

**SECOND JUDICIAL DISTRICT COURT
FOR THE STATE OF COLORADO**

FRIENDS OF ANIMALS,)	
7500 E. Arapahoe Avenue, Suite 385)	Civ. No. _____
Centennial, CO 80112)	
)	
Plaintiff,)	
v.)	
)	
COLORADO PARKS & WILDLIFE COMMISSION)	
1313 Sherman Street, 6th Floor)	
Denver, Colorado 80203;)	
)	
COLORADO PARKS & WILDLIFE)	
1313 Sherman Street, 6th Floor)	
Denver, Colorado 80203; and)	
)	
Defendants.)	

COMPLAINT FOR JUDICIAL REVIEW AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiff Friends of Animals challenges Colorado Parks and Wildlife’s (“CPW”) regulations 2 CCR 406-9-#900.C.1 and 2 CCR 406-9-#902-B.5 (collectively “Regulation”) that prohibit those who do not possess a proper and valid Colorado hunting or fishing license from accessing a State Wilderness Area (“SWA”) or State Trust Land (“STL”).
2. The Regulation went into effect on June 30, 2020.
3. The Regulation is expansive and applies to all SWAs and STLs, and fails to narrowly tailor the restriction to any compelling or substantial interest.
4. Violates the Free Speech Clause of the Frist amendment and article II, Section 10 of the Colorado Constitution, both on its face and as applied to Plaintiff.
5. The Regulation and its approval violate the Colorado Administrative Procedure Act (“APA”), COLO. REV. STAT. § 24-4-106.

6. The Regulation exceeds the CPW's authority to enact this rule.
7. The Regulation also violates the First and Fourteenth Amendments by restricting access
8. Imposes a person to express the message that they approve hunting and fishing ;
Requires persons make an ideological statement in support of hunting and fishing and associate with hunters and fishers, and prohibits them from accessing public places if they refuse to make such a statement.
9. Excludes all of those people that cannot or will not obtain a hunting and fishing license from expressing themselves or associating in on state lands that constitute public forums.
10. The Regulation requiring persons to sign license in support of, and associate with hunters and fishers is, narrowly tailored to promote a compelling government interest.
11. Plaintiff seeks an order holding unlawful and setting aside the Regulation, a declaration that the Regulation is contrary to law, an injunction barring implementation of the Regulation, and such other and further relief as the Court deems appropriate.

JURISDICTION

12. This Court has jurisdiction over this matter pursuant to COLO. REV. STAT. § 24-4-106, which allows judicial review of agency action for "persons or parties adversely affected or aggrieved by agency actions." Plaintiff filed this action within thirty-five days of July 1st, 2020, the effective date of the Commission's decision on the Regulation. COLO. REV. STAT. § 24-4-106(4). This Court also has jurisdiction pursuant to Colorado Rules of Civil Procedure Rule ("C.R.C.P.") 57 to declare the proposal and approval of the Regulation unlawful. Finally, the APA, COLO. REV. STAT. § 24-4-106(7), and C.R.C.P. Rule 65 provide this Court with jurisdiction to grant injunctive relief.
13. This civil-rights action raises federal questions under the First and Fourteenth Amendments to the United States Constitution and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

14. This Court has authority to award the requested declaratory relief under 28 U.S.C. §§ 2201-02 and Federal Rule of Civil Procedure 57, the requested injunctive relief under 28 U.S.C. § 1343 and Federal Rule of Civil Procedure 65, the requested damages under 28 U.S.C. § 1343(a)(3), and costs and attorneys' fees under 42 U.S.C. § 1988
15. ? This Court has jurisdiction over the subject matter of this action pursuant to Colo. Const. art. V, § 1 and C.R.S. §§ 13-51-101, -106
16. Venue is proper in this Court pursuant C.R.C.P. Rule 98 and COLO. REV. STAT. § 24-4-106(4). The residence of a Colorado agency under the APA is the City and County of Denver. Claims under the APA are brought in the district courts.

