

# RAC AGENDA – MAY 2018



- |     |   |                      |
|-----|---|----------------------|
| 1.  | Welcome, RAC Introductions and RAC Procedure<br>- RAC Chair   |                      |
| 2.  | Approval of Agenda and Minutes<br>- RAC Chair   |                      |
| 3.  | Wildlife Board Meeting Update<br>- RAC Chair  | <b>INFORMATIONAL</b> |
| 4.  | Regional Update<br>- DWR Regional Supervisor  | <b>INFORMATIONAL</b> |
| 5.  | Wildlife Projects Update<br>- Justin Shannon, Wildlife Section Chief  | <b>INFORMATIONAL</b> |
| 6.  | Wildlife Implications of New State and County Resource Management Plans<br>- Martin Bushman, Assistant Attorney General   | <b>INFORMATIONAL</b> |
| 7.  | Wild Turkey Recommendations and Rule Amendments<br>- Jason Robinson, Upland Game Coordinator  | <b>ACTION</b>        |
| 8.  | Coyote Bounty Program Amendments – Rule R657-64<br>- Xaela Walden, Predator Management Specialist   | <b>ACTION</b>        |
| 9.  | Mineral Mountain Bighorn Sheep Management Plan<br>- David Smedley, Wildlife Biologist   | <b>ACTION</b>        |
| 10. | Proposed Rule Amendments to Conservation and Sportsman Permits Rule R657-41, Wildlife Expo Permits Rule R657-55, and Drawing Application Procedures Rule R657-62<br>- Kenny Johnson, Administrative Services Section Chief  | <b>ACTION</b>        |
| 11. | Proposed Rule Amendments Repealing the Certification Review Committee under R657-3 and R657-53, Error Committee under R657-50, Walk-in Access Advisory Committee under R657-56 and the Variance Committee under R657-57<br>- Martin Bushman, Assistant Attorney General | <b>ACTION</b>        |

**CR RAC** – May 1st 6:30 PM  
Springville Civic Center  
110 S. Main Street, Springville

**SER RAC** – May 9th 6:30 PM  
John Wesley Powell Museum  
1765 E. Main St., Green River

**NR RAC** – May 2nd 6:00 PM  
Brigham City Community Center  
24 N. 300 W. Brigham City

**NER RAC** – May 10th 6:30 PM  
Wildlife Resources NER Office  
318 North Vernal Ave, Vernal

**SR RAC** – May 8th 7:00 PM  
Beaver High School  
195 E. Center St., Beaver

**Board Meeting** – May 31st 9:00 AM  
DNR, Boardroom  
1594 W. North Temple, SLC



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
Interim Division Director

## MEMORANDUM

Date: April 12, 2018

To: Wildlife Board and Regional Advisory Council Members

From: Jason D. Robinson, Upland Game Program Coordinator

Subject: **WILD TURKEY RECOMMENDATIONS**

The Utah Division of Wildlife Resources is recommending the following changes for the Upland Game and Wild Turkey Guidebook, for years 2 and 3 of the 3-year guidebook cycle (2017-2019).

### **Summary of Recommended Changes:**

- Change wild turkey shotgun weapon to “any shotgun firing shot BB or smaller diameter.”
- Allow rimfire weapons for fall wild turkey hunting.
- Simplify number of wild turkey permits a person can have: 1 spring permit (March 15 – July 31) and 3 fall permits (August 1 to March 14).
  - Conservation and Landowner Control permits would be in addition to the 1 spring and 3 fall permits.

### **Species Recommendations:**

Wild Turkey (Fall): Requires special permit in addition to hunting license  
Area: Open areas within a UDWR Region  
General hunt: Maximum dates of October 1 to February 28  
(region determines dates within the maximum dates)  
Bag limit: 3 wild turkeys (either sex)  
Possession limit: 3 wild turkeys (either sex)

**Rule Change Recommendations:**

The UDWR recommends the following changes to **R657-54**, Taking Wild Turkey:

1. Change wild turkey shotgun weapon to “a shotgun firing shot BB or smaller diameter.”
2. Allow rimfire weapons for fall wild turkey hunting.
3. Allow a hunter to obtain 1 spring (March 15 – July 31) wild turkey permit, and up to 3 fall (August 1 to March 14) wild turkey permits.

The UDWR recommends the following change to **R657-69**, Turkey Depredation:

1. Allow a maximum of 3 fall permits (August 1 to March 14), in any combination of depredation, fall general, and control permit vouchers.
  - Landowner control permits would be in addition to the 3 fall permits.

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

**R657-54. Taking Wild Turkey.**

**R657-54-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2003 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking wild turkey.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

**R657-54-2. Definitions.**

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

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices wild turkey.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for upland game to, on, or over any areas where hunters are attempting to take them.

(c) "CFR" means the Code of Federal Regulations.

(d) "Falconry" means the sport of taking quarry by means of a trained raptor.

(e) "Fall season permit" means any turkey hunting permit having season dates on or between August 1 to March 14, excluding turkey permits issued pursuant to R657-41 and turkey control permits issued pursuant to R657-69-6.

