



COLORADO

Parks and Wildlife

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To: Members of the Colorado Parks and Wildlife Commission
From: Katie Lanter, CPW Policy and Planning Supervisor; Matt Eckert, CPW Terrestrial Program Supervisor; Danielle Isenhardt, CPW License, Reservations and Customer Operations Manager; Amanda Biedermann, CPW Policy and Planning Project Manager
Date: March 3, 2023

Re: Public Outreach on License Allocation Alternatives and Preference Point Topics

Introduction

In November, the Parks and Wildlife Commission (the Commission) approved updating the limited license application and drawing allocation processes for deer, elk, pronghorn, and bear. The three-year preference point average used to determine the high-demand hunt codes that fall into the 80/20 allocation split will now be based on a rolling three-year average (with a one-year lag). The preference point threshold used to determine high-demand hunt codes based on the three-year average remains status quo at six or more points as recommended by Colorado Parks and Wildlife (CPW) staff. This change will apply to the 2023 big game hunting season and adds about 1,200 deer and elk licenses to the 80/20 Resident/Nonresident (R/NR) allocation for hunt codes that require 6 or more resident preference points to draw (high-demand hunt codes) and the hybrid draw.

In addition to the changes approved in November, the Commission encouraged CPW staff to continue outreach on other license allocation alternatives, which could be implemented as early as the 2024 big game hunting season, and also asked staff to continue looking at potential preference point changes, namely point banking and averaging group points. This memo provides an overview for the Commission on the results of the public outreach process in response to these requests as well as proposed next steps.

Public Outreach Overview

CPW posted a public comment form (see Appendix) on our [Big Game License Distribution Engage CPW webpage](#) asking big game hunters to provide their input on various license allocation alternatives and several preference point topics. This public comment form was well advertised through a press release, CPW's hunting e-newsletter, and at events such as regional Sportsperson's Caucus meetings. The form was available for a total of 6 weeks, from January 9th through February 20th, 2023.

In addition to the public comment form, big game hunters could provide input through an online guestbook on the [Big Game License Distribution Engage CPW webpage](#). Members of the public used this guestbook feature to submit short-form responses outlining their general thoughts and ideas on CPW's overall license allocation process.



During the 6-week comment period, CPW received a total of 2,819 completed comment forms and 214 short-form responses from members of the public.

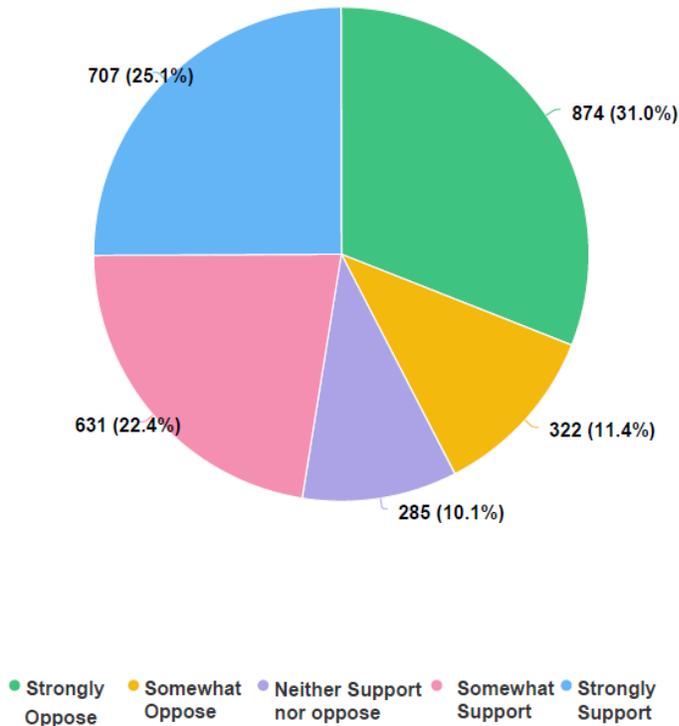
Public Outreach Results

The section below outlines the results of the public comment form and guestbook tool on Engage CPW. This section also provides a summary of the additional preference point topics brought forward by the public for potential future consideration by CPW staff.

