

ISSUES SUBMITTAL FORM

Date: January 31, 2023

ISSUE: Shall CPW adopt updated Backcountry Search and Rescue Regulations from the original Department of Local Affairs rules?

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

SUMMARY

Backcountry Search and Rescue (BSAR) operations and funding have been provided, in large part, by the county sheriffs throughout Colorado, volunteer Search and Rescue groups (working under the authority of the local sheriff), Colorado Search and Rescue Association (CSAR), and various state and federal entities (Colorado Parks and Wildlife, Colorado Avalanche Information Center, Colorado Department of Public Safety, National Park Service, etc).

Since 1987, there has been a \$0.25 BSAR Fund surcharge on every hunting and fishing license sold in Colorado. Since 1992, there has been the same surcharge on every snowmobile, OHV and boat registration. In 2001, the Colorado Legislature created the Colorado Outdoor Recreation Search and Rescue Cards (CORSAR) to allow residents to fund the BSAR Fund. Currently, the cost of a 1 year CORSAR card is \$3.00 and the cost for a 5 year card is \$12.00. It is important to emphasize that the SAR fees and CORSAR cards purchased are not insurance. Combined, these surcharges, fees, and CORSAR cards contributed approximately \$600,000 in 2021. These funds have been held by the Department of Local Affairs (DOLA), and used to cover BSAR Fund administrative costs and reimbursements to Colorado Sheriff's offices and BSAR groups annually.

In 2021 and 2022, the Colorado state legislature passed multiple Backcountry Search and Rescue (BSAR) related bills with different objectives and funding sources. House Bill 21-1326 allocated funds to help cover BSAR related equipment and needs. Senate Bill 21-245 (Keep Colorado Wild Act) will allocate up to \$2.5 million annually for BSAR operations and equipment generated by the sales of state parks passes. Additionally, in 2022, SB22-168 allocated \$1 million to CPW to help bridge BSAR funding until KCW money comes on board, and moved the administration of the BSAR fund from the Department of Local Affairs to Colorado Parks and Wildlife - effective January 1, 2023. As of January 1, 2023, these funding sources are housed within CPW's Field Services Branch. Furthermore, 1.4 FTEs have been transferred to CPW from DOLA to help administer these programs.

As part of the SAR transfer from DOLA to CPW, DOLA Backcountry Search and Rescue rules and regulations were transferred into CPW's scope for administration in the original format (legislatively adopted by CPW in 2023).

There is a need to update the existing regulations to update definitions, BSAR Council make-up and the decision making processes.

Significant recommended changes to these rules include:

1. Updating language to reflect CPW, the CPW director and CPW processes in these rules.
2. A proposed increase of the cost of a CORSAR card to \$5 for a 1 year card and \$20 for a 5 year card. This increase would shift the proportion of SAR costs somewhat to be less dependent on traditional CPW customers (hunters, anglers and OHV/Snowmobile/boat registrants).

3. The creation of a “BSAR Council” that would consist of 3 elected Sheriffs, 2 Representatives from the Colorado Search and Rescue Association, 2 Representatives from CPW, and 2 at-large members, appointed by the CPW Director.

4. A delay in the implementation of the CORSAR card price increase until **March 1, 2024**.

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*.**

[List stakeholder groups and briefly summarize comments received]

County Sheriffs of Colorado (CSOC)

Colorado Search and Rescue Association (CSAR)

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. ***Preferred Alternative*:**

Chapter 16- PARKS AND WILDLIFE PROCEDURAL RULES

Article VI- Backcountry Search and Rescue

#1681. Rules and Operating Procedures for use of funds credited to the BSAR fund pursuant to §33-1-112.5(1)(c)(II) C.R.S.

1. The Backcountry Search and Rescue (BSAR) fund shall be administered by the Division of Parks and Wildlife (Division) pursuant § 33-1-112.5. C.R.S. and these regulations.

2. DEFINITIONS

- a. Operational Expenses: Are those reasonable costs incidental to BSAR activities including, but not limited to: fuel, operating costs, repair, maintenance and rental of motor vehicles, fixed-wing aircraft, helicopters, snowmobiles, boats, horses, generators and any other equipment necessary or appropriate for conducting BSAR activities; reimbursement of mileage at the appropriate state rate; meals and room rental for personnel and any other similar expenses. Operational expenses do not include any salary, overtime or stipend paid to any person permanently employed by a BSAR agency or political subdivision of the state. Operational expenses do not include indirect operating expenses, such as stand-by costs of vehicles and equipment owned by a unit of local government.
- b. Eligible agency: Is a public or volunteer association providing specialized search and rescue services and resources authorized by a county sheriff or political subdivision.
- c. Eligible person: Is a person in possession of: a current and valid Colorado Parks and Wildlife (CPW) hunting or fishing license; a vessel, snowmobile or off-highway vehicle currently registered through the Division of Parks and Wildlife or a current and valid Colorado Outdoor Recreation Search and Rescue Card.
- d. Eligible BSAR Incident: Mobilization of persons or agencies with specialized search and rescue skills authorized by a County Sheriff or political subdivision of the State of Colorado for one or multiple purposes in section §33-1-102(1.3)(a),(b),(c), or (f), C.R.S.