(f) "Spring season permit" means any turkey hunting permit having season dates on or between March 15 to July 31, excluding turkey permits issued pursuant to R657-41 and turkey control permits issued pursuant to R657-69-6.

(g) "Wild Turkey" as used in this rule means a wild, free-ranging turkey and does not include a privately-owned wild turkey, domestic turkey, or wild-domestic hybrids.

**R657-54-3. [~~Application Procedure~~ Obtaining Permits for Wild Turkey.**

(1) [~~Permits for~~ A person must possess or obtain a valid hunting or combination license in order to apply for or obtain a wild turkey [will be issued pursuant to R657-62-25.] permit.

(2) General season wild turkey permits are issued over-the-counter consistent with this rule and the guidebook of the Wildlife Board for taking upland game and wild turkey.

(3) Limited entry permits for wild turkey are issued pursuant to R657-62-25.

(4) Wild turkey control permits and turkey control permit vouchers are issued pursuant to R657-69.

(5) Wild turkey conservation and sportsman's permits are issued pursuant to R657-41.

(6) Wild turkey permits available through the Expo are issued pursuant to R657-55.

(7) Wild turkey poaching-reported reward permits are issued pursuant to R657-51.

#### **R657-54-4. Authorized Weapons.**

~~[(1)]~~ Wild turkey may be taken only with:

(a) Archery equipment, including a draw-lock, or a crossbow using broadhead tipped arrows or bolts~~[-or];~~

(b) a shotgun~~[-no larger than 10 gauge and no smaller than 28 gauge]~~, firing shot sizes ~~[ranging between]~~ BB and ~~[no- 8-]~~smaller diameter; or

(c) a rimfire firearm during any fall season permit.

#### **R657-54-5. Shooting Hours.**

(1) Wild turkey may be taken only between one-half hour before official sunrise through one-half hour after official sunset.

~~[(a)]~~2) A person must add to or subtract from the official sunrise and sunset depending on the geographic location of the state. Specific times are provided in a time zone map in the guidebook of the Wildlife Board for taking upland game and wild turkey.

#### **R657-54-6. State Parks.**

(1) Hunting of any wildlife is prohibited within the boundaries of all state park areas, except those areas designated open to hunting by the Division of Parks and Recreation in Rule R651-614-4.

(2) Hunting with rifles and handguns in park areas designated open is prohibited within one mile of all park facilities including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(3) Hunting with shotguns, crossbows or archery tackle is prohibited within one quarter mile of the above stated areas.

#### **R657-54-7. Falconry.**

Falconers may not release a raptor on wild turkeys during the spring seasons. Falconers may release a raptor on

wild turkeys during the fall season, as published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

**R657-54-8. Live Decoys and Electronic Calls.**

A person may not take a wild turkey by the use or aid of live decoys, recorded turkey calls or sounds, or electronically amplified imitations of turkey calls.

**R657-54-9. Baiting.**

A person may not hunt turkey using bait, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days after bait is removed, or 10 days after bait in an area is eaten.

**R657-54-10. Sitting or Roosting Turkeys.**

A person may not take or attempt to take any turkey sitting or roosting in a tree.

**R657-54-11. Tagging Requirements.**

(1) The carcass of a turkey must be tagged before the carcass is moved from, or the hunter leaves, the site of kill.

(2) To tag a carcass, a person shall:

(a) completely detach the tag from the license or permit;

(b) completely remove the appropriate notches to correspond with:

(i) the date the animal was taken;

(ii) the sex of the animal; and

(c) attach the tag to the carcass so that the tag remains securely fastened and visible.

(3) A person may not:

(a) remove more than one notch indicating date or sex; or

(b) tag more than one carcass using the same tag.

(4) A person may not hunt or pursue turkey after any of the notches have been removed from the tag or the tag has been detached from the permit.

**R657-54-12. Identification of Species and Sex.**

(1) During the spring seasons the head and beard must remain attached to the carcass of wild turkey while being transported.

(2) During the fall season only the head must remain attached to the carcass of wild turkey while being transported.

**R657-54-13. Use of Dogs.**

(1) An individual may not use or permit a dog to harass, pursue, or take protected wildlife unless otherwise allowed for in the Wildlife Code, administrative rules issued under Wildlife Code, or a guidebook of the Wildlife Board.

(2) Dogs may be used to locate and retrieve turkey during open turkey hunting seasons.

(3) Dogs are generally allowed on state wildlife management and waterfowl management areas, subject to the following conditions.

(a) dogs are not allowed on the following state wildlife management areas and waterfowl management areas between March 10 and August 31 annually or as posted by the Division:

- (i) Annabella;
- (ii) Bear River Trenton Property Parcel;
- (iii) Bicknell Bottoms;
- (iv) Blue Lake;
- (v) Browns Park;
- (vi) Bud Phelps;
- (vii) Clear Lake;
- (viii) Desert Lake;
- (ix) Farmington Bay;
- (x) Harold S. Crane;
- (xi) Hatt[+]’s Ranch
- (xii) Howard Slough;
- (xiii) Huntington;
- (xiv) James Walter Fitzgerald;
- (xv) Kevin Conway;
- (xvi) Locomotive Springs;
- (xvii) Manti Meadows;
- (xviii) Mills Meadows;
- (xix) Montes Creek;
- (xx) Nephi;
- (xxi) Ogden Bay;
- (xxii) Pahvant;
- (xxiv) Public Shooting Grounds;
- (xxv) Redmond Marsh;
- (xxvi) Richfield;
- (xxvii) Roosevelt;
- (xxviii) Salt Creek;
- (xxix) Scott M. Matheson Wetland Preserve;
- (xxx) Steward Lake;
- (xxxi) Timpie Springs;
- (xxxii) Topaz Slough;
- (xxxiii) Vernal; and
- (xxxiv) Willard Bay.

