



COLORADO

Parks and Wildlife

Department of Natural Resources

1313 Sherman St, Room 111
Denver, CO 80203
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TO: Members of the Colorado Parks and Wildlife Commission
FROM: Krista Heiner, Regulations Manager
RE: Chapter W-16 Final Regulations for the September 2020 Parks and Wildlife Commission Meeting
DATE: August 21, 2020

Final regulatory changes for Chapter W-16 are summarized below. If there are questions about the agenda item below, or if additional information is needed, please feel free to contact me at 303-866-3203 x4609 or krista.heiner@state.co.us.

Agenda Item 14: Chapter W-16 - "Parks and Wildlife Procedural Rules" - 2 CCR 406-16 (Step 2 of 2)

Revising refund and reissue regulations to provide more consistency and customer service opportunities

In 2015, the Division implemented a refund/preference point restoration deadline of 30-days prior to the start of any big game season (14-days for turkey) and only allowed exceptions for extreme medical circumstances, death of a license holder's immediate family member, military deployment, or CPW error. This has created some additional customer service complaints. These modified refund and reissue regulations provide more consistency and addresses some of the customer service frustrations that the Refunds Coordinator routinely encounters each year, including:

- 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 which licenses will be placed on the leftover list for reissue after being returned to the Division;
- Shortening the minimum time window for reissuing a public Ranching for Wildlife License from 30 days to 14 days prior to the start of that hunt, to allow more time to make these licenses available to the next customer in the draw order;
- Clarifying that after a season has started or within the 30-day/14-day window, a request for a refund or restoration of preference points will only be considered for extreme medical circumstances or death of a license holder or their immediate family member, and requests for a refund and restoration of preference points will only be considered for military orders or jury duty;
- Clarifying which licenses and fees are non-refundable, as provided in 33-4-102 6(a), C.R.S., which specifies there will be no refund unless division error or authorized by director under Commission rule; and
- Adding a deadline for customers to provide additional CPW-requested/required documents to ensure appeals do not continue for several months.



FINAL 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 five (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 and either-sex deer and elk, and buck 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:-~~

a. Turkey, deer, elk, pronghorn and bear hunt codes which required five (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.

~~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 ~~fourteen~~^{thirty} (14~~30~~) days of the start date for the respective hunt code or be available for sale off the leftover license list:-~~

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.

4.2. Except for cases of Division error, no refunds shall be issued for any annual license, one-day, or five-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 ~~In no event shall a refund or preference point restoration be made where~~ 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 points request, the requestor will have thirty (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.

Basis and Purpose:

In 2015, the Division implemented a refund/preference point restoration deadline of 30-days prior to the start of any big game season (14-days for turkey) and only allowed exceptions for extreme medical circumstances, death of a license holder's immediate family member, military deployment, or CPW error. This has created some additional customer service complaints. These modified refund and reissue regulations provide more consistency and addresses some of the customer service frustrations that the Refunds Coordinator routinely encounters each year, including:

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- Clarifying which licenses will be placed on the leftover list for reissue after being returned to the Division;
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- Clarifying that after a season has started or within the 30-day/14-day window, a request for a refund **or** restoration of preference points will only be considered for extreme medical circumstances or death of a license holder or their immediate family member, and requests for a refund **and** restoration of preference points will only be considered for military orders or jury duty;
- Clarifying which licenses and fees are non-refundable, as provided in 33-4-102 6(a), C.R.S., which specifies there will be no refund unless division error or authorized by director under Commission rule; and
- Adding a deadline for customers to provide additional CPW-requested/required documents to ensure appeals do not continue for several months.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us. The statements of basis and purpose are not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE NOVEMBER 1, 2020 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 2ND DAY OF SEPTEMBER, 2020.

APPROVED:
Marvin McDaniel
Chair

ATTEST:
Marie Haskett
Secretary