



COLORADO

Parks and Wildlife

Department of Natural Resources

6060 Broadway
Denver, CO 80216
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TO: Members of the Colorado Parks and Wildlife Commission
FROM: Jonathan Boydston, Acting Regulations Manager
RE: Chapter W-16 Draft Regulations for the July 2021 Parks and Wildlife Commission Meeting
DATE: July 2, 2021

Draft 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 jonathan.boydston@state.co.us or Krista Heiner at krista.heiner@state.co.us.

Agenda Item 12: Chapter W-16 - "Procedural Rules" 2 CCR 406-16 (Step 1 of 2)

Clarifying refund, restoration of preference points and Director's disaster relief authority regulations

These changes clarify the regulatory language so that customers can more fully understand what types of refund requests will be approved, including clarifying that for licenses purchased with a credit card, a refund will be made to the same credit card used to make the original purchase and clarifying that if a license holder was in the field any length of time during the season for which their license was valid, they are ineligible for a refund. Additionally, for licenses turned in after the start of the season, a new affidavit has been created to ensure the customer was not out in the field hunting. Additionally, regulations have been changed to make customers impacted by extreme medical circumstances or death (of themselves or an immediate family member) eligible to receive a restoration of preference points and/or a monetary refund, similar to military service or jury duty. Finally, regulations have been added to clarify the Director's authority to issue guaranteed licenses in response to extreme events.



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 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 credit card was used or 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 in any circumstance where the license holder was in the field during an active season for the license and designated species as specified in Commission rules and regulations.
- ~~7~~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.
- ~~8~~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.

98. 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.

109. _____ The following limited 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 (14) days of the start date for the respective hunt code or be available for sale off the leftover license list.

1140. Requests for refunds after the opening of the season will be accompanied by a signed affidavit 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.

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-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 license preference points to the pre-drawing level and/or issue a monetary refund if any of the following circumstances preclude a hunter from hunting during the applicable season: ~~may restore preference points to the pre-drawing level in lieu of a refund for:~~
 1. Extreme medical circumstances involving the license holder or a license holder's immediate family member; ~~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:~~
 31. Active and reserve members of the United States armed forces whose military orders overlap with the season dates of the returned license;~~;~~ or
 42. 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 orders 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 orders or jury duty service.

E. Time Restriction

1. A refund or preference point restoration will be denied when 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.

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.

F. 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.~~ e. Issue similar guaranteed licenses for another license year.
 - ~~e.~~ Suspension of length of stay camping limits on Division-owned or controlled properties.
 - f. Imposition of administrative requirements associated with the application for relief granted under this section.

Basis and Purpose:

Clarifying refund, restoration of preference points and Director's disaster relief authority regulations

These changes clarify the regulatory language so that customers can more fully understand what types of refund requests will be approved, including clarifying that for licenses purchased with a credit card, a refund will be made to the same credit card used to make the original purchase and clarifying that if a license holder was in the field any length of time during the season for which their license was valid, they are ineligible for a refund. Additionally, for licenses turned in after the start of the season, a new affidavit has been created to ensure the customer was not out in the field hunting. Additionally, regulations have been changed to make customers impacted by extreme medical circumstances or death (of themselves or an immediate family member) eligible to receive a restoration of preference points and/or a monetary refund, similar to military service or jury duty. Finally, regulations have been added to clarify the Director's authority to issue guaranteed licenses in response to extreme events.

This statement of basis and purpose can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us. This statement of basis and purpose is not currently 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: § 33-6-106, C.R.S. and §33-1-106(1)(a), C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE FEBRUARY 1, 2022 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 1ST DAY OF SEPTEMBER, 2021.

**APPROVED:
Carrie Besnette Hauser
Chair**

**ATTEST:
Luke B. Schafer
Secretary**