(b) The Division may establish special restrictions for Division-managed properties, such as on-leash requirements and temporary or locational closures for dogs, and post them at specific Division properties and at Regional offices;

(c) Organized events or group gatherings of twenty-five (25) or more individuals that involve the use of dogs, such as dog training or trials, that occur on Division properties may require a special use permit as described in R657-28; and

(d) Dog training may be allowed in designated areas on Lee Kay Center and Willard Bay WMA by the Division without a special use permit.

**R657-54-14. Closed Areas.**

A person may not hunt wild turkey in any area posted closed by the Division or any of the following areas:

(1) Salt Lake Airport boundaries as posted.

(2) Incorporated municipalities: Many incorporated municipalities prohibit the discharge of firearms and other weapons. Check with the respective city officials for specific boundaries and limitations.

(3) All State Waterfowl Management Areas except Browns Park and Stewart Lake

(4) All National Wildlife Refuges unless declared open by the managing authority.

(5) Military installations, including Camp Williams, are closed to hunting and trespassing.

**R657-54-15. Possession of Live Protected Wildlife.**

It is unlawful for any person to hold in captivity at any time any protected wildlife, except as provided by Title 23, Wildlife Resources Code or any rules and regulations of the Wildlife Board. Protected wildlife that is wounded must be immediately killed and shall be included in the hunter's bag limit.

**R657-54-16. Spotlighting.**

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is [~~prima facie evidence~~] probable cause of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:



(a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

**R657-54-17. Exporting Wild Turkey from Utah.**

A person may export wild turkey or their parts from Utah only if:

(1) the person who harvested the turkey accompanies it and possess a valid permit corresponding to the tag; or

(2) the person exporting the turkey or its parts, if it is not the person who harvested the turkey, has obtained a shipping permit from the Division.

**R657-54-18. Waste of Game.**

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or their parts.

(2) A person shall not kill or cripple any wild turkey without making a reasonable effort to retrieve the turkey.

**R657-54-19. Wild Turkey Poaching Reported Reward Permits.**

~~[ (1) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a wild turkey under Section 23-20-4, within any limited entry area may receive a permit from the Division to hunt wild turkey in the following year on the same limited entry area where the violation occurred, except as provided in Subsection (2). ]~~

~~[ (2)(a) In the event that issuance of a Poaching Reported Reward Permit would exceed 5 percent of the total number of limited entry permits issued in the following year for the respective area, a permit shall not be issued for that respective area. As an alternative, the Division may issue a permit as outlined in Subsection (b). ]~~

~~[ (b) A permit for a wild turkey, on an alternative limited entry area that has been allocated more than 20 permits, may be issued. ]~~

~~[ (3)(a) The Division may issue only one Poaching Reported Reward Permit for any one wild turkey illegally taken. ]~~

~~[ (b) No more than one Poaching Reported Reward Permit shall be issued to any one person per successful prosecution. ]~~

~~[ (c) No more than one Poaching Reported Reward Permit shall be issued to any one person in any one calendar year. ]~~

~~[ (d) A person must possess a Utah hunting or combination license to receive a Poaching Reported Reward Permit. ]~~

~~[ (4)(a) Poaching Reported Reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable. ]~~

~~[ (b) If information is received from more than one person, the director of the Division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case. ]~~

~~[ (c) The person providing the most pertinent information shall qualify for the Poaching Reported Reward Permit. ]~~

~~[ (5) Any person who receives a Poaching Reported Reward Permit must be eligible to hunt and obtain wild turkey permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code. ]~~

~~[ (6) For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication for the poaching incident. ]~~

Wild turkey poaching-reported reward permits are issued pursuant to R657-51.

**R657-54-20. Season Dates, Bag and Possession Limits, and Areas Open.**

(1) Season dates, bag and possession limits, areas open, and number of permits for taking wild turkey are provided in the guidebook of the Wildlife Board for taking upland game and wild turkey.

(2) A person may not obtain or possess more than:

(a) one permit during the spring season annually; or

(b) three permits during the fall season annually.

**KEY: wildlife, wild turkey, game laws**

**Date of Enactment or Last Substantive Amendment: August 7, 2017**

**Notice of Continuation: August 18, 2014**

**Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-~~19~~1**

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

**R657-69 Turkey Depredation.**

**R657-69-1. Purpose and Authority.**

(1) Under authority of Section 23-17-5.1, 23-17-5.2, this rule provides:

(a) the procedures for responding to and verifying reports of material damage caused by turkey;

(b) the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and

(c) a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys.