PARTIES

17. Plaintiff FRIENDS OF ANIMALS ("FoA") is a non-profit international advocacy organization with nearly 200,000 members. FoA is incorporated in the state of New York, and has offices in Darien, Connecticut and Centennial, Colorado. FoA advocates for the rights of nonhuman animals, free-living and domestic. FoA places compassionate conservationism, wildlife and habitat protection and veganism at the core of animal advocacy. There is a growing recognition that we need to use the law to promote the core principles of compassionate conservationism: do no harm, individuals matter, inclusivity, and peaceful co-existence. FoA is the first organization to embrace this purpose. FoA is committed to applying existing laws (and create new ones when necessary) to advance human understanding of the intricate, meaningful lives of wild animals. Our goal is a society built on respect rather than exploitation of animals. To further this purpose, FoA advocates for conservation and preservation of wildlife on public lands through funding that does not rely upon hunting and fishing licenses, which are increasingly deficient for the intended purposes. Friends of Animals members seek to access SWA and STLs for non-consumptive wildlife recreation, such as wildlife viewing and wildlife photography. Friends of Animals members oppose

associating with or conveying messages in support of consumptive wildlife use, such as hunting and fishing. Friends of Animals members oppose the Regulation and commented against the Regulation.

18. Great Old Broads commented in opposition on the Regulation at issue here before the Colorado Parks & Wildlife Commission

19. Defendant COLORADO PARKS & WILDLIFE COMMISSION (“Commission”) is a division of the Colorado Department of Natural Resources. COLO. REV. STAT. § 33-1-104. The Commission is a board appointed by the Governor that makes management decisions about Colorado's state parks and wildlife. The Commission voted on and approved the Regulation.

20. Defendant COLORADO PARKS & WILDLIFE (“CPW”) is a division of the Colorado Department of Natural Resources. CPW created the Regulation and submitted the Regulation to the Commission for approval. CPW will also be responsible for implementation and enforcement of the Regulation.

FACTUAL BACKGROUND

A. Hunting Participation

21. Hunting participation in America has been steadily declining—both in percentage and total numbers—for at least thirty years.

22. The most recent National Survey of Fishing, Hunting, and Wildlife-Associated Recreation showed that fewer than 3.5% of Americans choose to hunt.

23. Federal wildlife aid is collected annually by the US Department of Treasury through multiple federal programs and apportioned to each state by the US Department of Interior.

24. States receive federal aid based equally on two metrics: the number of hunting and licenses sold, and the state's geographical size.

25. Colorado is the eight-largest state.

26. Each state must match 25% of all federal funding from non-federal sources, the most common of which are fees generated through the sale of hunting and fishing licenses.

B. Continued lack of funding motivates CPW to seek out new sources of revenue.

27. Hunting and fishing license sales in Colorado declined 10% from 1990 to 2020.

28. CPW manages more than 350 SWAs and almost 240 STLs.

29. CPW stated that it will not create a separate, non-consumptive access permit for public lands because such a permit would “not [be] recognized under the Federal Aid Program” and it would “negatively impact the CPW wildlife finances.”

C. The Regulation

30. CPW states that the Regulation is necessary because of “a significant trend of people engaging in activities for which these properties were not intended.”

31. CPW approved the Regulation at the April 30, 2020 meeting.

32. Several groups voiced their disappointment when CPW allowed them to make public comments at the July 17, 2020 meeting. These groups represented a wide variety of interests, including mountain climbing, biking, whitewater rafting, and general outdoor recreation.

33. These comments illustrated many concerns with the plan, such as (1) a lack of differentiation between consumptive and non-consumptive users, resulting in misleading hunter/fisher participation numbers, (2) no acknowledgement of the fact that these lands are also meant to provide for non-consumptive wildlife-related recreation, and (3) that the Regulation arbitrarily restricts access to SWAs and STLs and does not meaningfully address the stated concerns about improper use of SWAs and STLs.

LEGAL BACKGROUND AND VIOLATIONS OF THE LAW

A. Administrative Procedure Act

34. The APA states that courts “shall hold unlawful and set aside the agency action” if the

court finds that the action is:

- (I) Arbitrary or capricious;
- (II) A denial of statutory right;
- (III) Contrary to constitutional right, power, privilege, or immunity;
- (IV) In excess of statutory jurisdiction, authority, purposes, or limitations;
- (V) Not in accord with the procedures or procedural limitations of this article 4 or as otherwise required by law;
- (VI) An abuse or clearly unwarranted exercise of discretion;
- (VII) Based upon findings of fact that are clearly erroneous on the whole record;
- (VIII) Unsupported by substantial evidence when the record is considered as a whole; or
- (IX) Otherwise contrary to law, including failing to comply with section 24-4-104 (3)(a) or 24-4-105 (4)(b).

COLO. REV. STAT. § 24-4-106(7)(b)(I).

35. C.R.C.P. Rule 57 authorizes the courts to render declaratory judgments, and C.R.C.P.

Rule 65 authorizes the courts to provide injunctive relief.

