

ISSUES SUBMITTAL FORM

Date: 06/08/2020

ISSUE: Should refund and reissue regulations in Chapter W-16 be revised to provide more consistency and customer service opportunities?

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

Prior to 2015, CPW refund regulations allowed the opportunity for free refunds or preference point restoration for any reason, any time before the start of a season. Additionally, CPW only reissued licenses for sheep, moose, goat and some Ranching for Wildlife (RFW) tags. The result of those liberal regulations included an estimated annual loss of \$1.8 million in potential revenue, processing an average of over 9,000 license refunds and over 800 preference point reinstatements annually, and frustration from customers on the lack of reissuance for species other than sheep, goat, and moose.

Creating a hard refund/preference point restoration deadline of 30 days prior to the start of any big game season (14 days for turkey) and only allowing exceptions for extreme medical circumstances, death of a license holder's immediate family member, military deployment, or CPW error has since helped with financial recovery and allowing more licenses to be reissued to other hunters. However, it has also created some additional customer service complaints.

In the attached draft redline, Division staff have tried to adjust refund and reissue regulations to provide more consistency and the ability to address some of the customer service frustrations that the Refunds Coordinator routinely encounters each year. These changes include the following proposed modifications:

- Expanding "military deployment" to "military orders" to include military training and other service, that is not necessarily a change in duty station, but would still obligate a member of the armed forces, including reserve members, to serve instead of hunt during their season.
- Exempting youth from the 30-day/14-day deadline requirements, as they are more reliant on their parents or other mentor's schedules.
- Clarifying that no public RFW licenses will be placed on the Leftover License List for reissue. Instead, all returned public RFW licenses will be manually reissued. However, to allow more time to make these licenses available to the next customer in the draw order, the minimum time window would be shortened from 30 days to 14 days.
- After a season has started or within the 30-day/14-day window, allowing **either** a refund **or** a restoration of preference points for extreme medical circumstances or death of a license holder or their immediate family member.
- After a season has started or within the 30-day/14-day window, allowing **both** a refund **and** preference point restoration for military orders or jury duty. These last two bullet changes make the criteria/circumstances identical for both refund requests and restoration of preference point requests.
- Clarifying what licenses and fees are non-refundable in regulation, as also provided in statute.
- Putting a hard deadline for customers to provide additional CPW-requested/required documents so that appeals do not drag out for months on end.

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*.**

These particular regulatory changes have been kept internal to date, with review from both the License and Pass Section as well as Terrestrial Programs. A larger stakeholder outreach process has been done over the past several months, specific to the reissue process. Feedback from those surveys is being considered concurrently, yet separate to this internal issue paper.

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| ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS): | |
| <p>1. *Preferred Alternative*: Modify regulations in Chapter W-16 related to license refunds and reissuance, as proposed in the attached red-line draft.</p> <p>2. Status Quo.</p> | |
| Issue Raised by: | Sarah Lovik |
| Author of the issue paper (if different than person raising the issue): | Danielle Isenhart |
| CC: | Matt Eckert, Lauren Truitt |
| APPROVED FOR FURTHER CONSIDERATION BY: | Danielle Isenhart |
| 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 |
| RECOMMENDED FOR CONSENT AGENDA? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

DRAFT REGULATIONS - CHAPTER W-16 - PARKS AND WILDLIFE PROCEDURAL RULES

ARTICLE IV – REFUNDS, REIMBURSEMENT AND RESTORATION OF PREFERENCE POINTS

#1670 Refunds and Restoration of Preference Points

See also §§ 33-4-102 (6) for statutory provisions related to refunds

A. General Refund Procedures – Except as provided herein, anyone may request and be given a refund for a license no later than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening day of the season for which the license was issued for all other licenses, minus a \$15.00 processing fee. The \$15.00 processing fee will not be charged for refunds requested on youth licenses or due to extreme medical circumstances involving the license holder, death of the license holder, death of the license holder’s immediate family member, military ~~orders deployment that prevents the service member from exercising the intended benefits of the license~~, jury duty, or for Division error. Requests must have a valid U.S. postmark, or be submitted at a Division office at least fourteen (14) days prior to the opening day of the applicable turkey season or thirty (30) days prior to the opening day of any other season for which the license was issued. Youth are exempt from the (14) days prior requirement for turkey licenses and the (30) days prior requirement for big game licenses and may submit a request up to the day before the start of the season.

