

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should CPW create a truly transferable annual hang tag pass?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p>CPW employees and park visitors alike have discussed the prospect of creating a transferable annual park pass for many years. As recreational opportunities at our state parks grow and diversify, so do the required vehicles for these activities. Families who participate in outdoor recreation often own or have access to campers, boats, canoes, and kayaks, all which require a vehicle with specific towing or cargo capabilities that they, themselves, may not own. For these families, a transferable annual park pass would allow the purchaser, and their friends and family, the flexibility of visiting a state park in any vehicle that supports their intended activity. This flexibility will likely encourage Colorado's residents and visitors to recreate in new and varied ways at Colorado's state parks.</p> <p>In response to the ongoing requests of CPW customers, agency staff have worked toward creating a transferable annual pass since approximately 2014, when a CPW Financial Sustainability Committee convened. Since that time, CPW has taken steps to make a transferable annual pass statutorily possible. The Annual Hang Tag Pass – made available to the public January 1, 2019 for a fee of \$120 - is not truly transferable due to statutory limitations in place until now. While it can be used for any vehicle entering a state park, it is required to always be in the possession of the purchaser.</p> <p>During the legislative session of 2019, House Bill 19-1026 passed, making it possible for the CPW Commission to adjust regulations to make our current Annual Hang Tag Pass truly transferable. The new statutory wording is as follows (with the new wording in capital letters):</p> <ul style="list-style-type: none">• 33-12-105. Licensing violations. (1) Except as otherwise provided in section 33-12-104 OR BY A COMMISSION RULE REGARDING THE MANNER BY WHICH A PASS MAY BE TRANSFERRED, it is unlawful for any person to transfer, sell, or assign any pass or registration issued under articles 10 to 15 of this TITLE 33 to another person. Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of two hundred dollars. <p>With this statutory change, it is now possible to replace the current Annual Hang Tag Pass with a transferable annual hang tag pass. This transferable annual hang tag pass could also be used by dealer plated vehicles, replacing the Plexiglas dealer plate passes previously issued by the Division.</p> <p>Additionally, if the name of the Annual Hang Tag Pass is changed once it becomes transferable, this change will need to be updated throughout P-7.</p>	
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:	
IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED.	
<p>The impacted external publics primarily include users of Colorado's state parks. During the 2017 <i>Funding the Future of Parks</i> public outreach sessions, a strong majority of the public showed support for a transferable annual pass. In response to the question, "Would you support making the annual state parks pass transferable between vehicles?" 66% of the participating public voted "strongly support" and 21% of the public voted "somewhat support." In response to the question, "Would you be more likely to purchase an annual state parks pass if it was transferable between vehicles?" 60% of the participating public voted "to a great extent," and 21% voted "somewhat."</p> <p>Park managers and field staff are the internal public primarily impacted by this proposal, along with other CPW offices and the information and education branch. During the development of this proposal, regional discussions with park managers indicated that this transferable annual hang tag pass option is supported by a majority of park managers.</p>	

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
Alternative 1 (preferred): Create a transferable annual hang tag pass that can be shared as the purchaser sees fit (pass is valid for any vehicle while in the possession of any person) at a price of \$120. This pass type would also be sold to dealer-plated vehicles.	
Alternative 2: Status quo.	
Issue Raised by:	CPW Parks Fees Increase Committee
Author of the issue paper (if different than person raising the issue):	Crystal Dreiling
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	MARGARET TAYLOR
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Regions and Capital, Parks, and Trails
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

