

## **R657. Natural Resources, Wildlife Resources.**

### **R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents.**

#### **R657-42-1. Purpose and Authority.**

(1) Under the authority of Sections 23-19-1 and 23-19-38 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

- (a) exchange of permits;
- (b) surrender of wildlife documents;
- (c) refund of wildlife documents;
- (d) reallocation of permits; and
- (e) assessment of late fees.

#### **R657-42-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2 and the applicable rules, [guidebooks](#) and proclamations of the Wildlife Board.

(2) In addition:

(a) "Alternate drawing lists" means a list of persons who have not already drawn a permit and would have been the next person in line to draw a permit.

(b) ["CWMU" means cooperative wildlife management unit.](#)

(c) ["Deployed or mobilized" means that a person provides military or emergency services in the interest of national defense or national emergency pursuant to the demand, request or order of their employer.](#)

(~~e~~)d) ["General season permit" means any:](#)

[\(i\) bull elk, buck deer, or turkey permit identified in the guidebooks of the Wildlife Board as a general season permit;](#)

[\(ii\) antlerless permit for elk, deer, or pronghorn antelope; or](#)

[\(iii\) harvest objective cougar permit.](#)

(e) "Landowner association operator" for purposes of this rule, means:

(i) a landowner association or any of its members eligible to receive limited entry landowner permits as provided in Rule R657-43; or

(ii) [~~Cooperative Wildlife Management Unit (CWMU)~~ [CWMU](#)] - landowner association or its designated operator as provided in Rule R657-37.

(~~e~~)f) ["Limited entry permit" means any permit, including a CWMU, conservation, convention, sportsman, or limited entry landowner permit, identified in the guidebooks of the Wildlife Board as limited entry or premium limited entry for the following:](#)

[\(i\) bull elk, buck deer, buck pronghorn, bear, cougar, or turkey; and](#)

[\(ii\) antlerless moose.](#)

[\(g\) "Once-in-a-lifetime permit" means any permit, including a CWMU, conservation, convention, sportsman, or limited entry landowner permit, identified in the guidebooks of the Wildlife Board as once-in-a-lifetime for the following:](#)

[\(i\) bison, bull moose, Rocky Mountain goat, desert bighorn sheep, and Rocky Mountain bighorn sheep](#)

(h) "Wildlife document" means any license, permit, tag, or certificate of registration issued by the division.

### **R657-42-3. Exchanges.**

(1)(a) Any person who has obtained a general buck deer or a general bull elk permit may exchange that permit for any other available general permit if both permits are for the same species and sex.

(b) A person must make general buck deer and general bull elk permit exchanges at any division office prior to the season opening date of the permit to be exchanged.

(2) Any person who has obtained a cougar harvest objective unit permit may exchange that permit for any other available cougar harvest objective unit permit as provided in Rule R657-10.

(3) Any person who has obtained a limited entry bear any weapon or limited entry bear archery permit may exchange that permit for a limited entry bear archery or limited entry bear any weapon permit, respectively.

(4) Any person who has obtained a Dedicated Hunter Permit may exchange that permit for any other available Dedicated Hunter Permit as provided in Rule R657-38.

(5) The division may charge a handling fee for the exchange of a permit.

### **R657-42-4. Surrenders.**

(1) Any person who has obtained a wildlife document and decides not to use it, may surrender the wildlife document to any division office.

(2) Any person who has obtained a wildlife document may surrender the wildlife document prior to the season opening date of the wildlife document for the purpose of:

(a) waiving the waiting period normally assessed and reinstating the number of bonus points, including a bonus point for the current year as if a permit had not been drawn, if applicable;

(b) reinstating the number of preference points, including a preference point for the current year as if a permit had not been drawn, if applicable; ~~or~~

(c) purchasing a reallocated permit or any other permit available for which the person is eligible~~[-]; or~~

(d) receiving a refund as provided in R657-42-5.

(3) A CWMU permit must be surrendered prior to the applicable season opening date provided by the CWMU operator, except as provided in Section R657-42-11.

(4) Dedicated hunter participants must surrender their permits prior to the general archery deer season, except as provided in Section R657-38-6.