**R657-69-2. Definitions.**

(1) As used in this rule, "turkey" means a wild, free-ranging turkey and does not include a privately-owned wild turkey, domestic turkey, or wild-domestic hybrids.

(2) "Alternate limited entry drawing list" means a chronological list, based upon the permit drawing procedures described in the Upland Game and Turkey Guidebook, of those persons who were unsuccessful in drawing a limited entry turkey hunting permit and would have been successful were additional permits available.

(3) "Control permit" means a nontransferable turkey hunting permit issued by the division under R657-69-6 or R657-69-7 that authorizes the holder to take a turkey for personal use within the described permit boundaries and described dates.

(4) "Control permit voucher" means a document issued to a landowner or lessee that may be retained for personal use or transferred to a third party, and which allows the holder to purchase a turkey control permit from the division.

(5) "Depredation Hunt" means a turkey hunt organized pursuant to R657-69-5, the Wildlife Code, and proclamations of the Wildlife Board.

(6) "Employee" means an individual regularly employed by the landowner or lessee for purposes unassociated with hunting on the private property owned or managed by the landowner or lessee.

(7) "Immediate family member" means the landowner's or lessee's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild, and grandchild.

(8) "Landowner" means any person, partnership, or corporation who owns private property in Utah and whose name appears on a deed as the owner or whose name appears as the purchaser on a contract for sale of private property.

(9) "Lessee" means any person, partnership, or corporation whose name appears as the lessee on a written lease, for at

least a one-year period, of private property, and who is in actual physical control of the private property.

(10) "Material damage" means physical impacts to private property caused by turkeys that are visible, persistent, and detrimental to the landowner or lessee's use of the private property.

(11) "Personal property" means any moveable and tangible thing owned by the landowner or lessee.

(12) "Private property" means land in private fee ownership, structures located thereon, and personal property of the landowner or lessee on or adjacent to the land of the landowner or lessee, but not including tribal trust lands.

### **R657-69-3. Responding to Reports of Material Damage by Turkeys.**

(1) Upon discovering material damage to private property attributable to turkeys, a landowner or lessee may request that the division take action to mitigate that damage.

(2) A request for action shall be delivered to a division representative in the appropriate regional office.

(3) A request for action may be made:

- (a) orally to expedite a field investigation; or
- (b) in writing.

(4)(a) The division will investigate a request for action within 72 hours after receiving the request.

(b) If after completing its investigation the division confirms that material damage did occur and it appears that material damage may continue, the division shall:

- (i) remove or drive off turkeys causing material damage; or
- (ii) with the written approval of the landowner or lessee, implement a damage mitigation and prevention plan in accordance with R657-69-4.

(5) A landowner or lessee may not harass, hunt, or otherwise take a turkey on private property unless:

- (a)(i) they possess a valid turkey hunting permit authorizing them to hunt turkeys; or
- (ii) a damage mitigation and prevention plan authorizes them to undertake such actions; and
- (b) the landowner or lessee's actions are otherwise consistent with the Wildlife Code, its implementing regulations, and proclamations of the Wildlife Board.

### **R657-69-4. Turkey Damage Mitigation and Prevention Plans.**

(1) A damage mitigation and prevention plan may authorize the division to undertake any or all of the following actions:

- (a) provide educational materials regarding turkeys and turkey damage to the landowner or lessee, including strategies on how to alleviate damage;

(b) use, or allow the landowner or lessee to use, nonlethal methods to haze turkeys on private property experiencing material damage and, if necessary, provide the landowner or lessee equipment and supplies necessary to carry out hazing;

(c) exclude turkeys from areas in which material damage has occurred and is expected to continue to occur, using fencing, tarpaulins, or other similar materials;

(d) capture and relocate any turkeys causing, or reasonably likely to cause, material damage to the property to a location on the Wildlife Board approved turkey transplant list;

(e) allow expanded harvest of turkeys by:

(i) increasing permit numbers during limited entry or general season hunts;

(ii) expanding or increasing the areas for turkey hunts;

(iii) enrolling the property in the division's Walk-In Access Program in accordance with R657-56;

(iv) enrolling the property in the division's Cooperative Wildlife Management Unit Program in accordance with R657-37;

(v) schedule and hold a depredation hunt pursuant to R657-69-5;

(vi) issue control permits pursuant to R657-69-6; or

(vii) issue control permit vouchers pursuant to R657-69-7;

(f) allow landowners or lessees to capture and relocate turkeys causing, or reasonably likely to cause, material damage to the property to a location on the Wildlife Board approved turkey transplant list;

(g) allow landowners or lessees to use weapons or methods otherwise prohibited to take a turkey if traditional weapons are unsuitable for the location of the property; and

(h) other reasonable measures aimed at reducing instances of material damage to the private property in question.

(2) Damage mitigation and prevention plans shall have:

(a) a description of the private property covered by the plan;

(b) a specific effective date and effective term for the plan;

(c) a description of the verified instances of material damage and the dates of occurrence; and

(d) an assurance by the landowner or lessee that members of the public holding a control permit or a turkey depredation permit may access the private property at no charge during the hunts for which they hold a permit.

