codified in CPW's Title 33, including:

Section 33-1-101, C.R.S. (Legislative declaration)

> (1) It is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors. It is further declared to be the policy of this state that there shall be provided a comprehensive program designed to offer the greatest possible variety of wildlife related recreational opportunity to the people of this state and its visitors and that, to carry out such program and policy, there shall be a continuous operation of planning, acquisition, and development of wildlife habitats and facilities for wildlife-related opportunities.
>
> (2) All wildlife within this state not lawfully acquired and held by private ownership is declared to be the property of this state. Right, title, interest, acquisition, transfer, sale, importation, exportation, release, donation, or possession of wildlife is permitted only as provided in articles 1 to 6 of this title or in any rule of the parks and wildlife commission.

Section 33-3-103(1)(a), C.R.S.(No liability for damage—when)

> It is the intent of the general assembly that the division shall use whatever proper means are available to effectively minimize depredation to livestock by coyotes and bobcats.

Section 33-9-102(2), C.R.S. (Powers and duties of commission—rules)
In addition to any other specific grant of rule-making authority, the commission may adopt or revise any rules, in accordance with article 4 of title 24, C.R.S., that the commission deems necessary or convenient to effect the purposes of, and fulfill its duties under, this title.

VII. Classification of furbearer species

	Listed in § 33-6-107(9)	Game species not listed in § 33-6-107(9)	Nongame species listed in Chapter W-10	Within the property damage exception
Badger	X			X
Beaver	X			X
Bobcat	X			X
Common Hognose Skunk			X	
Coyote	X			X
Eastern Spotted Skunk			X	
Gray Fox		X		X
Kit Fox			X	
Long-Tailed Weasel		X		
Mink		X		
Muskrat	X			X
Opossum		X		X
Pine Marten		X		
Raccoon	X			X
Red Fox	X			X
Ring-Tailed Cat		X		
Short-Tailed Weasel		X		
Striped Skunk	X			X
Swift Fox		X		X
Western Spotted Skunk	X			X