	Date: 06/10/2019
ISSUE:	Should P-07 #704.2 be updated to clarify primary occupant and group camping rules?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p><u>Current language:</u> “In order to obtain a campground-use permit, a member of the camping party must be present with the camping unit, ready to make immediate occupancy of the campsite, or a reservation must be made through the approved campsite reservation system. No person may reserve or hold a campsite for another party by purchasing a campground-use permit for an additional site.”</p> <p><u>Issue:</u> The system currently requires a primary occupant be identified for each site reserved. This was a requirement written into the IPAWS contract, but is not utilized by all parks. Often, customers do not have all of the information required to completely identify their primary occupant. Additionally, individuals or groups who wish to reserve a group of individual sites must either identify a primary occupant for each site or contact the vendor to override the primary occupant rule, which is currently not covered by regulation.</p> <p>In order to provide staff, customers, and the vendor clarification, as well as provide staff regulatory backup for enforcement, we propose the following changes to the regulation.</p> <p><u>Proposed update:</u></p> <p>In order to obtain a campground-use permit, a member of the camping party must be present with the camping unit, ready to make immediate occupancy of the campsite, or a reservation must be made through the approved campsite reservation system. Except as below, no person may reserve or hold a campsite for another party by purchasing a campground-use permit for an additional site.</p> <p>The primary occupant identified at the time of making a reservation is the responsible party for any fees, damages or law enforcement issues that arise with the occupants of the site.</p> <p>If an individual or organization wishes to reserve a site or group of sites without identifying a primary occupant, the individual making the reservation is the responsible party for any damages or law enforcement issues that arise with the occupants of the site or sites.</p>	
<p>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:</p> <p>*IT IS ASSUMED THAT ALL NECESSARTY INTERNAL PARTIES HAVE BEEN NOTIFIED*.</p>	
<p>Camping customers. This is a top customer complaint regarding reservations and is a customer service initiative. No formal public outreach has occurred.</p>	
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
<p>1. *Preferred Alternative*: In order to obtain a campground-use permit, a member of the camping party must be present with the camping unit, ready to make immediate occupancy of the campsite, or a reservation must be made through the approved campsite reservation system. The primary occupant identified at the time of making a reservation is the responsible party for any fees, damages or law enforcement issues that arise with the occupants of the site.</p> <p>Except as below, no person may reserve or hold a campsite for another party by purchasing a campground-use permit for an additional site.</p>	

If an individual or organization wishes to reserve a site or group of sites without identifying a primary occupant for each site, the individual making the reservation is the responsible party for any damages or law enforcement issues that arise with the occupants of the site or sites.

2. Status quo

Issue Raised by:	Regional park staff & customers
Author of the issue paper (if different than person raising the issue):	Devon Adams
CC:	Brad Henley, Windi Padia, Jacob Brey, Kirstin Copeland, Heath Kehm, Dean Riggs
APPROVED FOR FURTHER CONSIDERATION BY:	CORY CHICK
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Regions and Licensing
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

	Date:	06/10/2019
ISSUE:	Shall CPW Update Senior Discount Language in P-07 #712.12?	
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):		
<p><u>Current language:</u> "Individuals possessing a valid Aspen Leaf annual pass per regulation # 705 or a Columbine, Centennial or Volunteer individual pass holder per regulation # 701 who is 64 years of age or older, shall receive campground use permits at a reduced rate equal to the current Aspen Leaf pass holder camping permit rate. This reduced rate applies to all nights of the year when such areas are open, except weekend nights and the night before a legal holiday. For the purpose of determining reduced rate campground permit eligibility, "weekend" night means the time period beginning at 12 noon on Friday through 12 noon on Sunday, and the night before a legal "Holiday" shall mean the time period beginning at 12 noon on the day prior to the legal holiday through 12 noon of the legal holiday. The camping permit reduced fees associated with the Aspen Leaf annual pass are identified in regulation # 708."</p> <p><u>Issue:</u> Customers who are eligible for the senior discount currently are not restricted in the system from receiving the discount on multiple sites for the same day. There is no regulation that requires them to hold the pass at time of stay and be the occupant of the site, although that is the intent. Also, a new pass has been introduced in statute that will need to be included for the senior discount.</p> <p><u>Proposed update:</u> Add language clarifying that the pass holder must be the one who makes the reservation, occupies the site, and that they must hold a valid pass at the time of reservation and the time of staying.</p>		
<p>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:</p> <p>*IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.</p> <p>Customers who are eligible for the senior discount. This is primarily to clarify rules for our public, not a change in policy. No formal outreach has occurred.</p>		
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):		
<p>1. *Preferred Alternative*: Add to the regulation that the senior discount applies only to a single site per day, per pass holder. The pass holder must hold a pass that qualifies them for the reduced fees at the time of reservation and at the time of occupying the site. The pass holder must make the reservation and occupy the site for the entirety of the reservation.</p> <p>2. Status quo</p>		
Issue Raised by:	Regional park staff	
Author of the issue paper (if different than person raising the issue):	Devon Adams	
CC:		
APPROVED FOR FURTHER CONSIDERATION BY:		CORY CHICK
REQUIRES NEW SPACE IN THE BROCHURE?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION		Regions and Licensing
RECOMMENDED FOR CONSENT AGENDA?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE: Should CPW update regulation #701.3 to clarify qualification procedures for the Columbine Parks Pass?