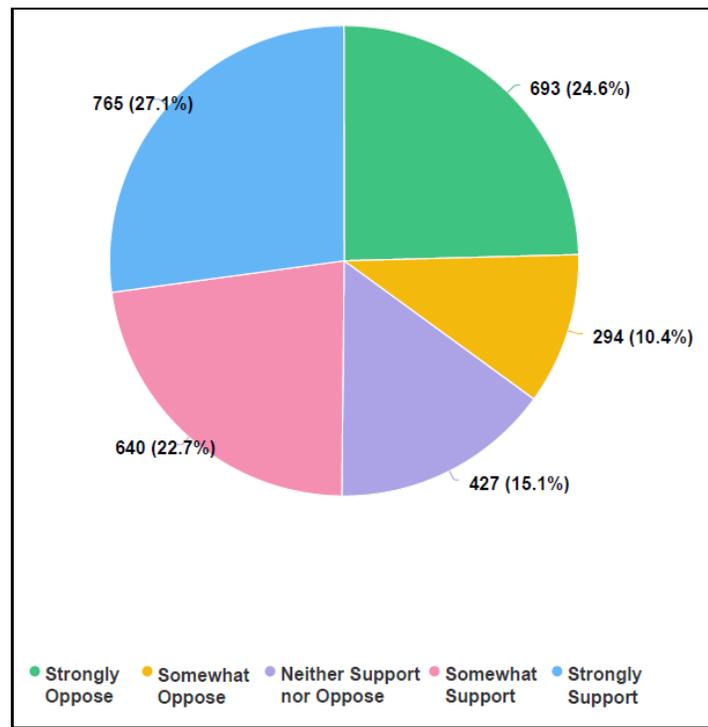
1) Comment Form Results

Question 1: 68.7% of respondents identified as Colorado residents, while 31.3% percent identified as nonresidents.

Question 2: When asked “How would you describe your opposition or support for a preference point banking system where hunters use only that portion of their preference points needed plus 2- 3 additional points to draw for deer, elk, pronghorn, and bear, and retain their remaining accumulated points?” responses were fairly evenly split with 48% somewhat or strongly in support and 42% somewhat or strongly opposed, and the remaining 10% neither supporting nor opposing such a change. **Results were as follows:**



Question 3: When asked “To what extent would you oppose or support averaging group applicant preference points when applying in the primary draw for deer, elk, pronghorn, and bear? (The current elk, deer, pronghorn, and bear draws assign the group the number of points the applicant with the fewest points applied with.)” about half (50%) of respondents somewhat or strongly supported averaging group points, 35% were somewhat or strongly opposed, and 15% neither supported nor opposed such a change. **Results were as follows:**



Question 4: When asked to rank the given alternatives for big game license allocation between residents and nonresidents in Colorado, overall, 75/25 (R/NR) Across-the-Board Allocation was the most popular choice among respondents, followed by 90/10 (R/NR) High Demand Allocation (retain 65/35 (R/NR) split for all other hunt codes) and then Status Quo. Preferences by percentage for residents and nonresidents are displayed on the following page.

	All (residents + nonresidents)	Residents	Nonresidents
Status Quo			
<i>Ranked First</i>	32%	13%	73%
<i>Ranked Second</i>	18%	18%	19%
<i>Ranked Third</i>	50%	69%	8%
90/10 (R/NR) High Demand Allocation			
<i>Ranked First</i>	29%	39%	7%
<i>Ranked Second</i>	39%	44%	27%
<i>Ranked Third</i>	32%	17%	66%
75/25 (R/NR) Across-the-Board Allocation			
<i>Ranked First</i>	39%	48%	20%
<i>Ranked Second</i>	43%	38%	54%
<i>Ranked Third</i>	18%	14%	26%

2) Guestbook Results

When offered the opportunity to provide general comments on CPW’s overall license allocation process (in short-response format using the guestbook tool on the [Big Game License Distribution Engage CPW webpage](#)), commenters generally expressed the following opinions:

- Respondents were predominantly residents, and expressed a preference for increasing resident allocation; many of these resident respondents suggested an 80/20 (R/NR) or 90/10 (R/NR) across-the-board allocation, a steeper change than the proposed 75/25 (R/NR) across-the-board allocation currently included as an option in the big game license distribution comment form. Many respondents (both resident and nonresident) expressed their willingness to pay higher license fees for improved hunt quality.
- Many respondents brought up over-the-counter (OTC) licenses as an issue in their comments; while the majority of OTC-related comments discussed both archery and rifle OTC license issues as a combined topic, many comments also focused on each of these issues separately. Respondents generally agreed that there are too many OTC licenses available, and provided the following suggestions: cap all nonresident OTC

licenses; eliminate nonresident OTC licenses and have nonresidents go to a draw-only system; eliminate all OTC licenses and go to a draw-only system; and cap resident and nonresident OTC licenses.