- e. Eligible Reimbursement Request: Request for payment of operational expenses of an eligible BSAR incident for an eligible person as certified by the sheriff of the county in which the incident took place.

3. LIMITATION OF PAYMENT OF REQUESTS FOR REIMBURSEMENT.

- a. The Backcountry Colorado Search and Rescue Fund will make no payment for BSAR expenses already paid or reimbursed by another source such as victims compensation, private insurance, or donations made for the purpose of paying for a specific search. Donations of a general nature, not covering expenses of a specific search, shall be excluded from this limitation. Should an eligible agency receive payment from another source after having received payment from the BSAR Fund for the same BSAR Incident, that agency shall reimburse the BSAR Fund an amount equal to the amount of payment received from the other source.
- b. No reimbursement requests shall be paid for BSAR activities for which a river outfitter is liable pursuant to the provisions of section §33-32-108(2), C.R.S., unless such liability has been lawfully discharged.
- c. Searches for or recovery of property are not eligible incidents and are not reimbursable through the BSAR Fund.
- d. The Division shall not make payment when an insurance policy exists that will cover costs incurred. Payments may be used to pay insurance deductibles.
- e. The Division shall not make payment to victim's compensation, individuals, or eligible persons. Payments are solely made to eligible agencies for costs incurred by those agencies or subdivisions in performing BSAR incidents.
 - i. Costs may include those for contracted resources or expenses incurred and requested for reimbursement by volunteers.
- f. The BSAR Fund is not an insurance fund for eligible persons. It does not pay subjects. It does not cover medical expenses or medical transport fees. The use of an air ambulance as a search and rescue incident resource is not considered medical transport. All or portions of air ambulance bills considered elements of an "eligible search and rescue incident" as defined herein, are eligible for payment by the BSAR Fund.
- g. The Division will not make payment for the search, rescue, or recovery of persons engaged in illegal activities or persons eluding law enforcement authorities.

4. INCIDENT REIMBURSEMENT PROCEDURES:

- a. General request provisions:
 - i. All reimbursement requests from eligible agencies having incurred reimbursable costs in a BSAR incident within the State of Colorado must be filed with the sheriff in the county where the BSAR activities occurred.
 - ii. The sheriff shall be responsible for certifying and submitting the request for reimbursement to the division, and for the proper distribution of Colorado BSAR Fund money to all agencies and political subdivisions approved for reimbursements.

- iii. All such reimbursement requests must be certified and submitted to the division within 60 days of the completion of the search and rescue operation.
 - 1. The 60-day filing requirement may be waived for good cause shown. Failure to submit a certified reimbursement request within 60 days of the completion of a BSAR operation because of other reasons not due to the filer's lack of diligence shall be considered "good cause."
 - 2. Reimbursement requests received after June 30 of any year will be processed in the following fiscal year and are subject to the funding levels of that fiscal year.
 - 3. As soon as practical after submission, the division shall consider each reimbursement request. The division shall review each request to determine if the actual operating costs requested are reimbursable pursuant to statute, regulations and procedures. In no event shall any payment be made that is not authorized by statute.
- b. Payment provisions:
 - i. Upon receipt of a BSAR incident reimbursement request, the division shall determine if all expenditures requested for reimbursement are eligible. If the division determines all expenditures requested are reimbursable, it shall submit a request to the Division Accounting Office for issuance of a payment.
 - ii. Partially completed reimbursement requests or requests omitting required reimbursement information will be returned to the Sheriff.
 - iii. At the end of the State Fiscal Year, as funds are available, all eligible reimbursement requests for ineligible persons shall be paid pursuant to §33-1-112.5(6), C.R.S..

5. BACKCOUNTRY SEARCH AND RESCUE COUNCIL

- a. The Backcountry Search and Rescue Council will be composed of the following members:
 - i. 3 - elected county sheriffs
 - ii. 2 - members of Colorado Search and Rescue Association
 - iii. 2 - employees of Colorado Parks and Wildlife
 - iv. 2- At-large members
- b. All council members must be appointed to the council by the Division Director
- c. The Backcountry Search and Rescue Council shall meet to discuss reimbursements and the distribution of grant funds from the BSAR fund in accordance with §33-1-112.5, CRS, in conjunction with analysis and consultation with Division staff.
 - i. The Division Director, or their designee, will give final approval for all reimbursements and distribution of funds.

Chapter P-7: Passes, Permits and Registrations

Article I - GENERAL PROVISIONS AND FEES RELATING TO PASSES, PERMITS AND REGISTRATIONS

#708 - PASS AND PERMIT FEE SCHEDULE

14. Colorado Search and Rescue (CORSAR) Cards

- a. 1 year CORSAR Card....\$5.00
- b. 5 year CORSAR Card....\$20.00

Issue Raised by:	Ty Petersburg- Acting Asst. Director of Field Services Perry Boydstun- BSAR Program Manager	
Author of the issue paper (if different than person raising the issue):	Ty Petersburg- Acting Asst. Director of Field Services Perry Boydstun- BSAR Program Manager	
CC:		
APPROVED FOR FURTHER CONSIDERATION BY:	Ty Petersburg	
REQUIRES NEW SPACE IN THE BROCHURE?	NO	
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	YES	
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Field Services	
RECOMMENDED FOR CONSENT AGENDA?	NO	