

R657. Natural Resources, Wildlife Resources.

R657-43. Landowner Permits[.]

R657-43-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, this rule provides the standards and procedures for [~~private-~~]landowners to qualify for and obtain [landowner permits for:]big game hunting opportunities in recognition of the benefits their private properties provide to wildlife resources in Utah.

~~[(a) taking buck deer within the general unit hunt boundary area where the landowner's property is located during the general deer hunt only; and]~~

~~[(b) taking bull elk, buck deer or buck pronghorn within a limited entry unit.]~~

~~[(2) In addition to this rule, any person who receives a landowner permit must abide by Rule R657-5 and the guidebook of the Wildlife Board for taking big game.]~~

~~[(3) The intent of the general landowner buck deer permit is to provide an opportunity for landowners, lessees, or their immediate family, whose property provides habitat for deer, to purchase a general deer permit for the general unit hunt boundary area where the landowner's property is located.]~~

~~[(4) The intent of the landowner appreciation permit is to provide an opportunity for landowners and their immediate family, whose property provides habitat for migratory deer, to purchase a general deer permit for the general unit hunt boundary where the landowner's property is located.]~~

~~[(5) The intent of the limited entry landowner permit is to provide an opportunity for landowners, whose property provides habitat for deer, elk, or pronghorn, to be allocated a restricted number of permits for a limited entry bull elk, buck deer, or buck pronghorn unit, where the landowner's property is located. Allowing landowners a restricted number of permits:]~~

(2)(a) The division shall offer a program providing opportunities for general season big game hunts ("General Season Landowner Permits") and a program providing limited entry big game hunts ("Limited Entry Landowner Permits").

(b) The division shall offer buck deer permits under both programs.

(c) The division shall offer buck pronghorn and bull elk permits under the Limited Entry Landowner Permit program only.

(3) The Landowner permit programs are intended to:

(a) [~~encourages~~]provide an incentive for private landowners to manage their [land for wildlife;]

[(b) ~~compensates the landowner for providing private land~~]lands as quality habitat for public wildlife;

(b) assist and support the division in managing big game populations;

~~[(c) allows the division to]~~

(c) increase private Landowner tolerance of big game on their Private Lands;

(d) increase big game hunting opportunities;

(e) increase and secure public hunting access on participating Landowners' Private Lands;

(f) reduce the division's obligations in responding to and compensating for depredation events occurring on participating Private Lands;

(g) use objective criteria to determine how hunting opportunities are allocated under the programs; and

(h) allocate hunting opportunities in a manner that fluctuates in proportion to variations in public draw permit numbers~~[on specific units].~~

R657-43-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

~~[(a)]~~

(a) "Applicant" means a Landowner applying to participate in the General Season Landowner Permit program or the Limited Entry Landowner Permit program.

(b) "Cropland" means agricultural Private Land that is cultivated and mechanically harvested and upon which the division has determined that migratory deer rely to meet herd management objectives.

(c) "Draw Application" means that application for Permits submitted to the division after the Applicant has been approved to participate in the program.

(d) "Eligible ~~[property]~~Property" means:

(i) ~~[private land]~~Private Land that provides habitat for deer, elk or pronghorn as determined by the division~~[-of Wildlife Resources];~~

(ii) ~~[private land]~~Private Land that is not used in the operation of a Cooperative Wildlife Management Unit;

(iii) ~~[private land]~~Private Land that is not used in the operation of an elk farm or elk hunting park;

(iv) ~~[land]~~Private Land in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Sections 59-2-503 and 59-2-504; and

(v) ~~[private land]~~Private Land having one or more of the following attributes:

(A) for the purpose of receiving general buck deer permits, a minimum of one hundred (100) acres of Private Land that is Cropland, or a minimum of six hundred forty (640) acres of ~~[private land]~~other Private Land that is owned or leased by one Landowner or leased by one landowner within the general season unit hunt boundary or;

(B) for the purposes of receiving a ~~[landowner appreciation permit, a minimum of 100 acres of cultivated and mechanically harvested crop lands that, in the discretion of the division, is relied upon by migratory deer to meet herd management objectives;]~~

~~[(C) for the purposes of receiving a limited entry permit or voucher, private land, including crop lands;]~~Limited Entry Landowner Permit Voucher, Private Land owned or leased by members of a ~~[landowner association]~~Landowner Association that is within a limited entry unit.

(e) "Governing Documents" mean the legal documents executed by a Legal Entity Owners that govern the formation, operation, management, rules, duties, responsibilities, decision making and dissolution of such Legal Entity.

~~[(b)]~~f) "Immediate ~~[family]~~Family" means ~~[the landowner's or lessee]~~a Landowner's, a Lessee's, or a Legal Entity Owner's spouse, children, sons-in-law,

daughters-in-law, father, mother, father-in-law, mother-in-law, ~~brother, sister, brother~~ brothers, sisters, brothers-in-law, sisters-in-law, stepchildren, and grandchildren.

