

# Utah Wildlife Board Meeting

April 10, 2020,  
Electronic Meeting

The Board Meeting will stream live at <https://www.youtube.com/watch?v=VeMQeGoXvKs>

## AGENDA

**Friday, April 10, 2020, 10:00 am**

1. Approval of Agenda **ACTION**  
– Byron Bateman, Chairman
  
2. R657-57 Division Variance Rule Amendments in response to COVID-19 **ACTION**  
– Lindy Varney, Wildlife Licensing Coordinator
  
3. Other Business **CONTINGENT**  
– Byron Bateman, Chairman

**Recommendations can be viewed at <https://wildlife.utah.gov/agendas-materials-minutes.html>  
Public Comment will be accepted until 11:59 p.m. on Thursday, April 9.**

*In compliance with the Americans with Disabilities Act - Persons needing special accommodations (including auxiliary communicative aids and services) for this meeting, should contact Staci Coons at 801-538-4718, giving her at least five working days notice.*



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED  
Executive Director

### Division of Wildlife Resources

MICHAL D. FOWLKS  
Division Director

## MEMORANDUM

DATE: April 7, 2020

TO: Wildlife Board Members

FROM: Lindy Varney, Wildlife Licensing Coordinator

**SUBJECT: Amendment to Division Variance Rule (R657-57)**

The Division has the ability to grant certain types of relief to hunters who cannot obtain or use their wildlife documents (i.e., hunting permits) because of identified events or conditions beyond their control.

### **Recommended changes to the Division's variance authority scope (R657-57-6)**

The Division recommends adding personal health concerns related to COVID-19 — or pandemic-related restrictions imposed by federal, state or local governments — to the list of qualifying events and conditions that would qualify for a variance.

This rule change would allow the Division to grant a variance if the applicant submits one of the following documents:

- A physician's written statement explaining and verifying two things:
  - The permit holder's underlying health conditions place them at risk of life-threatening COVID-19 complications, if they contract the disease.
  - Participation in the permitted activity will significantly increase the permit holder's risk of contracting COVID-19.

— OR —

- A photocopy of the laws, orders or directives related to COVID-19 (issued by federal, state or local governments) that prevent the applicant from participating in the permitted activity.

Depending on the type of permit issued, variance relief may include restoration of associated bonus or preference points, a waived waiting period or a season extension for the subsequent year.

**R657. Natural Resources, Wildlife Resources.  
R657-57. Division Variance Rule.**

**R657-57-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19 this rule is established to provide authority, standards and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

**R657-57-6. Qualifying Events and Conditions.**

(1) The Division's authority to grant a variance consistent with the requirements of this rule is limited to persons that are completely or substantially precluded during the prescribed season from participating in the hunting activity authorized by an eligible wildlife document, or precluded or substantially impaired from filing a timely wildlife document application in a Division administered drawing because of:

(a) personal illness or injury;

(b) the death, or significant injury or illness of an immediate family member; [ef]

(c) mobilization or deployment under orders of the United States Armed forces, a public health organization, or public safety organization in the interest of national defense or a national emergency; or

(d) COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government.

**R657-57-7. Variance Application.**

(1) A person may request a variance pursuant to the requirements of this rule by filing an application with the Division within 120 days of the:

(a) last day of the hunting season for which a season extension variance is requested; or

(b) drawing application deadline for which a bonus or preference point variance is sought.

(2) The Division may not grant a variance under this rule when the application is received beyond the 120 days limitation period set forth in Subsection (1).

(3) An application for a season extension variance under R657-57-4(1), a bonus point restoration and waiting period waiver variance under R657-57-4(2), or a preference point restoration variance under R657-57-4(3) shall contain the following information and documentation:

(a) name, address and telephone number of the applicant;

(b) a brief statement of the variance relief sought;

(c) the original wildlife document for which a season extension variance is sought with an undetached and unnotched tag;

(d) a statement verifying the applicant was substantially precluded from participating in a qualified hunt because of:

(i) personal illness or injury;

(ii) the death, or significant injury or illness of an immediate family member; [ef]

(iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency; or

(iv) COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government.