(5) A person may surrender a limited-entry, ~~[premium limited-entry]~~ or once-in-a-lifetime permit received through a group application in the ~~[Bucks, Bulls and Once-in-a-Lifetime]~~ Big Game drawing and have their bonus points for that permit species reinstated, provided;

(a) all group members surrender their permits; and

(b) all permits are surrendered to the division more than 30 days before the start of the season for which the permit is valid.

(6) A person may surrender a general season permit received through a group application in the ~~[Bucks, Bulls and Once-in-a-Lifetime]~~ Big Game drawing and have their preference points reinstated, provided;

(a) all members of the group surrender their permits to the division prior to the start of the season for which the permit is valid.

(7) Notwithstanding Subsections (5)(b) and (6)(a), a person who obtains a permit through a group application in the ~~[Bucks, Bulls and Once-in-a-Lifetime]~~ [Big Game](#) drawing may surrender that permit after the opening date of the applicable hunting season and have the bonus points for the permit species restored, provided the person;

(a) is a member of United States Armed Forces or public health or public safety organization and is deployed or mobilized in the interest of national defense or national emergency;

(b) surrenders the permit to the division, with the tag attached and intact, or signs an affidavit verifying the permit is no longer in their possession within one year of the end of hunting season authorized by the permit; and

(c) satisfies the requirements for receiving a refund in R657-42-5(3)(c) and (d).

(8) The division may not issue a refund, except as provided in ~~[Section]~~ [Sections 23-19-38, 23-19-38.2, and](#) R657-42-5.

### **R657-42-5. Refunds.**

(1) The refund of a license, certificate of registration or permit shall be made in accordance with:

(a) Section 23-19-38 and Rule R657-50;

(b) Section 23-19-38.2 and Subsection (3); or

(c) Section 23-19-38 and ~~[Subsection (4)]~~ [this section](#).

(2)(a) An application for a refund may be obtained from any division office.

(b) All refunds must be processed through the Salt Lake Division office.

(3) A person may receive a refund ~~[in accordance with Subsection (3)]~~ for a wildlife document if that person was deployed or mobilized on or after September 11, 2001, in the interest of national defense or national emergency and is thereby completely precluded from participating in the hunting or fishing activity authorized by the wildlife document, provided:

(a) the refund request is made to the division within one year of the end of the hunting or fishing season authorized by the wildlife document;

(b) the person surrenders the wildlife document to the division, or signs an affidavit stating the wildlife document is no longer in the person's possession; and

(c) the person verifies that the deployment or mobilization completely precluded them from participating in the activity authorized by the wildlife document ~~[, except as provided in Subsection (5)]~~; and

(d) the person provides military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:

(i) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which they were deployed or mobilized; and

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

(4) The division may issue a refund for a wildlife document if the person to whom it was issued dies prior to participating in the hunting or fishing activity authorized by the wildlife document, provided:

(a) The person legally entitled to administer the decedent's estate provides the division with:

(i) picture identification;

(ii) letters testamentary, letters of administration, or such other evidence establishing the person is legally entitled to administer the affairs of the decedent's estate;

(iii) a photocopy of the decedent's certified death certificate; and

(iv) the wildlife document for which a refund is requested.

(5) A person may receive a refund for a surrendered permit provided the permit is surrendered to the division no less than 30 days prior to the season opening date identified on the permit and the permit is:

(a) a once-in-a-lifetime or limited entry permit; or

(b) a general season permit that must be surrendered in order to accept a reallocated limited entry permit for the same species.

(6) The established wildlife document refund fee shall be deducted from all refunds.

(7) A refund will not be issued where the wildlife document purchase price is equal to or less than the wildlife document refund fee.

(8) The director may determine that a person did not have the opportunity to participate in an activity authorized by the wildlife document.

(6)9) The division may reinstate a bonus point or preference point, whichever is applicable, and waive waiting periods, if applicable, when issuing a refund in accordance with this Section.

#### **R657-42-6. Reallocation of Permits.**

(1)(a) The division may reallocate surrendered limited entry[.] and once-in-a-lifetime[~~and CWMU~~] permits.

(b) The division shall not reallocate [~~resident and nonresident big game general permits~~]general season permits for big game and turkey, but the number of permits surrendered may be added to the appropriate permit quota the following year.

(2) Permits shall be reallocated through the Salt Lake Division office.