36. It is Colorado's state policy "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." COLO. REV. STAT. § 33-1-101 (1). It is also Colorado's policy "to offer the greatest possible variety of wildlife-related recreational opportunity to the people of this state and its visitors." *Id.* The planning and development of wildlife habitats and facilities shall be for "wildlife-related opportunities." *Id.* Moreover, it's Colorado's policy to "offer the greatest possible variety of recreational opportunity to the people of the state and its visitors." COLO. REV. STAT. 33-9-101(12).

37. State Wildlife Areas are "all lands and waters. . . held by the division in fee title or by lease, easement, or agreement for the benefit of wildlife populations or for wildlife-related recreation." COLO. REV. STAT. 33-1-102 (42).

38. CPW's mission is to "is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources." COLO. REV. STAT. § 33-9-101 (12)(V)(b).

39. CPW's stated goals and objectives to achieve by 2025, include "[p]artnering with stakeholders to develop strategies to engage all outdoor recreationists, including hikers, bikers, climbers, and wildlife watchers, in funding the division and commission, maintenance of state lands and facilities, and management of wildlife," and "[s]upporting access programs on public and private lands." Hunting, Fishing, and Parks for Future Generations Act, 2018 SB18-143.
40. CPW has statutory authority only to enact regulations that are "reasonably necessary for the administration, protection, and maintenance" of CPW properties. COLO. REV. STAT. § 33-1-107. These regulations can include "restriction, limitation, or prohibition concerning the use of any such area either as to time, manner, permitted activities, or numbers of people." COLO. REV. STAT. § 33-1-107 (1)(c).
41. First, the Regulation fails to provide for a means to distinguish between consumptive and non-consumptive hunting or fishing licenses. Anyone who purchases a hunting or fishing license, whether to hunt, fish, or engage in a non-consumptive use like bird watching, nature viewing or hiking, could be counted as a hunter or fisher. This could result in fundamental over reporting of Colorado hunting numbers to the federal government.
42. The Commission did not recognize this problem until more than two weeks after the Regulation had gone into effect, at their July 17, 2020 meeting. Commenters suggested adding a small checkbox on licenses to determine the reason for purchasing a license. Multiple commissioners agreed to discuss the issue at subsequent meetings, likely September 2020 at the earliest. CPW did not discuss or contemplate this cheap and easy checkbox option earlier in the rule-making process, showing how little thought or insight CPW gave the issue before impulsively passing the Regulation. This also suggests a willingness on CPW's part to mislead federal wildlife aid programs by selling hunting and fishing licenses to non-hunters and non-fishers.

43. Despite commentators pointing out this problem with the Regulation, the Defendants failed to provide any explanation on how overreporting could be avoided under the Regulation. Because the Regulation could result in overreporting, as well as potential fraud under the Federal Aid Program, it should be set aside as arbitrary and capricious.
44. Second, the Regulation fails to examine, or even acknowledge, that many of the public lands the new requirement is imposed upon were intended by the Colorado legislature to provide for non-consumptive wildlife recreation.
45. According to CPW's "2019 Colorado State Recreation Lands" guide, the following SWAs have one or more intended wildlife-related recreation activities **other** than hunting or fishing: 63 Ranch SWA, Adams SWA, Adobe Creek Res. SWA (Blue Lake), Alberta Park Res. SWA, Alma SWA, Almont Triangle SWA, Andrews Lake SWA, Andrick Ponds SWA, Apishapa SWA, Arikaree SWA, Arkansas River SWA, Atwood SWA, Banner Lakes SWA, Basalt SWA, Beaver Creek SWA, Beaver Creek Res. SWA, Beaver Lake SWA, Bellaire Lake SWA, Bergen Peak SWA, Big Meadows Res. SWA, Big Thompson Ponds SWA, Billy Creek SWA, Bliss SWA, Blue River SWA, Bob Terrell SWA, Bodo SWA, Boedecker Res. SWA, Bravo SWA, Brown Lakes SWA, Browns Park SWA, Brush SWA, Brush Creek SWA, Brush Hollow SWA, Brush Prairie Ponds SWA, Burchfield SWA, Cabin Creek SWA, Centennial SWA, Chance Gulch SWA, Cherokee SWA, Christina SWA, Chuck Lewis SWA, Cimarron SWA, Clear Creek Res. SWA, Cline Ranch SWA, Cochetopa SWA, Colorow Mountain SWA, Cottonwood SWA, Cowdrey Lake SWA, Creede SWA, Dan Noble SWA, Delaney Butte Lakes SWA, Devil Creek SWA, Dolores River SWA, Domes Lake SWA, Dome Rock SWA, Dowdy Lake SWA, Dry Creek Basin SWA, Duck Creek SWA, Dune Ridge SWA, Echo Canyon Res. SWA, Elliott SWA, Escalante SWA, Fish Creek SWA, Flagler Res. SWA, Frenchman Creek SWA, Garfield Creek SWA, Georgetown SWA, Granada SWA, Granby Ranch SWA, Groundhog Res. SWA, Gunnison River SWA, Gunnison SWA, Gypsum Ponds SWA, Haviland Lake SWA, Heckendorf SWA, Hohnholz Lakes SWA,

