COLORADO
Parks and Wildlife
Department of Natural Resources

Director's Office
6060 Broadway • Denver, CO 80216

July 1, 2026

To: Colorado Parks and Wildlife Commission

From: Laura Clellan, Director, Division of Parks and Wildlife

Re: The Commission's request for the Division to develop a regulatory proposal to impose a daily bag limit of less than 15 animals for all furbearers

Parks and Wildlife Commission,

Summary

This memorandum discusses two alternative approaches to imposing bag limits on the avocational take of furbearers.

The Division presented the first approach to the Commission at its March meeting, which would impose a daily bag limit of 15 applicable to all 17 furbearer species. The Commission was generally critical of such an approach and asked the Division to return with an alternative proposal that imposed a daily bag limit of less than 15. The first approach remains the Division's preferred alternative.

The second approach would impose two differing bag limits depending on the species. Furbearer species identified in statute as causing damage to crops, livestock, and personal property receive a higher bag limit (8) than those not so identified (4).

Species subject to a bag limit of 8 are: badger, bobcat, beaver, coyote, muskrat, striped skunk, western spotted skunk, raccoon, and red fox.

Species subject to a bag limit of 4 are: mink, opossum, pine marten, ring-tailed cat, gray fox, swift fox, long-tailed weasel, and short-tailed weasel.

Purpose of the draft rules

The Division understands, based on the discussion held at the March 2026 Commission meeting, that the Commission's purpose in seeking to adopt bag limits for furbearer species is to:

1. Maintain social acceptance of the hunting and trapping of furbearers by addressing the perception of a regulatory gap in furbearer management.
2. Maintain social acceptance of the hunting and trapping of furbearers by addressing the perceptions that unlimited take is unethical and may deplete furbearer populations.
3. Prevent a small group of furharvesters from taking so many animals in such a short period of time that other trappers, hunters, or wildlife viewers are deprived of the opportunity to encounter furbearer species in any specific habitat or geographic area. 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 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.

Background

At the Commission's March 2026 meeting, the Division proposed a daily bag limit of 15 animals for the 17 species classified as furbearers in Colorado. The Division did so in response to sentiment from some members of the public that there was a regulatory loophole allowing unlimited, unsustainable harvest and a regulatory gap between how furbearers are managed in comparison to small game. The Division's proposal was also motivated by a desire to maintain the continuing social acceptance of the avocational take of furbearers and to minimize a change to harvest as there is no information that suggests reducing harvest is necessary to sustain adequate furbearer populations throughout their respective ranges in Colorado.

Daily bag limits would affect a small number of hunters or trappers, as the vast majority of Colorado furharvesters take only a few animals, even across the whole harvest season (CPW Furbearer Harvest Surveys, 2021-2024 and Appendix A). This is primarily due to the passage of the Constitutional Amendment 14 in 1996, which banned all trap designs for avocational harvest except the live trap (also known as cage or box traps). This restrictive law substantially reduced furbearer harvest in Colorado for the past 30 years, despite the absence of daily bag limits (Figure 1).