~~(e)g~~ “Landowner” means, for the purposes of this rule, any person, ~~partnership,~~ or ~~corporation who~~ Legal Entity which:

(i) owns property Private Land in Utah ~~and whose name appears on a deed as the owner of eligible property or whose name appears as~~ as evidenced by such deeds vesting title in such Landowner;

(ii) is the purchaser ~~on~~ of Private Land pursuant to a recorded contract ~~for~~ of sale; or

(iii) is a Lessee of eligible property Private Land, being any person or legal entity with a written lease whose terms permit the lessee to be in actual physical control of such Private Land..

~~(e)h~~ “Landowner ~~association~~ Association” means ~~an organization of private landowners~~ a Legal Entity created by Landowners who own ~~property~~ Eligible Property within a limited entry unit, which Legal Entity is organized for the purpose of working with the division as outlined in this rule.

~~(e) “Lessee” means any person, partnership, or corporation whose name appears as the Lessee on a written lease, for at least a one-year period, for eligible property used for farming or ranching purposes, and who is in actual physical control of the eligible property.]~~

~~(f) “Limited entry unit” means a specified geographical area that is closed to hunting deer, elk or pronghorn to any person who has not obtained a valid permit to hunt in that unit.]~~

(i) “Legal Entity” means an entity such as a corporation, partnership, limited liability company, or trust that is duly organized under the laws of the State of Utah and/or otherwise qualified to do business within the State of Utah.

(j) “Legal Entity Owner” means a person or other Legal Entity which has ownership in a Legal Entity, such as a shareholder of a corporation, a member of a limited liability company, a partner in a partnership, or trustee or beneficiary of a trust.

(k) “Permit” means a hunting authorization purchased from the division by a person who is the holder of a Voucher, pursuant to the terms and authorizations contained in such Voucher.

(l) “Private Land” means, for the purposes of this rule, any real property owned or leased by a Landowner, excluding:

(i) land owned by the state or federal government;

(ii) land owned by a county or municipality;

(iii) land owned by an Indian tribe;

(iv) land enrolled in a Cooperative Wildlife Management Unit under R657-37;

and

(v) land where public access for big game hunting has been secured.

(m) “Qualifier Application” means the initial application submitted to the division to determine if a Landowner meets the necessary requirements to participate in the landowner permit program.

([g]n) ["Voucher"] means ~~[a document]~~an authorization issued by the division to a ~~[landowner, landowner association, or Cooperative Wildlife Management Unit operator, allowing a landowner, landowner association, or Cooperative Wildlife Management Unit operator to designate who may]~~Landowner that entitles such Landowner or its permitted transferees (if allowed pursuant to this rule) to purchase a ~~[landowner big game hunting permit]~~Permit from ~~[a]~~the division~~[-office]~~.

R657-43-3. ~~[Qualifications for]~~General Season Landowner ~~[Buck Deer]~~Permits Availability and Eligibility.

~~[(1) The director, upon approval of the Wildlife Board, may establish a number of general landowner buck deer permits within each region to be offered to eligible landowners, lessees, and members of their immediate family for the general deer hunting season only.]~~

~~[(2) Only private lands will be considered in qualifying for general landowner buck deer permits. Public or state lands are not eligible.]~~

~~[(3) Crop lands will be considered in qualifying for general landowner buck deer permits if the crop lands provide habitat for deer and contribute to meeting unit management plan objectives.]~~

~~[(4) General landowner buck deer permits are limited to resident or nonresident landowners or lessees, and members of their immediate family.]~~

~~[(5)(a) An individual who receives a general landowner buck deer permit may not receive a landowner appreciation permit for the same year.]~~

~~[(b) If one or more general landowner buck deer permits are awarded based on an identified parcel of eligible property, landowner appreciation permits may not be awarded for that identified parcel of eligible property during that same year.]~~

(1)(a) The division will establish the number of General Season Landowner Permits for buck deer annually by identifying the number of public draw permits available in a unit and allocate an additional three percent (3%) of that number to the program. Vouchers for General Season Landowner Permits for buck deer will be issued through the General Season Landowner Permit draw. Vouchers may only be redeemed by the Landowner or Immediate Family members.

(2) An Applicant must meet the following eligibility criteria to apply for or obtain permits under the General Season Landowner Permit program:

(a) own the minimum quantity of Eligible Property in the proper general season unit boundaries as identified in this rule;

(b) be able to lawfully obtain and use a hunting license and big game permit;

(c) submit a complete application by the deadline

(d) participate in the General Season Landowner Permit drawing; and

(e) pay necessary fees.

(3)(a) An Applicant may apply for General Season Landowner Permits according to the following limitations:

(i) one (1) General Season Landowner Permit may be issued for six hundred forty (640) acres of Eligible Property owned or leased by the Applicant;

(ii) one (1) additional General Season Landowner Permit may be issued for each additional six hundred forty (640) acres of Eligible Property owned or leased by the Applicant; and

(iii) one (1) General Season Landowner Permit may be issued for one hundred (100) acres or more of Cropland owned or leased by the Applicant.