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

Current Regulation: Chapter P-7, #701.3: "A disabled resident may obtain a Columbine annual pass pursuant to 33-12-103.5, C.R.S. A resident who qualifies for a Centennial annual pass may obtain such pass as provided for in this regulation. A Columbine or a Centennial annual parks pass shall be issued following the Division's receipt of a completed application from a qualified resident of the state and the payment of the necessary fee.

- a. In order to qualify for a Columbine annual parks pass, a resident must provide written proof to the Division:
1) That he or she has been determined to be totally and permanently disabled by the Social Security Administration; or
2) That he or she has been determined to be totally and permanently disabled by the Division of Workers' Compensation; or
3) That he or she has been determined by a physician to have a physical or mental impairment which prevents gainful employment and is reasonably certain to continue throughout the person's lifetime."

The Attorney General defines a total and permanent disability as "any physical or mental impairment which prevents substantial gainful employment, but only if it is reasonably certain that such a disability will continue throughout the lifetime of the disabled person."

- Issue: Currently, there are four ways to qualify for the lifetime fishing license:
1. Documentation from the Social Security Administration (SSA) that shows entitlement to disability benefits, OR
2. A physician's statement, on his/her letterhead, that states the applicant has a physical or mental impairment which prevents gainful employment and is reasonably certain to continue throughout the applicant's lifetime, OR
3. Provide a "Final Admission of Liability" form from the Division of Workers' Compensation, indicating TOTAL and PERMANENT disability, OR
4. A letter from the Veteran's Administration indicating at least a 60% rated service-connected disability

In conversations with the SSA, it was discovered that they will never declare a customer "totally and permanently" disabled; all customers that receive SSA disability benefits are considered permanently disabled by the SSA, but not totally. Customers are periodically audited by the SSA to determine whether they are still eligible to receive disability benefits. The length of time in between audits depends on the severity of the disability as determined by the SSA; the SSA audits customers who have a severe disability every 5-7 years. The current SSA paperwork accepted for this program differs from the SSA paperwork accepted for the Lifetime Fishing License, even though both have the same "total and permanent" requirement; this confuses and frustrates customers who often apply for both programs.

Additionally, the current regulation does not state that documentation of a service-connected disability from the Veteran's Association can be accepted as qualifying documentation. However, many customers who qualify for the Disabled Veteran's Lifetime Fishing and Small Game Combination License with these qualifications also apply for a Columbine Parks Pass. Currently, it is department policy to accept VA documentation for a Columbine Parks Pass in order to prevent the customer from having to get additional documentation that is written in the current regulation to prove the same disability.

Upon researching the other 49 states' disability programs, it is apparent that a signed physician's

statement is the logical route to determine total and permanent disability. It was found that only 3 other states offer a similar program, and all use a signed physician's statement as qualifying documentation.

Proposed update:

Update regulation #701.3 to clarify that only the following documents will be accepted as qualifying documentation to prove a "total and permanent" disability:

- A. A Colorado Parks and Wildlife "Physician's Affidavit" - a new section of the Columbine Parks Pass application that would be signed by a licensed physician. The section will ask the customer's physician to attest to whether the customer meets the definition of a "total and permanent" disability (as defined by the Attorney General above). The affidavit section will have a space for the doctors information (printed name, practice information, etc.) and signature.
- B. A "Final Admission of Liability" form from the Division of Workers Compensation that indicates a total and permanent disability.
- C. A letter from the Veteran's Association indicating a 60% or greater rated service-connected disability.

The proposed update will help clarify how a "total and permanent" disability is defined. By calling out the specific documents that will be accepted, the process will be more understandable and consistent with the same procedures for the Lifetime License programs that serve the same customer demographic.