Holbrook Res. SWA, Holly SWA, Holyoke SWA, Home Lake SWA, Horse Creek Res. SWA, Horsethief Canyon SWA, Hot Creek SWA, Hot Sulphur Springs SWA, Huerfano SWA, Hugo SWA, Indian Run SWA, Jackson Lakes SWA, James M. John SWA, James Mark Jones SWA, Jean K. Tool SWA, Jensen SWA, Jerry Creek Res. SWA, Jim Olterman/Lone Cone SWA, Joe Moore Res. SWA, John Martin Res. SWA, Jumbo (Julesberg) Res. SWA, Junction Butte SWA, Karney Ranch SWA, Karval Res. SWA, Kinney Lake SWA, Knudson SWA, La Jara SWA, La Jara Res. SWA, Lake Beckwith SWA, Lake Deweese SWA, Lake Dorothy SWA, Lake John SWA, Leaps Gulch SWA, Leatha Jean Stassen SWA, Little Snake SWA, Loma Boat Launch SWA, Long Hagler SWA, Lone Dome SWA, Love Meadow Wildlife Watchable Area, Mason Family SWA, Meeker Pastures SWA, Messex SWA, Middle Taylor Creek SWA, Mike Higbee SWA, Mogensen Ponds SWA, Mountain Home Res. SWA, Mount Evans SWA, Nakagawa SWA, Narraguinnep Res. SWA, North Lake SWA, Oak Ridge SWA, Overland Trail SWA, Owl Mountain SWA, Oxbow SWA, Parvin Lakes SWA, Pastorius Res. SWA, Piceance SWA, Pikes Peak SWA, Plateau Creek SWA, Pony Express SWA, Poudre River SWA, Prewitt Res. SWA, Pueblo Res. SWA, Purgatoire River SWA, Queens SWA, Radium SWA, Ramah SWA, Red Lion SWA, Rio Blanco Lake SWA, Rio Grande SWA, Rito Hondo Res. SWA, Road Canyon Res. SWA, Rock Creek SWA, Rocky Ford SWA, Rosemont Res. SWA, Runyon/Fountain Lakes SWA, Russell Lakes SWA, Sam Caudil SWA, Sand Draw SWA, Sansage SWA, Sandy Bluffs SWA, San Luis Lakes SWA, San Miguel SWA, Sapinero SWA, Sarvis Creek SWA, Sawhill Ponds SWA, Sedgwick Bar SWA, Segeo Springs SWA, Setchfield SWA, Seymour Lake SWA, Shriver-Wright SWA, Simpson Ponds SWA, Skaguay Res. SWA, Smith Lake SWA, Smith Res. SWA, South Republican SWA, Spanish Peaks SWA, Spinney Mountain SWA, Stalker Lake SWA, Summit Res. SWA, Tamarack Ranch SWA, Tarryall Res. SWA, Taylor River SWA, Terrace Res. SWA, Teter-Michigan Creek SWA, Thurston Res. SWA, Timpas Creek SWA, Tomahawk SWA, Tomichi Creek SWA, Totten Res. SWA, Trujillo Meadows SWA, Turk's Pond SWA, Twin Sisters SWA,

Twin Spruce Ponds SWA, Two Buttes Res. SWA, Urad Lake SWA, Van Tuyl SWA, Wahatoya SWA, Walker SWA, Watson Lake SWA, Waunita Watchable Wildlife Area, Wellington SWA, West Lake (Larimer County) SWA, West Rifle Creek SWA, Wheeler SWA, Williams Creek Res. SWA, Willow Creek SWA, Windy Gap Watchable Wildlife Area, and Woods Lake SWA.