(b) Only one (1) General Season Landowner Permit may be issued to a Landowner based on Cropland acreage, regardless of whether that Applicant owns or leases more than one hundred (100) acres of Cropland.

(c) Only one (1) General Season Landowner Permit may be issued per parcel of Eligible Property.

(d) General Season Landowner Permits cannot be sold and may only be transferred to Immediate Family members.

(e) An Applicant may apply for and receive a maximum of five (5) General Season Landowner Permits in a single hunt year.

(4) Vouchers for General Season Landowner Permits will be issued following the draw and are valid for Landowners and their Immediate Family members.

R657-43-4. [~~Qualifications for~~General Landowner [~~Appreciation~~Buck Deer Permits – Applications, Drawing, and Permit Use.

~~[(1) The director, upon approval of the Wildlife Board, may establish a number of landowner appreciation permits within each unit to be offered to eligible landowners and members of their immediate family for the general deer hunting season only.]~~

~~[(2) Only private lands will be considered in qualifying for landowner appreciation permits. Public or state lands are not eligible.]~~

~~[(3) Private lands must]~~

(1) Qualifier Applications for General Season Landowner Permits are available from division offices and on the division website prior to draw.

(2)(a) Only one (1) Applicant may submit a Qualifier Application for the same parcel of Private Land.

(b) The division may reject all Qualifier Applications if more than one (1) application is received for the same parcel of Private Land.

(c) Where the Landowner's Private Land is in more than one (1) general unit hunt boundary area, the Landowner may select only one (1) of those units from which to receive the Permit.

(d) A Landowner may only submit one (1) Qualifier Application, regardless of whether there are:

(i) multiple individual persons owning the Eligible Property;

(ii) multiple Legal Entity Owners in the Legal Entity owning the Eligible Property;

or

(iii) similar instances of split ownership of the Eligible Property.

(3) Qualifier Applications for General Season Landowner Permits must include:

~~(a) [be relied upon by migratory deer for habitat; and]~~

~~[(b) in the discretion of the division, substantially contribute to the deer herd using the private lands in meeting its management objective.]~~

~~[(4)(a) Landowner appreciation permits are limited to resident or nonresident landowners and members of their immediate family]~~ total acres of Eligible Property within the respective general season unit hunt boundary area;

(b) the signature of all Landowners having an interest in the Eligible Property;

(c) a digital map of the Eligible Property indicating the parcel numbers, county, and general season hunt unit within which it is located;

(4) Qualifier Applications must be submitted to the regional division office with management responsibilities where the Eligible Property is located.

(5) the signatures of the Landowners on the Draw Application serve as an affidavit by such Landowner certifying ownership of the Eligible Property enrolled.

(6)(a) After Qualifier Applications are reviewed and approved, Draw Applications will be submitted pursuant to R657-62-27.

(b) [~~Lessees do not qualify for landowner appreciation permits~~]When submitting the Draw Application, the Applicant will select the season and weapon type.

~~[(5)(a) An individual receiving a landowner appreciation permit may not receive a general landowner buck deer permit in the same year.]~~

~~[(b) If a landowner appreciation permit is awarded based on an identified parcel of eligible property, general landowner buck deer permits may not be awarded for that identified parcel of eligible property during that same year.]~~

(7) Any person issued a General Season Landowner Permit under this rule is subject to all season dates, weapon restrictions, and any other regulations, specifically R657-5, and fees as provided in the guidebook of the Wildlife Board for taking big game.

R657-43-5. [~~Qualifications for~~]Limited Entry Landowner Permits – Availability and Eligibility.

~~[(1) The Director, upon approval of the Wildlife Board, may]~~

(1) Landowners in a limited entry unit may join together to form a Landowner Association for participation in the Limited Entry Landowner Permit program. In order to qualify as a Landowner Association, participating Landowners must:

(a) own more than fifty percent (50%) of the Private Lands that are Eligible Property within the limited entry herd unit;

(b) form a Landowner Association;

(c) limit participation to Private Lands within a limited entry hunt unit serving as habitat for that species;

(d) the president of the Landowner Association must participate in a division training annually.

(2) The division will establish [a]the number of [~~bull elk, buck deer and buck pronghorn~~]limited entry permits [~~to be offered to an eligible landowner association.~~]

~~[(2) Except as provided in R657-43-10(1)(b), limited entry landowner permits are available for taking buck deer, bull elk or buck pronghorn, and may only be used on designated limited entry units.]~~

~~[(3) Only private lands that do not qualify for]~~available under the program on an annual basis by:

_____ (a) identifying the number of public draw permits in a unit for the previous hunt year;

_____ (b) identifying the total acreage of Private Land in a unit enrolled in the Landowner Association;

_____ (c) calculating the percentage of habitat in the unit represented by the Landowner Association by dividing the habitat acreage represented by the Landowner Association by the habitat acreage in the whole unit; and

_____ (d) applying that percentage to the total number of available public draw permits from the previous year to determine the number of permits to be allocated to the Landowner Association.