1. All refunds shall be requested on a form provided by or in the format requested by the Division.
2. All requests for license refunds must be accompanied by the entire license and carcass tag when applicable.
3. Refunds may be requested by mail or in person at any Division office.
4. Refunds shall only be issued to the person whose name appears on the license.
5. Licenses purchased through non-Division license agents will be refunded at cost less license agent fee.
6. No refunds shall be made on any special licenses listed in 33-4-102(2), C.R.S., or any auction or raffle licenses as provided for in 33-4-116 or 33-4-116.5, C.R.S., or on any exchanged license, or on any license that costs less than \$15.00 with the exceptions of resident youth turkey and resident youth big game licenses, or to any person whose license privileges have been suspended by the Commission.
7. When the \$15.00 processing fee exceeds the original refund amount, no refund shall be issued and the remainder of the processing fee shall be waived.
8. All limited licenses returned to the Division for a refund or preference point restoration will be available for reissue after the request has been processed using the current leftover list and following all other license purchase regulations, except for the following limited licenses:
 - a. Turkey, deer, elk, pronghorn and bear hunt codes which required 5 or more resident preference points to draw as determined by the current year’s limited license draw;
 - b. Bighorn sheep, mountain goat, and moose licenses;
 - c. All public Ranching for Wildlife licenses.

~~Except for deer, elk, pronghorn, and bear hunt codes which required 5 or more resident preference points to draw as determined by the current year's limited license draw, as well as bighorn sheep, mountain goat, moose, public Ranching for Wildlife antlered, antlerless and either-sex deer and elk, and buck, doe and either-sex pronghorn, all other limited licenses that are returned for refund or preference point restoration will be available for reissue after the refund request has been processed using the current leftover license list and following all license purchase regulations.~~

9. ~~The following limited licenses Deer, elk, pronghorn, and bear hunt code licenses which required 5 or more resident preference points to draw as determined by the current year's limited license draw, as well as bighorn sheep, mountain goat, moose, public Ranching for Wildlife antlered, and either-sex deer and elk, and buck and either-sex pronghorn licenses~~ returned for refund or preference point restoration will be reissued by the Division manually. If the next in line regular draw list applicant accepts one of the aforementioned first choice licenses that has been returned and reissued, all accumulated preference points for that species become void. If a license cannot be manually reissued to one of the first five people on the regular draw list, the license will become available for reissue using the current leftover license list. Public Ranching for Wildlife licenses will not be reissued within ~~fourteenthrity (1430)~~ days of the start date for the respective hunt code ~~or be available for sale off the leftover license list.~~

~~a. Turkey, deer, elk, pronghorn and bear hunt codes which required 5 or more resident preference points to draw as determined by the current year's limited license draw;~~

~~b. Bighorn sheep, mountain goat, and moose licenses;~~

~~c. All public Ranching for Wildlife licenses.~~

10. Requests for refunds after the opening of the season will be accompanied by sufficient evidence demonstrating that the license has not been used and circumstances precluded the licensee from being able to use the license. In addition, to be eligible for a refund the failure to apply for a refund less than thirty (30) days prior to the opening day of the season for which the license was issued cannot be due to a lack of diligence on the part of the licensee. The Division's License Administration Manager will render a decision on the refund request on behalf of the Division and the Commission and such decision shall constitute final agency action. Circumstances for which reimbursement will be considered shall be limited to:

a. Extreme medical circumstances involving the license holder.

b. Death of the license holder or death of a license holder's immediate family member.

~~c. Active members of the United States armed forces whose military deployment overlaps with the season dates of the license.~~

~~d. Individuals on jury duty whose jury duty service overlaps with the season dates of the license.~~

B. Other Refunds

1. Refunds or antlerless licenses may be issued in any unit approved by the Division for the same species in the same year to hunters who harvest a deer, elk or moose in which Chronic Wasting Disease (CWD) is detected through the Division's CWD monitoring or testing programs. Where there is no open season or insufficient time remains to reasonably exercise the benefits of a license granted in the same year, the Division may issue the licensee an antlerless license for the same species in the following year in the same Game Management Unit where the CWD detected animal was harvested, or if antlerless hunting is not permitted in the applicable GMU, the Division may designate a substitute GMU. If the season closes prior to October 31 in the unit, the license will be valid through October 31. The provisions of this regulation shall apply to any

hunter who harvests a moose after January 1, 2006 in which CWD is detected. Licenses issued pursuant to this provision shall not be considered part of the quota otherwise established by the Commission for that GMU.

2. Except for cases of Division error, no refunds shall be issued for any annual license, one (1) day or five (5) day license, mountain lion license or preference point fee.