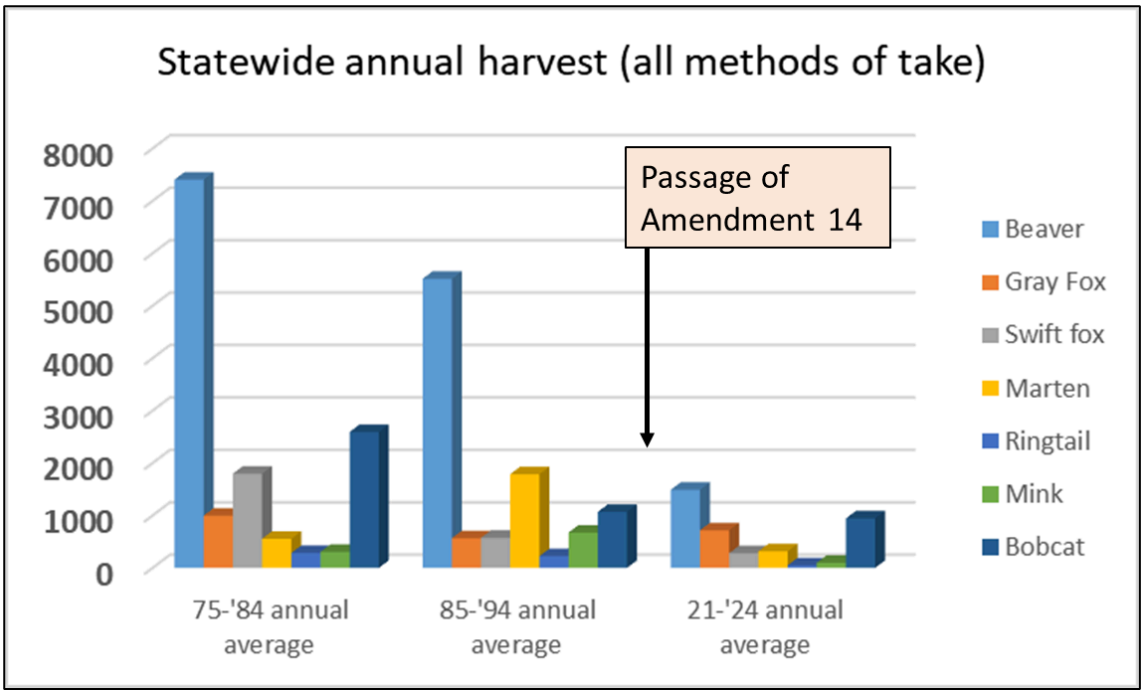


Figure 1. Historical annual furbearer harvest estimates for all methods of take produced prior to the passage of Constitutional Amendment 14 in 1996, compared with annual harvest estimates generated for the same species since the creation of the furbearer harvest permit survey approach (2021-2024). Harvest estimates in 2021-2024 have higher statistical precision than previous estimates.

During the discussion of bag limits at the Commission's March meeting, commissioners raised concerns over the lack of population abundance estimates and supportive data to justify furbearer harvest, the scientific rigor of existing information, and differences between how small game are managed (with bag limits) versus how furbearers are managed. Some commissioners believed that a daily bag limit of 15 would not gain social acceptance. Some commissioners suggested that, absent a bag limit of less than 15, a few furharvesters could take enough animals to reduce opportunities for other trappers, hunters or wildlife viewers to encounter such animals

within the same locality. The Commission requested Division staff return at a future meeting with a revised proposal that has daily bag limits of less than 15. Although the Division expresses no opinion on the Commission's potential policy determination that it is necessary to reduce the opportunity for any person to harvest furbearers, the Division believes that its current harvest estimates are conservative, sustainable and consistent with the scientific literature.

Population indices are appropriate metrics for furbearer management

In response to the Commission's population and data-related concerns, the Division offers a few clarifications regarding its current approach to furbearer management.

The wildlife profession generally does not use population abundance estimates for furbearer or small game management. Furbearer and small game populations are primarily driven by limiting factors that do not include harvest, such as weather and habitat (food, water, shelter, space) to the point that there are often very large population swings year to year. Additionally, most small game and furbearer populations experience varying levels of annual compensatory mortality, whereby excess animals will naturally succumb to starvation, disease, or predation before the next breeding season, regardless of hunter harvest. Because of these factors, population abundance estimates, which can take years to generate and are costly, quickly become obsolete and have limited utility for wildlife managers. Financial investments made into abundance estimates merely result in a number that does not directly contribute to conservation of the species and diverts limited resources from on-the-ground conservation efforts that would benefit those species.

The wildlife profession instead relies on population indices, such as harvest survey trends, occupancy studies, sample area density monitoring, and modeling efforts, which are widely recognized as appropriate for monitoring common small game and furbearer population levels and managing harvest (Gese et al. 2024). Such indices can be collected more frequently and have much lower direct costs and opportunity costs. Further, the Division already invests in various population indices for game species (e.g. bobcat, pine marten, swift fox), and has developed intensive management guidelines (e.g. bobcat, gray fox, swift fox) when additional information is desired to ensure sustainable management.