_____ (e) Standard rounding will be practiced when determining permit numbers - .49 rounds down and .5 rounds up.

_____ (f) An approved Landowner Association that qualifies for less than one permit every year will receive one permit the first year after approval.

_____ (3) To form a Landowner Association, Landowners must:

_____ (a) elect a president;

_____ (b) enter into Governing Documents signed by all participating Landowners that:

_____ (i) agree to the formation of a Landowner Association for the purposes of participating in the program;

_____ (ii) establish membership qualifications;

_____ (iii) identify any yearly dues, if any, necessary to participate and how those funds will be utilized;

_____ (iv) establish a distribution plan for allocating Vouchers or revenue from Vouchers to members;

_____ (v) describe the process for adding and removing members in a fair and impartial process;

_____ (vi) describe how the Landowner Association will provide notice of upcoming meetings and how members can participate

_____ (vii) establish how voting and decisions on behalf of the Landowner Association will be made;

_____ (viii) establish rules and guidelines outlining permit holder conduct on Landowner Association property

_____ (ix) describe how the Landowner Association will complete compliance requirements for the program;

_____ (x) describe how the members will elect a president to represent the landowner association and the president's length of term;

_____ (xi) include a written waiver from each participating Landowner of all depredation claims due to big game damage during the term of such Landowner's membership in the Landowner Association;

_____ (xii) include a written agreement from each participating member to allow free public access onto all participating Landowner's Private Lands as required by R657-43-5(5) and R657-43-5(6); and

_____ (xii) other items deemed necessary and appropriate to administer the Landowner Association.

_____ (4) Limitations on the eligibility of Private Lands in Landowner Associations:

_____ (a) Private Lands enrolled in a Cooperative Wildlife Management [~~Units will be considered for limited entry landowner permits. Public or~~Unit are not eligible to participate in a Landowner Association under this rule;

_____ (b) public and state lands are not eligible[.] to be included in a Landowner Association;

[~~(4)~~ (c) [~~Only private lands~~only Private Lands that qualify as [~~eligible property~~Eligible Property will be considered for [~~limited entry landowner permits.~~Limited Entry Landowner Permits;

[~~(5) Applications for limited entry landowner permits will be received from landowner associations only.~~]

[~~(6) Only~~]

_____ (d) only one [~~landowner association~~](1) Landowner Association, per species, may be formed for each limited entry unit[~~as follows:~~]; and

[~~(a) A landowner association may be formed only if a simple majority of landowners, representing 51 percent of the eligible private lands within the herd unit, enter into a written agreement to form the association.~~]

[~~(b) The association may not unreasonably restrict membership to other qualified landowners in the unit.~~]

[~~(c) Each landowner association must elect a chairperson to represent the landowner association.~~]

[~~(d) The landowner association chairperson shall act as liaison with the division and the Wildlife Board.~~]

(e) [~~A landowner or landowner association~~a Landowner or Landowner Association may not restrict [~~legal~~legally established passage through [~~private land~~Private Land to access public lands for the purpose of hunting.

_____ (5) A Landowner Association may choose one of two Voucher options during the term of its certificate of registration:

_____ (a) Option 1.

_____ (i) The Landowner Association will be issued Vouchers valid for the entire limited entry hunting unit; and

_____ (ii) an equivalent number of public hunters to the number of Vouchers received by the Landowner Association shall be provided complete access to hunt all of the Landowner Association's Private Lands at no charge for the species during the season dates identified on the Limited Entry Landowner Permit.

_____ (iii) The division will notify the lowest draw numbers of public hunters in that unit who will be given access to the Landowner Association's Private Lands pursuant to this section.

_____ (b) Option 2.

_____ (i) The Landowner Association will be issued Vouchers valid only for Private Lands enrolled in the Landowner Association;

_____ (ii) the number of Vouchers allocated to a Landowner Association will be initially calculated using the formula in Subsection (2), then reduced by twenty percent (20%), rounded up to the nearest whole number; and

_____ (iii) an equivalent number of public hunters to the number of Vouchers reduced by twenty percent (20%), rounded up to the nearest whole number shall be provided

complete access to hunt all Landowner Association's Private Lands at no charge for the species and during the season dates identified on the limited entry permit.

(iv) The division will notify the lowest draw numbers of public hunters in that unit who will be given access to Landowner Association's Private Lands pursuant to this section

(c) Vouchers are not valid for:

(i) multi-season hunting opportunities; or

(ii) late season limited entry buck deer permits on a general season unit.

(6)(a)(i) Public draw permit holders specified in paragraph 5 above will have access to all enrolled Landowner Association lands for the entirety of the hunt;

(ii) The Landowner Association will be responsible for ensuring those public draw permit holders identified in paragraph 5 above are given access to all private lands.

(iii) Landowner Associations may determine how to disperse public hunters by seasons. If all public hunters are in one season it will be the any-weapon season.

(b) The Landowner Association must provide a written copy of it's guidelines used to regulate a permit holder's conduct as a guest on the Landowner Association land. These guidelines will go through the RAC and Wildlife Board process to ensure they are fair and reasonable.