C. Restoration of Preference Points

1. License preference points used to obtain the license will not be restored except as follows:
 - a. No later than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening day of the season for all other licenses, preference points may be restored to the pre-drawing level in lieu of a refund at the licensee's request.
 - b. Less than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening of the season for all other licenses, the License Administration Manager may restore preference points to the pre-drawing level in lieu of a refund for:
 1. Extreme medical circumstances involving the license holder; or
 2. Death of a license holder's immediate family member.
 - c. The License Administration Manager may restore license preference points to the pre-drawing level and issue a monetary refund for:
 1. Active and reserve members of the United States armed forces whose military ordersdeployment overlaps with the season dates of the returned license.
 2. Individuals on jury duty whose jury duty service overlaps with the season dates of the returned license.

D. Requests for refunds and restoration of license preference points due to military ordersdeployment that prevents the service member from exercising the intended benefits of the license or jury duty will be accompanied by sufficient evidence demonstrating that the license has not been used and circumstances precluded the licensee from being able to use the license. In addition, sufficient documentation is required to prove military ordersdeployment or jury duty service.

ED. Time Restriction

1. A refund or preference point restoration will be denied when re the request is submitted more than thirty (30) days after the opening of the season for which the license was issued. Provided further that all time limits will be extended for active and reserve members of the United States armed forces whose military service requirements precluded their application for a refund or preference point restoration within said periods.
- 4-2. When additional documentation is requested and required by the Division to approve a refund and/or restoration of preference point request, the requestor will have 30 days from the mailing date indicated on the notification letter to submit all the required documentation. If required documentation is not submitted prior to the 30-day deadline, the request will be considered closed and denied. No requests from the previous year will be considered after January 31.

annually.

FE. Director Disaster Relief Authority

1. When, in the determination of the Director, existing Parks and Wildlife regulations will have a significant negative impact following a natural disaster that displaces persons from their homes, or closes areas to public access and results in a time-critical demand for use of park resources or a complete (or near complete) loss of hunting opportunity, the Director is authorized to take emergency administrative actions, including, but not limited to:
 - a. Issuance of license fee refunds.
 - b. Restoration of preference points.
 - c. Exchange of big game hunting licenses for leftover or over-the-counter licenses.
 - d. Suspension of length of stay camping limits on Division-owned or controlled properties.
 - e. Imposition of administrative requirements associated with the application for relief granted under this section.

#1671 – Sponsorships and Waivers

- A. Area Wildlife Managers may provide state wildlife area access or entry licenses or permits issued pursuant to 33-4-102(3), C.R.S up to \$500 in value per fiscal year, per Area, to be used as sponsorships as a part of a fundraiser, promotion or marketing effort for local community supporting partners.
- B. Any state wildlife area access or entry license or permit fee issued pursuant to 33-4-102(3), C.R.S. may be waived for Division sponsored education, outreach, volunteer or safety activities (events); for supporting partner activities (events) and research activities that directly support the Division; for official business by other governmental agencies conducted on state wildlife areas or for Division administrative purposes.

#1672 - Reimbursement for processing costs associated with CWD positive animals

A. Costs incurred for processing CWD positive animals

1. Hunters may request reimbursement from the Division for the reasonable costs actually incurred when processing any animal that:
 - a. receives a positive test result from a USDA approved contract laboratory using a USDA approved test;
 - b. is untestable as a result of any act or omission of the Division; or
 - c. is untestable for any reason and was required to be submitted for testing by regulation.
2. All requests for reimbursement shall be submitted on the forms provided by the Division and accompanied by receipts supporting the amount of reimbursement requested, except that reimbursement for processing shall be allowed without receipts in the amount of \$50. Reimbursement with receipts is limited to no more than \$100 per animal for private processing supplies or \$200 per animal for commercial processing except for moose. The maximum reimbursement for commercial processing for moose is \$250.00.

#1673 – Alcohol

- A.** Upon recommendation of the park manager or area wildlife manager, the region manager may establish and enforce a temporary closure or restriction on any lands and waters under the supervision, administration, or jurisdiction of the Division to alcohol consumption when the region manager concludes that the closure or restriction is necessary to assure the health, safety and welfare of the public, users or staff, or protection of resources. The park manager or area wildlife manager and the region manager shall consider factors, including but not limited to, the effect or potential effect of alcohol consumption on employee and user safety, property appearance, atmosphere, noise levels, conflicts with other uses or users, the demand for law enforcement, the potential impacts to park or wildlife resources and the demand on Division staff.
- B.** Whenever such temporary closure or restriction is instituted, the area(s) involved shall be posted indicating the nature and purpose of the closure.