- Respondents also expressed concern with point creep, with many suggesting alternative methods to the current preference point system (see below for additional detail). Many respondents opposed both point banking and point averaging in their short-form responses, with few supporting either proposal, although several respondents did provide suggestions on how preference point banking/group averaging could be effectively limited or restricted if implemented.

3) Additional Topics Brought Forward for Consideration

Several members of the public brought up additional preference point-related proposals that fell outside of the scope of the Commission's request. These members of the public expressed the belief that implementing the proposals listed below would help address preference point creep and, in some cases, increase the likelihood of older hunters (e.g., those over 65) and residents drawing their first choice. These additional proposals included the following:

- Eliminate the existing preference point system (i.e., convert to a total random draw (lottery) system) or modify the system (e.g., convert to a combined bonus and preference point system)
- Charge for all preference points
- Implement preference point penalties for certain actions (e.g., a hunter loses all their preference points once they have obtained any male/either sex license through any distribution method)
- Set restrictions on preference point "buying" (e.g., require both R and NR to apply for a license every year (no ability to just buy preference points), preference points only gained by an unsuccessful draw result, etc.)
- Provide a preference point advantage to hunters over a certain age (e.g., hunters over 65) or veterans
- Provide multi-season options (i.e., season choice) for high preference point licenses
- Require a time limit for using preference points
- Integrate mandatory harvest reports into the preference point system (e.g., preference point penalty for not submitting mandatory harvest reports)
- Require hunters to use preference points for all choices in the primary and secondary draws, not just first choice in the primary draw
- Implement an OTC cap for nonresidents, but provide a preference point bonus to outfitters in the draw for their nonresidents clients
- Set limitations or prohibitions on the ability to return licenses (e.g., preference point penalty for returning a license)

While CPW appreciates these additional suggestions, staff would like to note that some of these proposals may not effectively address point creep issues and in some cases would exacerbate point creep. Additionally, some of these proposals would require statutory

changes and are therefore outside the scope of this process. Lastly, it is important to note that CPW does not have any data on the level of general public support for any of these additional topics proposed by a limited subset of the public.

Staff Recommendations

1) Preference Points (banking and group averaging)

CPW recommends maintaining the status quo. At this time, staff do not recommend carrying forward either preference point banking or preference point group averaging for the following reasons.

- CPW staff believe that major changes to Colorado's license allocation process (such as those proposed) should be supported by clear evidence that hunters are strongly in favor of such changes. Based on the comment form results, there is no clear majority of respondents who support either preference point banking or group averaging. Implementing preference point banking or averaging without clear support from hunters could impair hunter trust in and support for CPW.
- According to the 2022 Big Game Attitude Survey, when asked to rank fairness between various methods (preference points, weighted points, banking, random draw, hybrid draw) to distribute licenses in units where demand is higher than the number of licenses available, preference point banking and a totally random draw system were identified as the least fair options by both resident and nonresident survey respondents.
- The Commission recently approved several changes to license allocation during its November 2022 meeting and will consider the limitation of OTC archery elk licenses in the 2024 hunting seasons as well as additional major changes in 2025 associated with the 2025-2029 big game season structure process. Continuing to implement major changes that increase complexity in our draw system may lead to: 1) confusion and frustration among existing hunters, 2) a reduction in recruitment and retention of hunters, and 3) loss of hunter support for and trust in CPW.
- Incorporating either preference point banking or averaging into the current online system is likely to take significant effort and time. After discussing potential options with CPW's vendor and OIT staff, staff predict that implementing a complex point banking system would take the vendors over a year to successfully implement. Additionally, if the Commission chose to implement a preference point banking or group averaging system, this decision would delay existing planned projects, including but not limited to, incorporating the Backcountry Search and Rescue program as well as disability and landowner preference applications into the system.
- A preference point banking system may increase preference point creep in lower- and middle-point hunt codes. This is because applicants with a high number of points could draw licenses every year for many years, displacing others who were not banking points. Stipulating a minimum number of points to be used per license drawn could reduce the impact banking would have on the lower-point hunt codes.