(7) Performance metrics will be established by the division, with recommendations from the Landowner Association Advisory Committee, to determine if the purposes of the program are being met.

R657-43-6. Limited Entry Permits – Application~~[for General Landowner Buck Deer Permits.]~~

~~[(1) Applications for general landowner buck deer permits are available from division offices.]~~

~~[(2) Only one eligible landowner or lessee may submit an application for the same parcel of land within the respective general unit hunt boundary area.]~~

~~[(3) In cases where more than one application is received for the same parcel of land, all applications will be rejected.]~~

~~[(4) Applications must include:]~~

~~[(a) total acres of eligible property owned within the respective general unit hunt boundary area;~~

~~[(b) the signature of all landowners or lessees having an interest in the eligible property; and]~~

~~[(c) a map of the eligible property indicating the county and general unit within which it is located.]~~

~~[(5) In cases where the landowner's or lessee's land is in more than one general unit hunt boundary area, the landowner or lessee may select one of those units from which to receive the permit.]~~

~~[(6) a non-refundable handling fee must accompany each application.]~~

~~[(7) An individual may not apply for or obtain a general landowner buck deer permit without possessing a valid Utah hunting or combination license.]~~

~~[(8) Applications will be available by May 1 and must be received by October 1 of each year.]~~

~~[(9) Applications must be submitted to the regional division office managing the general hunting unit that the applicant applies for.]~~

~~[(10) The landowner or lessee signature on the application serves as an affidavit of the landowner or lessee certifying ownership of the eligible property.]~~

~~[R657-43-7. Application for Landowner Appreciation Permits.]~~

(1) Applications for ~~[landowner appreciation permits]~~[a limited entry Landowner Association certificate of registration](#) are available ~~[from]~~[at](#) division offices and on the division website.

(2) ~~[Only one eligible landowner may submit an application for the same parcel of eligible property within the respective general unit boundary area.]~~[Applications must include:](#)

~~[—(3) In cases where more than one application is received for the same parcel of eligible property, all duplicate applications will be rejected.]~~

~~[—(4) Applications must include:]~~

~~[—(a) total acres of eligible property owned within the respective general unit hunt boundary area;]~~

(a) total acres providing habitat for the species in question that are participating in the Landowner Association;

~~(b)[the] signature of [all landowners having an interest in the property; and]~~

~~[—(c) a map of the eligible property indicating the county and unit within which it is located.]~~

~~[—(5) In cases where a landowner's land is in more than one general unit hunt boundary, the landowner must select one of those units from which to receive a permit.]~~

~~[—(6) A non-refundable handling fee must accompany each application.]~~

~~[—(7) An individual may not apply for or obtain a landowner appreciation permit without possessing a valid Utah hunting or combination license.]~~

~~[—(8) Applications will be available by May 1 and must be received by October 1 of each year.]~~

~~[—(9) Applications must be submitted to the regional division office managing the general hunting unit that the applicant applies for.]~~

~~[—(10) The landowner's signature on the application serves as an affidavit of the landowner certifying ownership of the eligible property.]~~

~~[R657-43-8. Application for Limited Entry Permits.]~~

~~[(1) Applications for limited entry landowner permits are available from division offices.]~~

~~[(2) Applications to receive limited entry landowner permits must be submitted by a landowner association for lands within the limited entry hunt unit where the private lands are located.]~~

~~[(3) Applications must include:]~~

~~[(a) total acres owned by the association within the limited entry hunting unit and a map indicating the eligible property acting as big game habitat;]~~

~~[(b) signature of each of the landowners within the association]~~[each of the Landowners within the Landowner Association](#) including acres owned, with said signature serving as an affidavit certifying ownership;

~~[(c) a distribution plan for the allocation of limited entry permits by the association;]~~

~~[(d) a copy of the association by-laws; and]~~

(c) a copy of the Landowner Association's Governing Documents;

(d) a digital map of the Private Lands participating in the Landowner Association and indicating the Private Lands which serve as habitat for the species in question; and

(e) a non-refundable handling fee.

[(4)3] The division may ~~[provide a landowner association assistance]~~aid the Landowner Association in preparing the application, but the division is not responsible for errors in the application or a failure to properly or completely submit an application.

[(5)4] Applications must be completed and ~~[returned]~~submitted to the ~~[appropriate]~~regional division office managing the limited entry hunting unit where the Landowner Association is located by September 1~~[st]~~ of the year prior to when the hunting is to occur.

[(6)5] The division shall ~~[forward]~~review the application~~[,] and determine its completeness and formulate a recommendation[,] and other related documentation to the Regional Wildlife Advisory Councils for public review and]~~.

(a) The division may reject any application that is incomplete or completed incorrectly.

(b) Applicants must notify the division in writing regarding any changes to the substance of their application while it is under consideration, or it may be considered incomplete or incorrect.