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***IT IS ASSUMED THAT ALL NECESSARTY INTERNAL PARTIES HAVE BEEN NOTIFIED*.**

[List stakeholder groups and briefly summarize comments received]
Columbine Parks Pass applicants. No formal public outreach has occurred.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

- 1. ***Preferred Alternative*:** update regulation #701.3 as outlined above.
- 2. **Status quo.**

Issue Raised by:	Devon Adams
Author of the issue paper (if different than person raising the issue):	Sarah Schnacke
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	Cory Chick
REQUIRES NEW SPACE IN THE BROCHURE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	License and Pass Administration
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE:	Should CPW adopt parks regulations to support the new state statute for disabled first responders?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p>In the 2019 Legislative Session, House Bill 19-1080 passed making resident first responders with a permanent occupational disability eligible for a free Columbine Annual Pass.</p> <p><u>Statutory Language:</u></p> <p>33-12-103.5. Columbine annual pass - any resident of the state who is a first responder with a permanent occupational disability as defined in section 33-4-104.5 (2) may obtain, free of charge, a Columbine Annual Pass from the Regional or the Central Office of The Division, or such other location as may be determined by The Division.</p> <p>33-4-104.5 "first responder with a permanent occupational disability" means an individual who is a resident, as defined in section 33-1-102 (38), and:</p> <p>(a) is a retired member of the fire and police pension association, as defined in section 31-31-102(6), who has established to the division that he or she has been found to have, as the result of an injury received while performing official duties or an occupational disease arising out of and in the course of performing official duties, a permanent occupational disability, as defined in section 31-31-801 (3.2), by the fire and police pension association; or</p> <p>(b) served as a peace officer, as defined in section 16-2.5-101, or as a firefighter, as defined in section 29-5-203 (10), and has established to the division that he or she has, as the result of an injury received while performing official duties or an occupational disease arising out of and in the course of performing official duties, a permanent occupational disability as defined in section 31-31-801 (3.2).</p> <p><u>Issue:</u></p> <p>The language of 33-4-104.5 does not clarify how applicants will "establish to the division" their permanent occupational disability. Therefore, this procedure should be established via regulation.</p> <p>Additionally, in order to help define this new product to the public and staff, as well as provide accurate reporting and accounting, and accommodate system and printing constraints, these requirements cannot simply be added to the Columbine Pass, but should be defined as a different pass name in the regulation.</p> <p><u>Proposed Update:</u></p> <p>Introduce a Chapter P-07 regulation to include the new pass type.</p> <ol style="list-style-type: none">1. State that the "Columbine Pass" for first responders as referenced in statute will be issued as the "Blue Spruce Pass."2. Clarify that following documentation will be accepted as qualifying documentation to prove a "permanent occupational disability":<ol style="list-style-type: none">a. The "Initial Disability Administrative Decision" form from the Fire & Police Pension Association that specifies a permanent occupational disability, ORb. A Colorado Parks and Wildlife "First Responder's Affidavit": this will be a section on the new application that will be signed by the applicant, attesting to the fact their permanent disability and/or disease was obtained while on active-duty. This section will be for applicants that qualify based on 33-4-104.5(2b) and are not members of the Fire & Police Pension Association. The affidavit will ask for information regarding the applicant's service, such as employer, city, county, municipality, title, years employed, etc., in order to verify their status as a peace officer or firefighter.3. Update all applicable references within P-07 to include the Blue Spruce Pass. <p>These changes will need to be implemented in concert with the First Responder wildlife license.</p>	

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Resident first responder pass applicants. The disability coordinator with the Fire & Police Pension Association of Colorado was consulted regarding appropriate documentation applicants could submit. The Attorney General's office was consulted and advised how customers qualifying through 33-4-104.5(2b) could establish their disability to the Division.

Additionally, the Attorney General's office has been consulted and approved the renaming of the pass as long as all benefits remain intact.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. ***Preferred Alternative***: introduce a new regulation to supplement 33-4-104.5 as outlined above.

Issue Raised by:	Legislation	
Author of the issue paper (if different than person raising the issue):	Devon Adams and Sarah Schnacke	
CC:		
APPROVED FOR FURTHER CONSIDERATION BY:	CORY CHICK	
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Licensing	
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	