As presented to the Commission in March, conservative furbearer population projections can be made at large spatial scales using prudent density and demographic

extrapolations from peer-reviewed literature (Appendix A). Comparing known sustainable harvest rates from the literature to Colorado's harvest rates indicates annual harvest of furbearer species in Colorado is several times lower than what could be sustainably harvested. Current annual harvest rates range from 0.6- 5.8% of the conservative population projections; therefore, peer-reviewed literature indicates that harvest would need to be far higher for all of Colorado's furbearer species to cause a decline.

Other informative descriptive statistics include the average and range of annual furbearer take per Colorado furharvester. The annual average across the evaluated species is less than 2.1 animals per harvester. The annual range indicates that avid sportspersons report taking significantly more than the statewide average (Appendix A). The Division does not have data to evaluate how many animals are taken by high-harvesters on a daily basis or the spatial distribution of daily or annual harvest across the state. Therefore, any inferences made about whether high-harvesters impact local furbearer abundance in both space and time would be speculative.

Harvest estimates in 2021-2024 have higher statistical precision than previous estimates

In the past 5 years, the Division has improved the statistical precision of its furbearer harvest estimates for select species. This improvement was made possible by the creation of the furbearer harvest permit in 2021. Such a permit is required to hunt or trap furbearer species (excluding coyote) in the state. The annual permit costs $10 and must be purchased as an add-on to an active small game license. Or the hunter or trapper can purchase a stand-alone furbearer license (Chapter W-3, # 304).

The furbearer harvest permit effectively narrows the pool of hunters that are included in an annual survey (only purchasers of the furbearer harvest permit and furbearer license are surveyed), which allows the calculation of more precise harvest estimates.

The Division now has robust harvest estimates for furbearer species that are surveyed (badger, beaver, coyote, gray fox, red fox, swift fox, pine marten, mink, ring-tailed cat) or included in mandatory check (bobcat). Harvest estimates have not been produced for all furbearer species because most are common and readily seen on the landscape, have high reproductive rates, and are not susceptible to unsustainable harvest due to the Amendment 14 restrictions (muskrat, opossum, raccoon, striped skunk, western spotted skunk, long-tailed weasel, and short-tailed weasel). While the Division has

intentionally decided not to collect harvest estimates on common species because of a lack of management need, any furbearer species could be included in our annual furbearer harvest survey at a relatively low cost (currently ~$8,000 per species surveyed).

Statutory Authority

The following statutes provide authority for the Commission to regulate furbearer take and provide guidance in exercising that authority.

- CRS 33-1-101(1) ("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...."),
- CRS 33-1-104(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."),
- CRS 33-1-106(1) ("(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: (a) Determine under what circumstances, when, in which localities, by what means, what sex of, and in what amounts and numbers the wildlife of this state may be taken and, further, to shorten, extend, or close seasons on any species of wildlife in any specific locality or the entire state when it finds after investigation that such action is necessary to assure maintenance of adequate populations of wildlife or to preserve the proper ecological balance of the environment.").

The need to balance the concerns of stakeholders in a non-arbitrary manner, while complying with these governing statutes, presents a complex challenge, particularly in the absence of any data-based biological need for furbearer bag limits.

The Commission should be mindful of not elevating social concerns – such as promoting the general public's acceptance of hunting and trapping, promoting equitable access to limited furbearer resources amongst hunters and trappers, and

increasing wildlife viewing opportunities – at the expense of avid and effective avocational fur-harvesters.

There is no particular number for a daily bag limit that will perfectly balance these sometimes competing policy considerations. Some general guidance can be found in the statutory policy directing the Commission to develop "a comprehensive program designed to offer the greatest possible variety of wildlife-related recreational opportunity to the people of this state and its visitors." 33-1-101(1). Additionally, the Commission is charged with setting objectives that "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." 33-1-104(2).

The Division's recommendation to adopt a bag limit of 15 for each of the 17 furbearer species is supported by the Division's current information (population projections, indices, number of furharvesters, Amendment 14 restrictions), which indicates that a restrictive bag limit is not biologically necessary. The limit of 15 is the least restrictive option and directly supports the organizational directive to provide the greatest possible variety of wildlife-related recreational opportunities, while still addressing social concerns by implementing a defined limit.