(e) corroborating documentation of the qualifying event or condition listed in Subsection ([2]3)(d), in the form of:

(i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;

(ii) a photocopy of the deceased immediate family member's certified death certificate; ~~or~~

(iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating~~[-]~~:

(A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and

(B) the nature and length of duty while deployed or mobilized; or

(iv) (A) a physician's written statement explaining and verifying that underlying health conditions place the applicant at risk of life-threatening COVID-19 complications, if contracted, and that participation in the permitted activity will significantly increase the applicant's risk of contracting COVID-19; or

(B) a photocopy of the COVID-19 related federal, state, and local laws, orders, or directives substantially precluding the applicant from participating in the permitted activity.

(4) An application for a bonus or preference point variance under R657-57-4(4) shall contain the following information and documentation:

(a) name, address and telephone number of the applicant;

(b) a brief statement of the variance relief sought;

(c) a description of the wildlife document application and permit type for which a bonus or preference point variance is sought, including the wildlife species and sex, season dates, and weapon type;

(d) a statement verifying the applicant was precluded or substantially impaired from submitting a wildlife document application because of:

(i) personal illness or injury;

(ii) the death, or significant injury or illness of an immediate family member; or

(iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency.

(e) corroborating documentation of the qualifying event or condition listed in Subsection (3)(d), in the form of:

(i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;

(ii) a photocopy of the deceased immediate family member's certified death certificate; or

(iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:

(A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and

(B) the nature and length of their duty while deployed or mobilized.

(5) The Division may reject an application that is incomplete or that contains false or misleading information.

(6) The Division may require the applicant to provide additional information, documentation, or clarification in conjunction with an application to determine eligibility for a variance.

(7) The Division should make its written decision within 30 days of receiving an application for variance and mail a copy of the decision to the applicant.

### **R657-57-10. Wildlife Board Appeals.**

(1) A person may appeal the Division's decision on a variance application to the Wildlife Board pursuant to the requirements of this rule. The appeal request must be in writing and received by the Division within 30 calendar days of the issuance date on the Division's decision.

(2) The appeal shall contain the following information and documentation:

(a) name, address and telephone number of the petitioner;

(b) a statement of the variance relief sought and justification for the relief;

(c) a description of the wildlife document application for which the variance is sought, including the document number, species and sex, season dates, and weapon type;

(d) the original wildlife document for which the variance is sought;

(e) a statement describing the degree of lost opportunity because of an event or condition; and

(f) corroborating documentation of the event or condition listed in R657-57-7(3)(d) and (4)(d), which may include:

(i) a physician's written statement;

(ii) a certified death certificate photocopy;

(iii) a photocopy of the military orders;

(iv) a letter from an employment supervisor on official letterhead; ~~or~~

(v) court documentation; or

(vi) a photocopy of relevant COVID-19 laws, orders, or directives.

(3) The Wildlife Board may reject a variance appeal that is incomplete or that contains false or misleading information.

(4) The Wildlife Board may require the petitioner to provide additional information, documentation, or clarification in conjunction with the variance appeal.

(5) The Wildlife Board may set a time and date for a hearing on the variance appeal where the petitioner may be given an opportunity to address the Wildlife Board concerning the appeal.

(a) The Wildlife Board will provide the petitioner notice of the date, time, and location of the hearing.

(b) Failure to participate in the hearing may result in dismissal of the variance appeal.

(6) The Wildlife Board may sustain, overturn, or modify the Division's decision which is the subject of the variance appeal, provided the relief granted is consistent with the standards, limitations, requirements, and procedures in R657-57-11 through R657-57-13.

(7) The Wildlife Board will prepare a written decision on the variance appeal and mail a copy to the petitioner.

**KEY: wildlife, permits**

**Date of Enactment or Last Substantive Amendment:** February 10, 2020

**Notice of Continuation:** July 31, 2018

**Authorizing, and Implemented or Interpreted Law:** 23-14-18; 23-14-19