[(7)6] ~~[Recommendations by the Councils will then be forwarded to]~~After evaluating the application, the Wildlife Board ~~[for review and action]~~shall consider:

(a) the contents of the application;

(b) the division's recommendation; and

(c) any violations of the provisions of Title 23, Wildlife Resources Code by the Landowner Association, its operator, its president, or any of its members that would reasonably influence whether the applicant should be approved to participate in the program.

[(8)7] Upon receiving the application~~[,] and [recommendations from the Regional Advisory Councils and]~~recommendation from the division, the Wildlife Board may:

(a) authorize the issuance of a three -year certificate of registration allowing the ~~[landowner association]~~Landowner Association to operate; or

(b) deny or partially deny the application and provide the ~~[landowner association]~~Landowner Association with reasons for the decision.

[(9)8](a) ~~[A landowner association]~~The certificate of registration~~[,] including any variance granted under R657-43-8(6);]~~ for a Landowner Association must be renewed every three (3) years through the process outlined in this rule.

~~[(b)(i) Notwithstanding Subsection (9)(a), the]~~

(b) In evaluating a certificate of registration renewal application, the Wildlife Board shall consider:

(i) the Landowner Association's fulfillment of public access requirements during the term of the prior certificate of registration;

(ii) the Landowner Association's fulfillment of antlerless harvest access and success, if a condition of its prior certificate of registration;

(iii) the contents of its renewal application; and

(iv) a recommendation provided by the division.

(9) The Wildlife Board may ~~[annually modify permit types, numbers, and associated seasons authorized in]~~deny a certificate of registration ~~[when necessary to achieve unit management objectives or otherwise comply with applicable law.]~~

~~[-(ii)-]~~application or renewal application if:

(a) the Landowner Association has failed to supply the necessary documentation specified in the paragraph above;

(b) a member of the Landowner Association has been convicted of a wildlife violation;

(c) the president of the Landowner Association has engaged in conduct that results in the conviction of, a plea of no contest to, or a plea held in abeyance to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a Landowner Association president bears a reasonable relationship to their ability to responsibly operate a Landowner Association;

(d) the Landowner Association has failed to abide by the terms of their Governing Documents in a manner that undermines the purposes of the program; or

(e) the Landowner Association's president or its designee fails to complete mandatory annual training.

(10)(a) An applicant may appeal a denial of an application, renewal application, or request for certificate of registration amendment by submitting an appeal to the division Director.

(b) An appeal must be submitted to the division within thirty (30) days of receiving the notice of denial.

(11) If a Landowner Association is cited for violating any provision of this rule, Title 23 of the Utah Code, or any other proclamation or guidebook by the Wildlife Board, the Division may suspend or revoke the Landowner Association certificate of registration pursuant to R657-26.

(a) If an individual landowner who is part of a Landowner Association violates any provision of this rule, Title 23 of the Utah Code, or any other proclamation or guidebook by the Wildlife Board, the Division may remove the individual landowner from the Landowner Association's certificate of registration pursuant to R657-26.

(12)(a) The division shall annually review the permit types, numbers, and seasons authorized by a certificate of registration issued under this ~~[Section]~~section and ~~[recommend]~~implement modifications ~~[when necessary to achieve unit management objectives or otherwise comply with applicable law]~~for the following hunt season.

~~[-(iii)-] The division's recommendation and accompanying justification will be forwarded to the affected landowner association and the Regional Advisory Councils for review and recommendation.-]~~

~~[-(iv)-] The Wildlife Board shall consider the recommendations made by the division, Regional Advisory Councils, and landowner association and make a final decision on the proposed modifications consistent with the requirements in Subsection (9)(b).-]~~

(b) Landowner Associations and the Division will work cooperatively to achieve desired management directives, including antlerless management objectives.

~~(10)13~~(a) A ~~[landowner association]~~Landowner Association may petition to amend a certificate of registration upon submitting a written request to the regional division office where the ~~[landowner association]~~Landowner Association's Private Land is located.

(b) ~~[Amendment of the]~~A Landowner Association shall submit an application to amend their certificate of registration~~[is required]~~ for changes in:

(i) ~~[permit numbers]~~the Landowner Association's Governing Documents;

(ii) ~~[a landowner association's:]~~acreage;

(A) ~~[by laws; or]~~If during a term of its certificate of registration, a Landowner Association's Eligible Property decreases but remains at least equal to fifty percent (50%) of the Eligible Property in the limited entry unit, such Landowner Association shall submit an amendment outlining the new acreage to update their current certificate of registration.

~~[(B) distribution plan for the allocation of limited entry permits among its members;]~~

(B) If during a term of its certificate of registration, a Landowner Association's Eligible Property decreases and equals less than fifty percent (50%) of the Eligible Property in the limited entry unit, such Landowner Association's certificate of registration shall be deemed non-compliant and shall terminate at the end of the certificate of registration's term; provided, however, such Landowner Association may reapply for a certificate of registration as a new application.