A two-tiered alternative (Alternative 2)

The Division developed a second alternative that responds to the commissioners' concerns raised at the March meeting. The second alternative would apply a daily bag limit of 8 or 4, depending on the species.

Title 33 identifies some furbearers that have a higher propensity to cause damage to private property or agricultural resources. Section 33-6-107(9) illustrates this concern and allows private landowners and their agents to remove coyotes, bobcats, red foxes, raccoons, badgers, muskrats, beavers, striped skunks and western spotted skunks without a license "but only when such wildlife is causing damage to crops, real or personal property, or livestock."

Similarly, section 33-3-103(1) provides that "The state shall not be liable for: (a) Damage to livestock caused by coyotes, bobcats, or dogs. 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."

Read together, these statutes demonstrate that control of depredating furbearer species is permissible, situationally beneficial and furthers the state's interest in protecting private property and agricultural resources from damage.

Section 33-6-107(9) and section 33-3-103(1) also supply the rationale for differentiating between species and whether to impose a bag limit of 8 or 4. Species identified in the statutes authorizing more liberalized take to protect against damage – including bobcat and coyote – have been assigned a daily bag limit of 8. Species not so identified have been assigned a bag limit of 4.

Using this rationale, the two-tiered approach results in the following allowances:

- Bag limit of 8: Badger, bobcat, beaver, coyote, muskrat, striped skunk, western spotted skunk, raccoon, and red fox.
- Bag limit of 4: Mink, opossum, pine marten, ring-tailed cat, gray fox, swift fox, long-tailed weasel, and short-tailed weasel.

Daily Bag Limit Alternatives

<u>Alternative 1: A daily bag limit of 15 for all furbearer species</u>
The Division's preferred alternative is for the Commission to adopt a regulation establishing a daily bag limit of 15 for each of the 17 furbearer species.

<u>Alternative 2: The two-tiered approach of 8 and 4</u>
Daily bag limit of 8: Badger, bobcat, beaver, coyote, muskrat, striped skunk, western spotted skunk, raccoon, and red fox.

Daily bag limit of 4: Mink, opossum, pine marten, ring-tailed cat, gray fox, swift fox, long-tailed weasel, and short-tailed weasel.