(3)(a) Any limited entry, once-in-a-lifetime or public CWMU permit surrendered to the division shall be reallocated through the drawing process by contacting the next person listed on the alternate drawing list or as provided in Subsection (b).

(b) A person who is denied a permit due to an error in issuing permits may be placed on the alternate drawing list to address the error, if applicable, in accordance with the Rule R657-50.

(c) The alternate drawing lists are classified as private and therefore, protected under the Government Records Access Management Act.

(d) The division shall make a reasonable effort to contact the next person on the alternate list by telephone or mail.

(e) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public CWMU permit, does not accept the permit or the division is unable to contact that person, the reallocation process will continue until the division has reallocated the permit or the season closes for that permit.

(4) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public CWMU permit has obtained a permit, that person may be required to surrender the previously obtained permit in accordance with Section R657-42-4(2) and any other applicable rules and [~~proclamations~~]guidebooks of the Wildlife Board.

(5) Any private CWMU permit surrendered to the division will be reallocated by the landowner through a voucher, issued to the landowner by the division in accordance with Rule R657-37.

~~[(6)(a) The division may allocate additional general deer permits and limited entry permits, if it is consistent with the unit's biological objectives, to address errors in accordance with Rule R657-50.]~~

~~[(b) The division shall not allocate additional CWMU and Once-In-A-Lifetime permits.]~~

~~[(c) The division may extend deadlines to address errors in accordance with Rule R657-50.]~~

#### **R657-42-7. Reallocated Permit Cost.**

(1) Any person who accepts the offered reallocated permit must pay the applicable permit fee.

(2) The division may not issue a refund, except as provided in Section R657-42-5.

#### **R657-42-8. Accepted Payment of Fees.**

(1) Personal checks, business checks, money orders, cashier's checks, and credit or debit cards are accepted for payment of wildlife documents.

(2) Personal or business checks drawn on an out-of-state account are not accepted.

(3) Third-party checks are not accepted.

(4) All payments must be made payable to the Utah Division of Wildlife Resources.

(5)(a) Credit or debit cards must be valid at least 30 days after any drawing results are posted.

(b) Checks, and credit or debit cards will not be accepted as combined payment on single or group applications.

(c) If ~~applicable, if~~ applicants are applying as a group, all fees for all applicants in that group charged to a credit or debit card must be charged to ~~one credit or debit~~ a single card.

(d) Handling fees and donations are charged to the credit or debit card when the application is processed.

(e) Application amendment fees must be paid by credit or debit card.

(f) Permit fees may be charged to the credit or debit card prior to the posting date of the drawings, if successful.

(g) The division shall not be held responsible for bank charges incurred for the use of credit or debit cards.

(6)(a) An application is voidable if the check is returned unpaid from the bank or the credit or debit card is invalid or refused.

(b) The division charges a returned check collection fee for any check returned unpaid.

(7)(a) A license or permit is voidable if the check is returned unpaid from the bank or the credit or debit card is invalid or refused.

(b) The Division may make attempt to contact the successful applicant by phone

or mail to collect payment prior to voiding the license or permit.

~~[(c) The Division shall reinstate the applicant's bonus points or preference points, whichever is applicable, and waive waiting periods, if applicable, when voiding a permit in accordance with Subsection (b).]~~

~~[(d) A permit which is deemed void in accordance with Subsection (b) may be reissued by the Division to the next person listed on the alternate drawing list.]~~ (8)(a)

A license or permit received by a person shall be deemed invalid if payment for that license or permit is not received, or a check is returned unpaid from the bank, or the credit or debit card is invalid or refused.

(b) A person must notify the division of any change of credit or debit card numbers if the credit or debit card is invalid or refused.

(9) Hunting with a permit where payment has not been received for that permit constitutes a violation of hunting without a valid permit.

(10) The division may require a money order or cashier's check to correct payment for a license, permit, or certificate of registration.

(11) Any person who fails to pay the required fee for any wildlife document, shall be ineligible to obtain any other wildlife document until the delinquent fees and associated collection costs are paid.

(12) The Division may take any of the following actions when a wildlife document is voided for nonpayment or remains unissued and unpaid:

(a) reissue the wildlife document using the alternate drawing list for that document;

(b) reissue the wildlife document over-the-counter;

(c) add the wildlife document to the following year's quota; or

(d) elect to withhold the wildlife document from reissuance.