46. Some of these SWAs do not permit hunting or fishing at all.
47. Because the Regulation places an additional barrier upon legal non-consumptive recreation on public lands, the Regulation is contrary to the intent of these authorizing statutes. Further, the Defendants failed to even acknowledge these other non-consumptive uses, essentially assuming the primary purpose of these lands is for consumptive activities. As such the Regulation should be set aside as arbitrary and capricious.
48. Third, the Defendants assert that the Regulation is aimed at reducing illegal and/or improper use of State Wildlife Areas/State Trust Lands. Such uses may be unauthorized camping or travel. However, the Defendants fail to provide a rational explanation as to how the requirement to have a hunting or fishing license will in anyway reduce such illegal or improper uses.
49. The Regulation does not require any additional enforcement, and the funds it will generate are not directed to reducing such uses.
50. Defendants provide no analysis for its conclusion that requiring hunting or fishing license will prevent, or even ameliorate, unintended uses from taking place.
51. Defendants provides no analysis that they are more capable of enforcing a hunting or fishing license requirement than enforcing the intended uses on SWAs.
52. The regulation is also vague and does not relate to the time, manner, permitted activities or numbers of people on SWAs and STLs. Instead, the regulation prohibits a class of people – those who cannot, will not, or are opposed to purchasing a hunting or

fishing license.

53. There is simply no rational connection between a new licensing requirement and the reduction of illegal/improper use of these public lands. There is also no rational connection between the Regulation and the administration, protection, and maintenance of lands in the SWAs and STAs. As such the Regulation should be set aside as arbitrary and capricious.
54. Fourth, the Defendants failed to adequately consider alternatives to the regulation. For example, the Defendants could have sought additional funding from the legislature to increase enforcement on these public lands to reduce illegal/improper uses. Similarly, the Defendants could have required non-consumptive users to purchase recreational daily, monthly or yearly passes similar to those required in the State parks.
55. Finally, in adopting the Regulation, Defendants failed to go through proper notice and comment under the Colorado APA.

B. Freedom of Speech and Association

56. The First Amendment to the United States Constitution protects the individual rights of free association and free speech, including the right to withhold support from causes and ideologies that one does not wish to support.
57. The First Amendment to the United States Constitution restricts the Government's ability to implement speech restrictions in traditional public forums, such as parks.
58. Article II, Section 10 of the Colorado Constitution forbids any law "impairing the freedom of speech," and guarantees that every citizen "shall be free to speak, write, or publish whatever he will on any subject." Colo. Const, art. II, § 10.
59. Freedom of expression also includes freedom of association. Freedom of association guarantees the right to association or refuse to associate with whomever one chooses.
- 60.
61. The Regulation unconstitutionally requires that citizens who wish to use State Wildlife Areas or State Trust Lands in Colorado register for and sign a hunting or fishing license.

62. The Regulation is unconstitutionally compelling speech by forcing people to sign hunting and fishing licenses, thereby forcing them to endorse and imply that they participate in activities that they do not agree with or support.
63. The State Wildlife Area and State Trust Lands in Colorado are traditional public forums, as they are parks that have been available to the public for a plethora of activities and expression for centuries.
64. The Regulation does not implicate time, place, or manner restrictions. All people, at all times, no matter the reason for visiting an SWA or STL, must now hold a valid Colorado hunting or fishing license before entering an SWA or STL.
65. The Regulation discriminates against viewpoints in a public forum by forcing citizens who use these parks for other purposes to improperly state that they are hunters or fishers.
66. The Regulation unconstitutionally restricts speech, expression, and association in public forums by prohibiting such speech, expression and association based on one's ability or willingness to obtain a hunting and fishing license.

FIRST CLAIM FOR RELIEF

Violation of COLO. REV. STAT. §24-4-106

67. Plaintiff, Friends of Animals, herein incorporates all preceding allegations as if fully set forth herein.
68. The Regulation ignores all currently approved intended uses of SWAs other than hunting or fishing and CPW passed it without sufficient analysis of its effectiveness or likelihood of enforcement.
69. The Regulation violates the Commission's policies and fundamental responsibilities, and unnecessarily restricts access to public lands.
70. The Regulation is not reasonably necessary for the administration, protection, and maintenance of public lands.