(3) Damage mitigation and prevention plans may be amended or renewed with written consent of the division and the landowner or lessee during their effective term.

(4)(a) The landowner or lessee may unilaterally revoke and withdraw from a damage mitigation and prevention plan by providing the division 30 days prior written notice.

(b) A landowner or lessee's revocation of approval of a damage mitigation and prevention plan eliminates the division's obligations described in the plan.

(c) A landowner or lessee may not revoke approval of a damage mitigation and prevention plan after a depredation hunt has been scheduled on their private property until after the depredation hunt has taken place.

(4) The division may unilaterally revoke and withdraw from a damage mitigation and prevention plan if:

(a) the landowner or lessee fails to exercise reasonable care and diligence to avoid loss or minimize the damage caused by turkeys;

(b) the landowner or lessee fails to comply with the terms of the damage mitigation and prevention plan; or

(c) in the division's discretion, the damage mitigation and prevention plan is not necessary.

(5) The expiration or revocation of a damage mitigation and prevention plan does not preclude the landowner or lessee from making future requests for action.

(6) The division shall not be financially liable for damage to private property caused by:

(a) turkeys;

(b) its efforts to remove or drive off turkeys in response to a request for action; or

(c) actions taken or authorized by a damage mitigation and prevention plan.

(7) A landowner or lessee shall have a copy of the damage prevention and mitigation plan in their possession while undertaking any action authorized in the plan that otherwise violates the Wildlife Code, including, but not limited to, the hazing, capturing, and transplanting of turkeys.

**R657-69-5. Depredation Hunts for Turkey.**

(1) Turkey depredation hunts are intended to:

(a) mitigate verified reports of material damage by turkeys and prevent future instances of material damage in the vicinity of the hunt area;

(b) be a focused response to verified reports of material damage;

(c) be a rapid response mechanism to verified reports of material damage; and

(d) have limited permit numbers.

(2) Turkey depredation hunts shall operate consistent with the following guidelines:

(a) turkey depredation hunts may be held August 1 through March 14;

(b) parameters for a turkey depredation hunt must comply with the provisions established in the current Wild Turkey Management Plan approved by the Wildlife Board; and

(c) the boundaries of the hunts, specific season dates, bag limits, sex of birds that may be taken, and allowable weapon types will be further defined in a depredation hunt plan by the division Regional Supervisor.

(3) Hunters will be selected to receive a depredation permit in the following order, based on permit availability:

(a) randomly selected individuals in the depredation hunter pool; and

(b) individuals on the alternate limited entry drawing list, in chronological order.

(4)(a) The turkey hunter depredation pool provides hunters an opportunity to be placed on a wait-list and become eligible to receive a depredation permit as the availability for depredation permits allows.

(b) Applications for the turkey hunter depredation pool must be submitted pursuant to instructions in the current year's Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(c) Applications must be received by the date published in the Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(d) Applications received after the date published in the proclamation Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey may be used after the list of individuals within the depredation hunter pool and the alternate limited entry drawing list has been exhausted.

(5) If a hunter is successful in the depredation permit drawing and possesses a valid unfilled turkey permit for a hunt in the same calendar year as the depredation hunt, that hunter may receive a depredation permit at no cost.

(6) Hunters selected to receive a depredation permit who do not possess a valid unfilled turkey permit must purchase the appropriate permit prior to participating in the depredation hunt.

(7) Hunters selected to receive a depredation permit will not lose bonus points associated with the limited entry application process.

(8) [~~Hunters with~~ Wild turkey depredation permits [~~for turkey may not possess any other turkey permit for that season, except as otherwise provided in this Rule, Rule R657-54, or by proclamation of the Wildlife Board.~~]qualify towards permit possession limits identified in R657-54.

(9) Depredation permits may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or who are otherwise ineligible to receive a permit.

**R657-69-6. Control Permits for Turkey.**

(1)(a) As part of a damage mitigation and prevention plan, the division may issue a turkey control permit at no cost directly to the affected landowner or lessee, or to their immediate family member or employee.

(b) No more than two control permits may collectively be issued per calendar year under each damage prevention and mitigation plan.

(2) A control permit allows the permit holder to take a single turkey of either sex within the boundaries designated in the damage mitigation and prevention plan.

(3) Control permit turkey hunts may be held August 1 through March 14.

(4)(a) In the event that the landowner or lessee, or the landowner or lessee's immediate family member or employee, who receives the control permit does not possess a valid hunting or combination license, the division may issue a special turkey control license at no cost to the designated permit holder for the purposes of obtaining a control permit.

(b) A special turkey control license does not authorize the license holder to take any other protected wildlife or to obtain any other permit other than a turkey control permit.

(5) Hunters who receive a control permit will not lose any bonus points accrued as part of the limited entry turkey application process.

(6) Control permits may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or who are otherwise ineligible to receive a permit.

(7) Control permits issued under this section do not count towards permit possession limits identified in R657-54.

(8) Rimfire firearms may be used as a legal weapon for wild turkey permits issued pursuant to this section.

**R657-69-7. Control Permit Vouchers for Turkey.**

(1)(a) As part of the damage mitigation and prevention plan, the division may issue turkey control permit vouchers to the landowner or lessee.