- Some hunters have expressed concern that group point averaging could potentially lead to unregulated commercialization of preference points, by allowing the public to create “businesses” around linking hunters with high and low preference points (e.g., high preference point holders may sell their membership to a group for large amounts of money to increase that group’s point average; e.g., low point holders may trade unit information in exchange for getting added to a high preference point holder’s application, etc.). Groups with the financial capability to “purchase” new group members to improve their average would have a competitive advantage over groups that do not have that same financial capability.
- Group point averaging also may encourage people to keep buying points regardless of their age or intention to hunt. We anticipate that preference points will be purchased for people, such as family members that do not intend to hunt, solely to improve the point average of a group. Such unforeseen loopholes will take time and effort to close, and will increase the complexity of our draw system and associated regulations and policies.

Therefore, taking into consideration all of the rationales listed above and recognizing the importance of maintaining public support on these issues, staff believe that moving forward with preference point banking and group averaging is not advisable at this time and recommend maintaining the status quo.

2) License Allocation

CPW recommends transitioning from the current license allocation system (80/20 (R/NR) allocation for high-demand hunt codes; 65/35 (R/NR) allocation for all other hunt codes) to a simpler 75/25 (R/NR) *across-the-board* allocation for deer, elk, pronghorn and bear. Staff recommend this change for several reasons, explained below.

- The Commission’s action taken at its November 2022 meeting effectively shifted ~1,200 deer and elk licenses combined into 80/20 allocation. However, only around 200 of those deer and elk licenses will actually shift from nonresidents to residents in the 2023 drawings, as 200 is the 15% difference between 65% (65/35 R/NR) and 80% (80/20 R/NR), and the demand from residents was already at or greater than 65%. Resident hunters are likely looking for a more substantial increase in net license allocation.
 - Based on the 2023 comment form results, 69% of resident hunters ranked status quo as their least preferred option, showing that residents want CPW to take some kind of additional action on license allocation. Furthermore, 86% of residents and 74% of nonresidents ranked a 75/25 (R/NR) across-the-board allocation as either their first or second choice.
 - In the 2022 Big Game Attitudes Survey, when asked to select the fairest license allocation for resident and nonresident hunters, more than half (59%) of residents selected the option that most favored residents (80/20 (R/NR)), and more than three-quarters (83%) of nonresidents selected the option that most favored nonresidents (65/35 (R/NR)). However, 41% of resident hunters

indicated an allocation split at or below the 75/25 breakdown as the fairest approach. Note that only 10% of resident hunters supported the allocation option of 65/35 (R/NR), indicating that residents want a change from the status quo.

Therefore, our public engagement results not surprisingly indicate the majority of residents prefer a new allocation that maximizes the number of licenses allocated to residents, and the majority of nonresidents prefer whatever allocation maximizes the number of licenses allocated to nonresidents. An *across-the-board*, single allocation of 75/25 (R/NR) would decrease the number of licenses for current high-demand hunt codes allocated to residents by 5% (~100 fewer licenses drawn by residents), but for all other hunt codes it would increase licenses allocated to residents by 10% (~3,000 licenses). This approach could be a good compromise between resident and nonresident interests. Additionally, an across-the-board, single allocation maintains a higher level of predictability for the draw over time, simplifies CPW operations and regulations, and increases customer understanding of the license allocation.

It is also important to note that for several years, Colorado's resident hunters (including participants at numerous Sportsperson's Roundtable discussions) have expressed strong interest in changing CPW's license allocation to increase the number of licenses available to resident hunters. Allocation issues were excluded from the 2020-2024 Big Game Season Structure process to ensure focus was applied on big game season dates and length; however, license allocation remained a top issue for hunters during that public engagement process. Additionally, in March 2021, a legislative bill was introduced that attempted to reduce nonresident license allocation. Senate Bill 21-150 proposed to "[prohibit] the division of parks and wildlife from awarding more than one-third of big game hunting licenses to nonresidents in a limited license draw. This prohibition does not apply to leftover licenses." While this bill did not pass, it further demonstrates some public desire to change license allocation.

Considering all of the information available for a very polarizing issue, and recognizing that resident hunters desire a more substantial allocation than the status quo, CPW recommends transitioning from the current license allocation system to a simpler 75/25 *across-the-board* allocation for deer, elk, pronghorn and bear (i.e., the 80/20 R/NR allocation for high-demand hunt codes would be eliminated). CPW sees a 75/25 across-the-board allocation as a good compromise between resident and nonresident interests with the benefits outlined above.

Next Steps

Considering the staff recommendations outlined above, CPW requests that the Commission provide guidance to staff about whether to bring back changes to implement preference point banking, averaging group points, and/or changes to license allocation. To implement any of these changes for the 2024 season, the Commission must give staff strong guidance on the direction they are heading at the March Commission meeting and take final regulatory action in May 2023.