(iii) ~~[acreage;]~~

~~[(iv) land]~~Private Land ownership; or

~~(v)~~iv any other matter related to the management and operation of the ~~[landowner association]~~Landowner Association not originally included in the certificate of registration.

~~[(c) Requests for amendments dealing with permit numbers or permit allocation among association members:]~~

~~[(i) may be initiated by the landowner association or the division;]~~

~~[(ii) are due on September 1st of the year prior to when hunting is to occur; and]~~

~~[(iii) shall be forwarded to the Regional Advisory Councils and Wildlife Board for consideration and approval]~~

(c) If approved, an amendment to the certificate of registration shall be issued in writing.

~~(A)14~~ (a) Upon approval ~~[by]~~of the ~~[Wildlife Board, an amendment to the original]~~ certificate of registration~~[shall]~~, Vouchers may be issued ~~[in writing.]~~

~~[(d) All other requests for amendments shall be reviewed by the region and Wildlife Section and, upon approval by the division director, an amendment to the original certificate of registration shall be issued in writing]~~and redeemed to purchase Limited Entry Landowner Permits from division offices.

~~[R657-43-9. Availability of General Landowner Permits and Landowner Appreciation Permits; Associated Season Dates.]~~

~~[(1) The following number of general landowner buck deer permits may be~~

available to a landowner or lessee:]

~~[(a) one general landowner buck deer permit may be issued for eligible property of 640 acres; and]~~

~~[(b) one additional general landowner buck deer permit may be issued for each additional 640 acres of eligible property.]~~

~~[(c) If an individual has both owned and leased eligible property, the acreage may be combined in determining the number of permits to be issued.]~~

~~[(2)(a) Only one landowner appreciation permit may be issued annually to a qualifying landowner or member of their immediate family, regardless of if that landowner owns more than 100 acres of eligible property.]~~

~~[(b) Only one landowner appreciation permit may be issued per parcel of eligible property.]~~

~~[(3) Successful applicants for the general landowner buck deer permit and the landowner appreciation permit may select only one season (archery, rifle or muzzleloader) for their permit, as provided in the guidebook of the Wildlife Board for taking big game.]~~

~~[(4)(a) General landowner buck deer permits and landowner appreciation permits are for personal use only and may not be transferred to any other person.]~~

~~[(b) If the landowner or lessee is a corporation, the person eligible for the permit must be a shareholder, or immediate family member of a shareholder, designated by the corporation.]~~

~~[(5) Any person who is issued a general landowner buck deer permit or a landowner appreciation permit under this rule is subject to all season dates, weapon restrictions and any other regulations as provided in the guidebook of the Wildlife Board for taking big game.]~~

~~[(6) The fee for a general landowner buck deer permit and landowner appreciation permit is the same as the fee for a general season, general archery or general muzzleloader buck deer permit.]~~

~~[(7) Nothing in this rule shall be construed to allow any person to obtain more than one general buck deer permit from any source or take more than one buck deer during any one year.]~~

~~[(8) Permits will be issued beginning in June, in the order that applications are received, and permits will continue to be issued until all permits for each region have been issued.]~~

~~[(9) To receive a general landowner buck deer permit or landowner appreciation permit, the eligible person must possess or obtain a valid Utah hunting or combination license.]~~

~~[**R657-43-10.**]~~

~~(b) The fee for any Limited Entry [**Permits and Season Dates.**]~~

~~[(1)(a) Only] Landowner Permit is the same as the cost of similar limited entry buck deer, bull elk, [buck deer] or buck pronghorn limited entry permits ~~[may be applied for by the landowner association].~~~~

~~[(b) A landowner association may not apply for or receive a:]~~

~~[(i) multi-season hunting opportunity on any limited entry hunt under R657-5; or]~~

~~[(ii) late season limited entry buck deer permits on a general season unit under R657-5-26(1)(b).]~~

~~[(2)(a) The division and landowner chairperson should jointly recommend the number of permits to be issued to the landowner association.]~~

~~[(b) If consensus between the landowner chairperson and the division on recommended permit numbers cannot be reached, a request for permits may be submitted by the landowner association along with a recommendation from the division for review by the Wildlife Regional Advisory Councils and the Wildlife Board.]~~

~~[(3) Permit numbers shall fall within the herd unit management guidelines. Permit numbers will be based on:]~~

~~[(a) the percent of eligible property within the unit that is enrolled in a landowner association and serves as big game habitat; or]~~

~~[(b) the percentage of use by wildlife on eligible property enrolled in a landowner association.]~~

~~[(4) Landowners]~~[c) A Landowner receiving ~~[vouchers may personally use the vouchers or reassign the vouchers to any legal hunter.]~~

~~[(5) All landowners who receive vouchers must:]~~

~~[(a) allow hunters who redeemed a voucher from that landowner access to the landowner's private lands included within the landowner association for hunting; and]~~

~~[(b) allow a number of public hunters with valid permits, equivalent to the number of vouchers the landowner received that year, to access the landowner's private land for hunting during the appropriate limited entry bull elk, buck deer or buck pronghorn hunting season, except as provided in Subsection (6).]~~