(b) The number of control permit vouchers shall not exceed 10% of the documented turkeys on the private property or fifteen vouchers per calendar year, whichever is less.



(2)(a) Control permit vouchers do not allow turkey hunting and must be redeemed for a control permit prior to going afield.

(b) Control permit vouchers may be redeemed for a turkey control permit at a division office prior to the closing date of the control permit turkey hunt for which the voucher was issued.

(c) Individuals shall pay the required fee in order to redeem a control permit voucher for a turkey control permit.

(3)(a) [~~A landowner or lessee may retain and redeem control permit vouchers as turkey control permits if they have not met their control permit quota identified in R657-69-6(1)(b).~~] [~~(b)~~]

A landowner or lessee transferring control permit vouchers to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for turkey hunting under a control permit on the landowner or lessee's private property.

~~(e)~~ b) Turkey control permit vouchers are only transferable between the landowner or lessee and an individual redeeming that voucher for a turkey control permit.

~~(d) An individual receiving a transferred control permit voucher may only receive one control permit voucher per calendar year.~~

(c) Redeemed turkey control permit vouchers qualify towards permit possession limits identified in R657-54.

(4) Individuals redeeming a control permit voucher for a control permit will not lose accrued bonus points for limited entry turkey hunting as a result of redeeming the voucher.

#### **R657-69-8. Hunt Areas for Depredation and Control Permit Hunts.**

(1) The hunt area for depredation hunts and control permit hunts may include a buffer zone of up to 2 miles around the parcels of private property experiencing material damage.

(2) Buffer zones, if any, will be defined in the damage mitigation and prevention plan.

(3) Buffer zones may partially encompass or be adjacent to lands experiencing material damage.

(4) If a buffer zone includes the private land of multiple landowners, each affected landowner must be a signatory to the damage mitigation and prevention plan.

#### **R657-69-9. Appeal Procedures.**

(1) Upon the petition of an aggrieved party to a final division action relative to material damage caused by turkeys and this rule, a qualified hearing examiner shall take evidence and make recommendations to the Wildlife Board, who shall resolve the grievance in accordance with Rule R657-2.

#### **R657-69-10. Hunting or Combination License Required.**

(1)(a) A person must possess or obtain a valid Utah hunting or combination license, or a special turkey control license, to receive a turkey control permit pursuant to R657-69-6.

(b) A person must possess or obtain a valid Utah hunting or combination license to:

(i) receive a turkey depredation permit; or

(ii) or redeem a control permit voucher for the corresponding permit.

(2)(a) Special turkey control licenses are only issued to landowners or lessees, immediate family members, and employees that are designated to receive a turkey control permit under R657-69-6 and do not possess a valid Utah hunting or combination license.

(b) Special turkey control licenses may not be used in lieu of a hunting or combination license to obtain a depredation permit or a control permit under a control permit voucher.

**KEY: wildlife, turkey, depredation**

**Date of Enactment or Last Substantive Amendment: January 8, 2015**

**Notice of Continuation: New Rule**

**Authorizing, and Implemented or Interpreted Law: 23-17-5.1,23-17-5.2**



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
Division Director

## MEMORANDUM

TO: Utah Wildlife Board/Regional Advisory Council Members  
FROM: Xaela Walden, Predator Management Specialist  
DATE: April 11, 2018  
SUBJECT: **Proposed Rule Amendments to Rule R657-64; Predator Control Incentives**

Included are the proposed rule amendments to rule R657-64, which pertains to the predator control program. Proposed changes are in response to sportsmans' concerns and the need to develop a proactive approach to managing the budget as the program continues to grow. Our recommendations are as follows.

### Highlights:

1. The Utah Division of Wildlife Resources (UDWR) will require a Certificate of Registration (COR) to participate in the program.
  - a. This requirement will be fulfilled by taking the online education course, which participants must already take under current policy.
  - b. Participants must renew every 365 days by retaking the education course.
  - c. UDWR will waive all fees generally associated with a COR to maintain simplicity of the program.
  - d. Participants must have a valid COR at the time coyotes are killed and at the time of check-in.
2. Participants will be required to have personally killed each animal they are claiming for payment. This changes the current rule from "taken" to "killed". The purpose of this change is to allow law enforcement to make cases that would otherwise be dismissed over verbiage.
3. Participants must submit the lower jaw with both the canines and premolars intact. The current rule only includes canines. We recommend adding premolars because the first premolar is the tooth that is needed for aging and the rule needs to match management actions.
4. Acceptable samples must:
  - a. not be rotten or spoiled,
  - b. be identifiable as a coyote,
  - c. not have maggots or other carrion organisms on it, and
  - d. be stored frozen or preserved (if a sample is stored or frozen it must be thawed prior to submission).