(13) The Division may reinstate the applicant's bonus points or preference points and waive waiting periods, where applicable, when:

(a) voiding a permit in accordance with this section and the permit is reallocated;

(b) withholding a wildlife document from a successful applicant for nonpayment and the permit is reallocated; or

(c) full payment is received by the successful applicant on a voided or withheld wildlife document that is not reallocated.

#### **R657-42-9. Assessment of Late Fees.**

(1) Any wildlife application submitted under the Utah Administrative Code Rules provided in Subsection (a) through (e), within 30 days of the applicable application deadline established in such rules, in the ~~[proclamations]~~[guidebooks](#) of the Wildlife Board, or by the division may be processed only upon payment of a late fee as provided by the approved fee schedule.

(a) R657-52, Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs;

(b) R657-21, Cooperative Wildlife Management Units for Small Game;

(c) R657-22, Commercial Hunting Areas;

(d) R657-37, Cooperative Wildlife Management Units for Big Game; or

(e) R657-43, Landowner Permits.

(2) Any person who fails to report their Big Game hunt information pursuant to R657-5 Taking Big Game, within 30 calendar days of the ending season date for their

once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit hunt may apply for a Big Game permit or bonus point in the following year provided:

(a) the survey is completed and submitted to the division at least 5 days prior to the close of the Big Game application period established in the [proclamation]guidebooks of the Wildlife Board.

(b) the late fee established in the approved fee schedule is paid to the Division through the 1-800 number [as-]listed in the Big Game [proclamation]guidebook.

(c) The accepted method of payment of fee is only a credit or debit card

(3) Any person who fails to report their Swan hunt information pursuant to R657-9-7, within 30 calendar days of the ending season date for their Swan hunt may apply for a Swan permit in the following year provided:

(a) the survey is completed and submitted to the division at least 5 days prior to the close of the Swan application period established in the [proclamation]guidebooks of the Wildlife Board.

(b) the late fee established in the approved fee schedule is paid to the Division through the 1-800 number [as-]listed in the Waterfowl [proclamation]guidebook.

(c) The accepted method of payment of fee is only a credit or debit card

#### **R657-4**

#### **2-10. Duplicates.**

(1) If an unexpired wildlife document is destroyed, lost or stolen, a person may obtain a duplicate from a division office or online license agent, for a duplicate fee as provided in the fee schedule.

(2) The division may waive the fee for a duplicate unexpired wildlife document provided the person did not receive the original wildlife document.

(3) To obtain the duplicate wildlife document, the applicant may be required to complete an affidavit testifying to such loss, destruction or theft.

#### **R657-42-11. Surrender of Cooperative Wildlife Management Unit or Limited Entry Landowner Permits.**

(1) A person who has obtained a CWMU or limited entry landowner permit may surrender the permit after the deadline provided in Subsection R657-42-4(3) for CWMU permits and after the season opening date for limited entry landowner permits for the purpose of:

(a) death in accordance with Section 23-19-38, Subsection (2) and Section R657-42-5(4);

(b) injury or illness in accordance with Section 23-19-38 and Subsection (2);

(c) deployment or mobilization in the interest of national defense or national emergency in accordance with Section 23-19-38.2 and Subsection (2); or

(d) an error occurring in issuing the permit in accordance with Subsection (2) and Rule R657-50.

(2)(a) The permittee and the landowner association operator must sign an affidavit stating that the permittee has not participated in any hunting activity.

(b) The permittee and landowner association operator signatures must be

notarized.

(c) The affidavit and unused permit must be submitted to the division.

(3)(a) The division may reissue a voucher to a landowner association operator, or reallocate a surrendered permit in accordance with Section 23-19-38 and as provided in Subsections (b) and (c).

(b) The division may reallocate a surrendered permit:

(i) originally issued by the division through the big game drawing process in accordance with Section R657-42-6; or

(ii) originally issued by the division through a voucher redemption in the form of a new voucher issued to the landowner association operator.

(c) Reissuance of vouchers or reallocation of permits under this section may only occur in the year in which the surrendered permit was valid.

**KEY: wildlife, permits**

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Proposal