Sincerely,

Laura Clellan, Director

CC: Reid DeWalt
Brian Dreher
Mike Quartuch
Matt Eckert
Mark Vieira

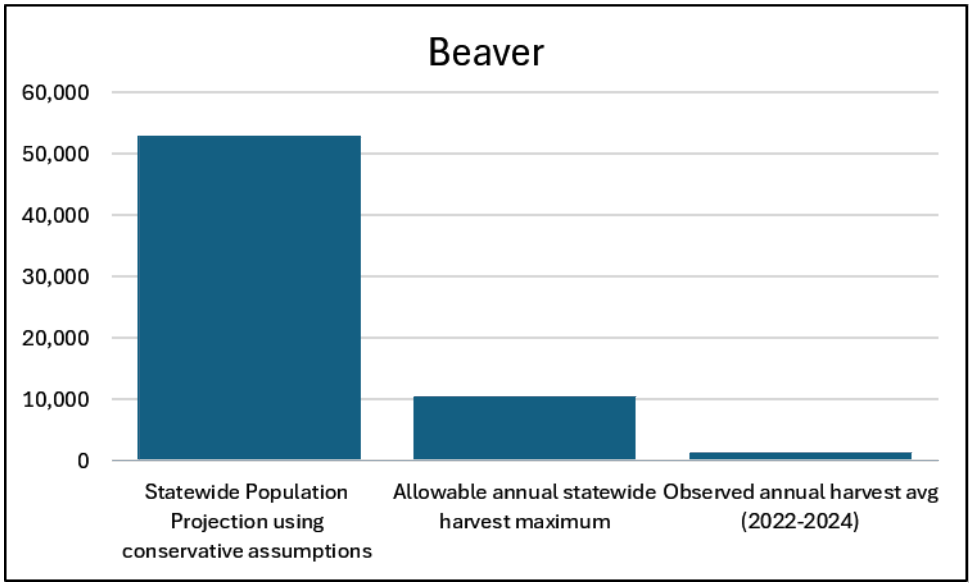
References Cited

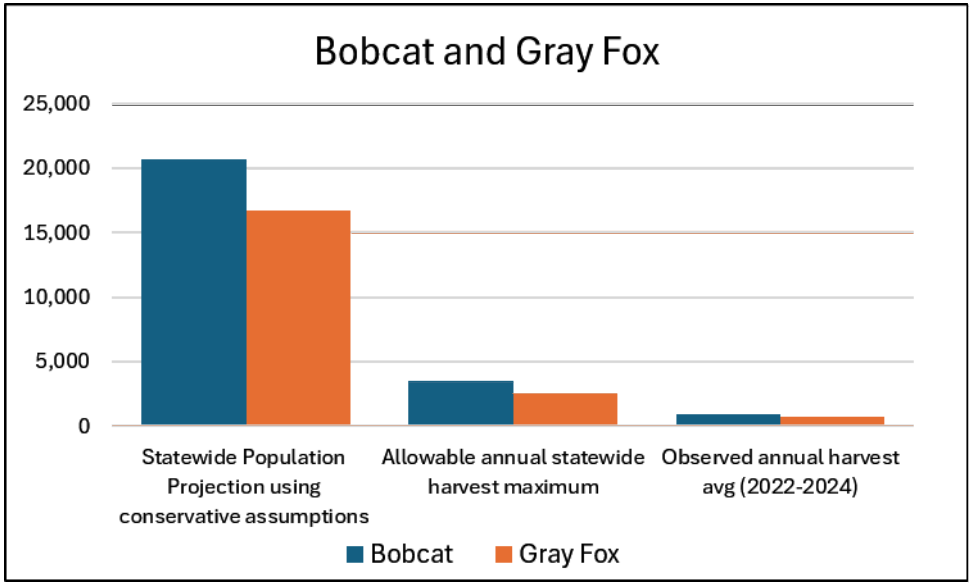
Gese, E. M., P. A. Terletzky, H. S. Cooley, F. F. Knowlton, and R. C. Lonsinger. 2024. Survey and monitoring methods for furbearers. Pages 15.1–15.44 in T. L. Hiller, R. D. Applegate, R. D. Bluett, S. N. Frey, E. M. Gese, and J. F. Organ, editors. Wild furbearer management and conservation in North America. Wildlife Ecology Institute, Helena, Montana, USA. https://doi.org/10.59438/QXDE4827

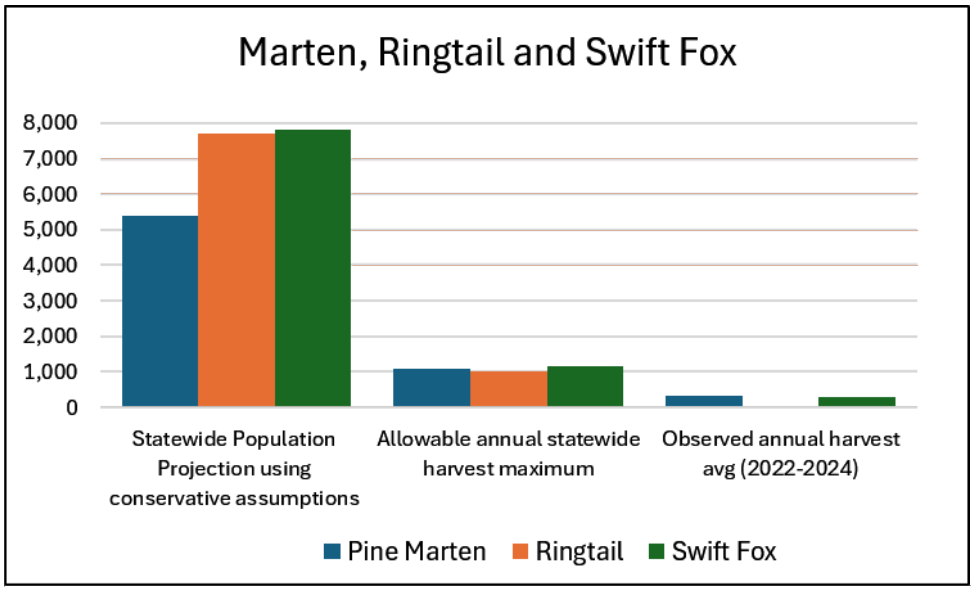
APPENDIX A.