5. Payments can be up to \$50 per coyote, but when deemed necessary these payments may be reduced by the UDWR. The ability to reduce payments as needed will provide a proactive approach to managing the budget. If trends continue, the appropriated budget may be expended annually. To address this issue, UDWR recommends altering the payment per coyote by \$5 increments based on the preceding fiscal year.
  - a. When the appropriated budget is expended, the payment will be reduced by \$5 in the following fiscal year. This will continue each fiscal year until the budget is not expended in that year.
  - b. In fiscal years that have a remaining balance, the payment will increase \$5 (up to a maximum of \$50) the following year.
6. Coyotes must be submitted within 1 year of the date they are killed. This is to prevent participants from storing coyotes during years that funding becomes unavailable, or during years that the payment has been reduced.
7. The use of an electronic application will be required to participate in the program. The application will improve reporting accuracy and efficiency for both participants and UDWR employees in addition to reducing fraud.
  - a. Participants will report their coyotes through an electronic application instead of the paper compensation form.
  - b. This will NOT replace checking in the lower jaw and scalp with both ears attached.
  - c. The application will require participants to use a phone with location capabilities and a camera.
  - d. The UDWR will make the application available for use by July 2018 and provide participants the option to use the electronic app or the current compensation forms until June 30, 2019.
  - e. On July 1, 2019 the electronic application will become a requirement.
8. All location data provided by hunters and trappers for the program will be protected under section 63G-2-305(2).
9. Contracting for any targeted removal efforts will be awarded through State Purchasing.

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

**R657-64. Predator Control Incentives**

**R657-64-1. Purpose and Authority.**

(1) This rule is promulgated under authority of Section 23-30-104 to establish procedures for:

(a) targeted predator control and general predator control programs administered by the division for the benefit of mule deer; and

(b) creation and distribution of educational and training materials related to mule deer protection.

**R657-64-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-30-102 and 23-13-2.

(2) In addition:

(a) "Division" means the Utah Division of Wildlife Resources.

(b) "Fiscal year" means July 1<sup>st</sup> through June 30<sup>th</sup> of the following calendar year.

(c) "General predator control" means a predatory animal removal effort by the division, which uses the public to remove predators for the benefit of mule deer.

(~~e~~d) "GPS" means Global Positioning System location in either the form of Latitude-Longitude coordinate or Universal Transverse Mercator (UTM) coordinate.

(~~d~~e) "Marked" means the permanent clipping or punching of ears on the predatory animal carcass or pelt.

(~~e~~f) "Predatory animal" means a coyote.

(g) "Preserved" means drying, freezing, or chemically treating the pelt or scalp with ears attached and the lower jaw of a coyote so it is not decomposed or spoiled when presented to the division for reimbursement under R657-64-4.3.

(~~f~~h) "Targeted area" means an area within the State of Utah specifically identified for predatory animal removal during a specified season.

(~~g~~i) "Targeted predator control" means a predatory animal removal effort by the division or its contractors:

(i) to remove predatory animals in an area where high predation on mule deer occurs; and

(ii) that focuses on specific locations and certain times.

(~~h~~j) "State" means State of Utah.

**R657-64-3. Predatory Animal Control Programs.**

(1) Two predatory animal control programs are created within the division to provide financial incentive to participants for the removal of coyotes detrimental to mule deer production.

(a) The General Predator Control Program provides a financial incentive to any [~~registered~~]participant with a predator control certificate of registration to remove coyotes within the State.

(i) The financial incentive to participate in the program and remove coyotes under the conditions prescribed in this rule and by the division is \$50 compensation per animal, unless otherwise [~~adjusted~~] reduced by the division[~~, to be paid in accordance with R657-64-4.~~] pursuant to Subsections (ii) and (iii).

(ii) Compensation for coyotes in any given fiscal year is limited to the annual legislative appropriation for the program, and no further compensation will be paid once the funding allocation is exhausted.

(iii)(A) When annual compensation claims exceed the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year will be reduced by \$5 from that paid in the previous year.

(B) When annual compensation claims are less than the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year will be increased by \$5 from that paid in the previous year, provided compensation never exceeds \$50 per animal.

(b) The Targeted Predator Control Program [~~provides compensation by contract to preapproved vendors to remove coyotes~~] focuses coyote removal efforts within prescribed areas of the State and during specified times of the year where predation on deer is most prevalent[~~-~~] by:

(i) using personnel hired and employed by the division to undertake targeted removal efforts; or

(ii) contracting with vendors to undertake targeted removal efforts.

(2) Participants in either program are not granted special authority to take coyotes beyond that available to non-participants, and each shall comply with all applicable federal, state, and local laws.

(3)(a) Except as provided in Subsection (3)(b), participants in both programs are required to follow all relevant rules and regulations related to trapping and firearm

use, as detailed in state code and rule R657-11, "Taking Furbearers."

(b) The division may exempt a participant in the Targeted Predator Control Program from specified provisions of R657-11 which the division determines necessary to effectively control coyotes in a targeted area that are detrimental to mule deer production.

**R657-64-4. General Predator Control Program~~[.]~~ - Certificate of Registration Required.**

(1) A person [~~may~~] must possess a valid predator control certificate of registration issued by the division to participate in the General Predator Control Program~~[, provided the applicant:]~~.