~~[(6)(a) Landowners receiving vouchers may deny public hunters access to the landowner association's private land for hunting by receiving, through the landowner association, a variance to Subsection (5)(b) from the Wildlife Board.]~~

~~[(b) The requested variance must be provided by the landowner association in writing to the division 30 days prior to the appropriate Regional Advisory Council meeting scheduled to review Rule R657-5 and the guidebook of the Wildlife Board for taking big game.]~~

~~[(c) The variance request must be presented by the landowner association to the appropriate local Regional Wildlife Advisory Council. The local Regional Wildlife Advisory Council shall forward a recommendation to the Wildlife Board for consideration and action.]~~

~~[(7)(a) Any person who is issued a limited entry landowner permit]~~[a Voucher for a Limited Entry Landowner Permit may sell or otherwise transfer such Voucher to any legal hunter so long as that person possesses or obtains a Utah hunting or combination license.

(d) Any recipient of a Limited Entry Landowner Permit must follow the season dates, weapon restrictions, and any other ~~[regulations]~~regulation governing the taking of big game as specified in ~~[Rule]~~R657-5 and the guidebook of the Wildlife Board for taking big game.

~~[(b) to receive a limited entry landowner permit, the person designated on the voucher must possess or obtain a Utah hunting or combination license.]~~

~~[(8) A limited entry landowner permit authorizes the permittee to hunt within the limited entry unit where the eligible property is located.]~~

~~[(9)e) Nothing in this rule [shall be construed to allow any person, including a landowner, to]permits the take of more than one (1) buck deer, one (1) bull elk, or one (1) buck pronghorn during any one year.~~

~~R[657-43-11. Limited Entry Permit Allocation and Fees]~~

~~[(1) In order to qualify for limited entry landowner permits, a landowner association must document and upon request provide to the division:]~~

~~[(a) a list of landowners within the landowner association receiving vouchers for the previous year, if applicable;]~~

~~[(b) the number of public hunters who contacted the landowner association during the previous year requesting access to private lands within the landowner association, if applicable; and]~~

~~[(c) the landowners that actually provided access during the previous year to public hunters for the limited entry hunt, if applicable.]~~

~~[(2) If a landowner association distributes vouchers for members of the landowner association and the proceeds are distributed among members of the landowner association, the public access provisions described in R657-43-10(5) shall apply to all landowners receiving benefit from distribution of those proceeds.]~~

~~[(3) The division may deny a request for limited entry landowner permits if the landowner association fails to provide requested documentation from the previous year.]~~

~~[(4) Upon approval of the Wildlife Board, the division shall issue vouchers to landowner associations that may be used to purchase limited entry permits from division offices.]~~

~~[(5) The fee for any limited entry landowner permit is the same as the cost of similar limited entry buck deer, bull elk or buck pronghorn limited entry permits.]~~

~~[R657-43-12. Limited Entry Permit Conflict Resolution.]~~

~~[(1)(a) If landowners representing a simple majority of the private land within a landowner association are not able to resolve any dispute or conflict arising from the distribution of permits or other disagreement within its discretion and arising from the operation of the landowner association, the permits allocated to the landowner association shall be made available to the general public by the division.]~~

~~[(b) Landowner associations may be eligible to receive landowner permits in subsequent years if the landowner association resolves the conflict or dispute by a simple majority of the landowners.]~~

~~[(2) The division shall not issue landowner permits to a landowner association that has not complied with the provisions of this rule.]~~**657-43-7 Landowner Association**

Advisory Committee

(1) A Landowner Association Advisory Committee shall be created consisting of seven members nominated by the director and approved by the Wildlife Board.

(2) The committee shall include:

(a) two sportsmen representatives;

- (b) two landowner representatives;
- (c) one agriculture representative;
- (d) one at large public representative; and
- (e) one Regional Advisory Council chairperson or member.
- (3) The committee shall be chaired by the Wildlife Section Chief, or their designee, and shall be a non-voting member.
- (4) The committee shall:
 - (a) hear complaints dealing with fair and equitable treatment of hunters on Landowner Association lands;
 - (b) review the operation of the Landowner Association program;
 - (c) make advisory recommendations to the director and Wildlife Board on the matters in subsections (a), (b), (c), (d), and (e).
- (5)(a) The committee may, after hearing evidence of complaints or violations, place a Landowner Association on probation.
 - (b) A Landowner Association placed on probation status must provide the Landowner Association Advisory Committee a plan of corrective action to address concerns regarding operation of the Landowner Association, and report annually to the Landowner Association Committee during the probationary period regarding their progress in addressing such concerns.
 - (c) The Landowner Association Advisory Committee shall report to the Wildlife Board any Landowner Association that remains on probation during a certificate of registration renewal process.
- (6) The Wildlife Section Chief shall determine the agenda, time, and location of the meetings.
- (7) The director shall set staggered terms of appointment of members such that there is rotating representation and that all committee members' terms shall expire after four years.

KEY: wildlife, landowner permits, big game seasons

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