CPW Table showing Priority Furbearer population projections, allowable harvest levels, current estimated harvest rates and harvest data. Rationale and citations for population projections and allowable sustainable harvest maximum is provided below the table.

			Harvest Data for 3 most recent years (2022, 2023, 2024) from CPW Furbearer Harvest Survey				
SPECIES	**Statewide Population Projection using conservative assumptions**	**Allowable annual statewide harvest maximum**	**Observed annual harvest avg (2022-2024)**	**Observed Harvest Rate of Population Projection**	**Avg number of total annual hunters that pursued this species (2022-2024)**	**Range of lowest to highest harvest per hunter in a single year (2022-2024)**	**Average annual harvest per hunter (total annual harvest divided by total hunters that pursued each species)**
Beaver	53,000	10,600	1,334	2.5%	664	0- 128	2.0 beaver
Gray Fox	16,700	2,500	707	4.2%	441	0-63	1.6 gray fox
Pine Marten	5,400	1,080	315	5.8%	152	0-48	2.1 marten
Ringtail	7,700	1,000	46	0.6%	77	0-10	0.6 ringtail
Swift Fox	7,800	1,170	281	3.6%	201	0-35	1.2 swift fox
			Harvest Data for 3 most recent years (2022, 2023, 2024) from CPW Mandatory Check Process				
Bobcat	20,715	3,521	968	4.7%	439 successful hunters	1-40 for successful hunters	2.2 bobcats per successful hunter




Bobcat and Gray Fox
25,000
20,000
15,000
10,000
5,000
0
Statewide Population Projection using conservative assumptions
Allowable annual statewide harvest maximum
Observed annual harvest avg (2022-2024)
Bobcat
Gray Fox


Marten, Ringtail and Swift Fox
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
Statewide Population Projection using conservative assumptions
Allowable annual statewide harvest maximum
Observed annual harvest avg (2022-2024)
Pine Marten
Ringtail
Swift Fox

The estimates, projections and assumptions provided in the table above and the discussion below are derived from the literature sources provided at the end of this section.

Beaver

Population Projection: The Division published a population projection in its 2026 Beaver Conservation and Management Strategy. Data from the 2021 National Agriculture Imagery Program (NAIP) was used to enumerate statewide beaver ponds and total beaver pond acreage. The Division assumed pond occupancy to be 65-85% with 1.4 -1.6 beavers per pond acre. This resulted in a population projection of 53,000 beavers (range 43,000-64,000), which is very conservative because it includes only dam-building beavers and excludes big-river, reservoir, and bank-denning beavers.

Harvest: Annual human-caused mortality up to 30% of the population, through harvest and lethal conflict removal, is supported in the literature as not reducing populations. The Division applied a more conservative sustainable maximum harvest rate of 20% to derive an allowable harvest maximum.

Bobcat

Population Projection: As part of the Furbearer Program review in 2012, the Division developed a bobcat population projection to allow assessment of bobcat mortality as an annual management guideline. This population projection was based on a conservative habitat surface of only "core" bobcat habitat constrained to be less than 9,500 ft in elevation, encompassing woodland and shrubland vegetation types, resulting in 138,000 km^2 of core habitat (51% of Colorado). The Division applied a conservative density of 0.15 bobcats/km^2 to this surface. Densities published in the literature of similar western habitat range to as much as 10 times higher (1.5 bobcats/km^2) than what was used in this exercise. Ongoing bobcat research by Dr. Shane Frank (CPW Mammals Research) supports the values used in this distribution surface and assumed density. The most recent density estimates in two habitats in Colorado (Lewis et al. 2015) were found to be similar or higher to what the Division used for developing this population projection.