71. The Regulation is facially unreasonable, unlikely to meaningfully address the issue CPW raises, and not reasonably necessary for the administration, protection, and maintenance of lands under CPW's authority,
72. The Regulation violates Article II, Section 10 of the Colorado Constitution, which guarantees the right to freedom of expression.
73. By compelling non-hunters to purchase a hunting or fishing license, CPW has restricted their freedom of expression, and forced them to associate with and pledge support for an activity that they fundamentally disagree with.
74. The Regulation also unconstitutionally restricts people right to expression on SWAs and STLs by prohibiting such activity for those that are unable or unwilling to obtain a hunting or fishing license.
75. CPW's and the Commission's actions are thus arbitrary and capricious, in violation of statutory authority and regulations, unconstitutional, and otherwise in violation of COLO. REV. STAT. § 24-4-106. This Court can declare CPW's and the Commission's actions unlawful under the APA.

SECOND CLAIM FOR RELIEF

Violation of 42 U.S.C. § 1983

76. Plaintiff herein incorporates all preceding allegations as if fully set forth herein.
77. The First Amendment's Free Speech Clause is incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution.
78. The First and Fourteenth Amendments to the United States Constitution protect the associational, free speech, and free choice rights of United States citizens.
79. The Regulation significantly infringes on Plaintiff's and others constitutional rights to free speech, association, and expression, while serving no compelling state interest that cannot be achieved through means significantly less restrictive of associational freedoms.
80. The Regulation has infringed and threatens to continue infringing on Plaintiff' right to

fully exercise their First Amendment rights, including their rights to freedom of speech, freedom of expression, and freedom of association.

81. There is no justification, much less a compelling one, for mandating that the members of the public purchase and sign a hunting or fishing license to access SWA and STLs.
82. Even if there were compelling state interests sufficient to justify an infringement of constitutional freedoms, compelling Plaintiff to sign and purchase a hunting or fishing license is not a narrowly tailored manner of securing those interests.
83. The Regulation is unconstitutionally compelling citizens to support hunting and fishing by requiring them to sign their names onto a fishing or hunting license in order to enjoy any activity in a State Wildlife Area or State Trust Land.
84. The U.S. and Colorado Constitutions prohibit content and viewpoint discrimination in a public forum created for speech and expression, such as a state park.
85. The government's ability to restrict speech in a public forum is severely limited.
86. The State Wildlife Areas and State Trust Lands in Colorado have been available for public use for centuries, and, as public parks, are clearly a traditional public forum.
87. The Regulation is unconstitutionally discriminating amongst viewpoints that can be expressed in this public forum by requiring all citizens to sign a hunting or fishing license to use the public forum, even if they do not engage in or support these activities.
88. The compulsory hunting and fishing license requirement serves no compelling state interest that cannot be achieved through significantly less restrictive means.
89. By promulgating a rule that compels citizen speech and restricts speech in a public forum, CPW's actions are in violation of the First and Fourteenth Amendments to the United States Constitution.
90. Pursuant to 42 U.S.C. § 1983, Plaintiff is entitled to a declaration that Defendants violated their First Amendment right to freedom of speech and association.

THIRD CLAIM FOR RELIEF

INJUNCTIVE RELIEF

91. The APA, COLO. REV. STAT. § 24-4-106(7), and C.R.C.P. Rule 65 provide this Court with jurisdiction to grant injunctive relief where an agency action is unconstitutional or is in violation of the law or regulations.
92. There exists the danger of real, immediate, and irreparable injury to Plaintiff and their members, which may be prevented by the injunctive relief sought herein.
93. These injuries derive from the unwarranted and illegal requirement of a hunting or fishing license to access SWAs and STLs for intended, non-consumptive purposes.
94. Plaintiff and their member have no other plain, speedy, and adequate remedy at law that will fully address the imminently existing danger of future injuries.
95. The injuries Plaintiff and their members face outweigh any harm that the injunction may have on Defendants.
96. The issuance of an injunction will not disserve the public interest.
97. The public interest favors an injunction.
98. Plaintiff is entitled to a permanent injunction in this case prohibiting the Defendants from implementing the Regulation.

PRAYER FOR RELIEF

Plaintiff, Friends of Animals, respectfully requests that the Court enter judgment providing the following relief:

- A. Declare unlawful, set aside, and enjoin CPW's Regulation requiring a hunting or fishing license on all SWAs and STLs, pursuant to COLO. REV. STAT. § 24-4-106 and COLO. REV. STAT. §33-1-107.
- B. Declare the Regulation violates the First and Fourteenth Amendments to the U.S. Constitution;
- C. Award Plaintiff their reasonable attorney fees, costs, and expenses pursuant to 42

U.S.C. § 1988 and other applicable law;

D. Grant Plaintiff such other relief as the Court deems just and proper. Respectfully
submitted this 4th day of August, 2020.

/s/Michael Harris

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