Harvest: Annual human-caused mortality up to 20% of the population is supported in the literature as not reducing populations. The Division applied a more conservative sustainable maximum of 17% to derive an allowable harvest maximum.

Gray Fox

Population Projection: In 2012, as part of the Furbearer Program review, the Division developed a population projection to assess gray fox harvest mortality levels as a management guideline. In 2026, the Division further validated the distribution portion of the projection using statewide camera data. The core habitat surface for gray fox included xeric shrublands, pinyon-juniper woodlands, lower elevation canyons, and mid-to-low elevation cottonwood/willow riparian complexes, all below 8,500 ft. This resulted in a gray fox distribution surface of 55,000 km^2 (21% of Colorado). The Division applied a density of 0.3 gray fox/km^2 to this coverage, with observed densities reported in the literature being much higher at 1.2-2.1 fox/km^2.

Harvest: The literature supports sustainable mortality rates up to 25-50% of the pre-hunt population as not causing reductions in population trajectory. The Division applied a more conservative sustainable maximum of 15% to derive an allowable harvest maximum.

Pine Marten

Population Projection: Using a robust data set applicable to spruce-fir-lodgepole forests in Colorado, the Division modeled a conservative minimum primary marten habitat surface of 15,000 km^2 statewide and applied our newly developed marten occupancy model with 48% mean occupancy to this surface. Dr. Jake Ivan (CPW Mammals Research) measured marten density in two Colorado study areas using mark-recapture protocols and applied that observed density of 0.74 marten/km^2 to the occupancy surface to generate a conservative population projection only in this primary spruce-fir-lodgepole habitat type. This surface excluded martens occupying oakbrush, aspen and meadow/riparian galleries.

Harvest: The literature, and CPW Biometrician Dr. Jonathan Runge's vital rate modeling exercise, support sustainable annual mortality rates up to 25-27% as not reducing populations. The Division applied a more conservative sustainable maximum of 20% to derive an allowable harvest maximum.

Ringtail

Population Projection: A conservative population distribution surface was created by the Division, starting with the published Mammals of Colorado statewide distribution, but then reduced to only use elevation below 8,000 ft and removing all eastern plains habitats. This resulted in 77,000 km^2 of minimum ringtail habitat in Colorado. The Division further validated this distribution surface using statewide camera data. A comprehensive literature review shows observed density ranges from 1-20 ringtail/km^2. The Division applied a very conservative 0.1 ringtail/km^2 (1/10th of the lowest estimate found in the literature) to the distribution surface to generate a population projection.

Harvest: CPW Biometrician Dr. Jonathan Runge applied demographic vital rates found in the literature to derive a population growth rate (lambda) for ringtail. The Division applied these results and used a conservative maximum sustainable harvest rate of 13% in projections.

Swift Fox

Population Projection: The Division developed a population distribution surface based on the most recent year (2021) of swift fox occupancy monitoring of shortgrass prairie, resulting in a minimum of 33,000 km^2 of occupied habitat in eastern Colorado. This is conservative as it excludes all other swift fox habitat types and occupied areas west of I-25. The Division applied a conservative 0.24 fox/km^2 density across that range to generate a population projection.

Harvest: The literature reports annual harvest rates between 17-30% as sustainable and not causing reductions in populations. The Division applied a more conservative sustainable maximum of 15% to derive an allowable harvest maximum.

Literature Cited

The following citations were used to develop population projections and allowable annual harvest.

Beaver

Density:

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Harvest:

Bailey, R. W. 1954. Status of beaver in West Virginia. Journal of Wildlife Management 18:184–190.

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Runge, M.C. 1999. Design and analysis of a population model for beaver (*Castor canadensis*). Cornell Biometrics Unit Technical Series BU-1462, Cornell University, Ithaca, New York, USA.

Bobcat

Density:

Anderson, E. M., and J. J Lovallo. 2003. Bobcat and lynx. Pages 758-786 in G. Feldhamer, B. C. Thompson and J. A. Chapman editors. Wild Mammals of North America: biology, management and conservation. Second edition. Johns Hopkins University Press, Baltimore, Maryland, USA.

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Gray Fox

Density:

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Pine Marten

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