(2) To receive a predator control certificate of registration, a person must;

(a) [~~completes~~] complete an online application, including the applicant's:

- (i) full name;
- (ii) mailing address;
- (iii) phone number;
- (iv) e-mail address;
- (v) date of birth; and
- (vi) social security number;

~~[(b) completes]~~ (b) pay any required application and certificate of registration fees;

(c) complete an annual online orientation and training course~~[for participation in the program];~~

~~[(e)d] [agrees]~~ agree to the requirements of this rule and any additional terms and conditions specified by the division for program participation on its webpage;

~~[(d) acknowledges]~~ (e) acknowledge and [~~agrees~~] agree to the division submitting an Internal Revenue Service Form 1099 each calendar year where compensation totals require reporting under federal law;

~~[(e) acknowledges]~~ (f) acknowledge and [~~agrees~~] agree to verify that all coyotes submitted for compensation are [~~taken~~] killed by the applicant within the State.

~~[(f) acknowledges]~~ (g) acknowledge and [~~agrees~~] agree to collect and submit accurate GPS data documenting the precise location where each coyote is [~~taken~~] killed; and

~~[(g) acknowledges]~~ (h) acknowledge and [~~agrees~~] agree to not interfere with USDA Wildlife Services employees conducting similar coyote removal efforts in the area.

(~~[2]~~3) The division may deny an application [~~to participate in the program~~] for a predator control certificate of registration for any of the following reasons:

(a) the application is incomplete or filled out incorrectly;

(b) the application contains false or misleading information;

(c) the applicant [~~has failed~~] fails to complete [~~the online orientation and training course required~~] or otherwise comply with any of the requirements in Subsection (~~[1](b)~~2);

(d) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;

(e) the applicant's hunting or trapping privileges are suspended in [~~the State at the time of application~~] Utah or any other state ;

(f) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or

(g) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are [~~taken~~] killed.

(~~[3]~~4) (a) Upon approval of the application, the division [~~shall~~] will issue a predator control certificate of registration [~~number authorizing~~] to the applicant [~~'s~~] authorizing their participation in the program [~~which~~].

(b) The certificate of registration will remain valid [~~until June 30th each year~~] for 365 days from the date of issuance, unless earlier suspended pursuant to R657-64-11.

(c) Upon expiration of a predator control certificate of registration, a new certificate of registration must be obtained under the criteria and conditions set forth in Subsections (2) and (3) to participate in the program.

### R657-64-4.3. General Predator Control Program - Compensation

~~[(4) Registered program]~~ (1)(a) Program participants with a valid predator control certificate of registration will be eligible to receive from the division \$50 for each qualifying coyote presented, unless otherwise [~~adjusted~~] reduced by the



division[, ~~subject to the following conditions:~~] pursuant to R657-64-3(1)(a) [~~requests~~]

(b) Requests for payment shall be made only on the designated check-in dates and at the locations identified by the division[+].

[~~(b) any~~]

(2) Receipt of compensation is further subject to the following conditions:

(a) The claimant seeking compensation for a coyote must:

(i) personally kill the animal presented [~~to the division for the incentive~~]for payment [~~must~~]

[~~(i) be taken by the participant within the State on or after July 1, 2012~~];

[~~(A) Program participants are not authorized to trespass or take coyotes on tribal trust lands without written tribal authorization.~~]

[~~(ii) include the full pelt or the scalp with both ears attached, with neither previously marked or damaged to the extent that marking is unascertainable;~~](ii) possess a valid predator control certification of registration at the time the animal is killed and at the time it is presented to the division for payment;

[~~(iii) include the lower jaw removed from the carcass with canine teeth intact;~~]

[~~(iv) be permanently marked by the division; and~~](iii) complete and submit a signed [7] division-approved compensation form [~~that~~]in electronic or written format containing the following information:

(i) provides A) the claimant's name, and certificate of registration number [~~of the participant~~];

(ii) records B) the date and exact GPS location where each coyote [~~is taken~~]was killed; and

[~~(iii) verifies~~](C) verification that the [~~participant~~]claimant personally [~~took~~]killed the coyotes, the information provided is accurate, and all program terms and conditions have been complied with[-];

(iv) present to the division at a designated check-in event the fresh or preserved:

(A) full pelt or scalp of each coyote with both ears attached; and

(B) entire lower jaw of each coyote--removed from the carcass with canine and molar teeth intact; and

(v) link or associate the pelt, scalp, and jaw of each coyote presented for reimbursement to the corresponding entry for that coyote on the division-approved compensation form.

(b) Except as provided in Subsection (3), a claimant may not seek or obtain an incentive payment under this rule for any coyote that is:

(i) killed by someone or something other than the claimant;

(ii) killed outside the State of Utah;

(iii) presented to the division for payment more than 365 days from the date it was killed;

(iv) marked as previously redeemed for payment; or

(v) presented to the division in a condition where the pelt, scalp or lower jaw:

(A) is spoiled or rotten;

(B) has maggots or other carrion organisms;

(C) is in a frozen state; or

(D) is damaged or otherwise in a condition where the species cannot be reliably verified, or the absence or presence of markings cannot be ascertained.

([5]3) Program participants may designate a third party to check-in their coyotes with the division at the designated times and locations, provided:

(a) the compensation form referred to in [~~subsection (4)(e)]Subsection (2)(a)(iii) is completed and signed by the program participant that [~~took~~]killed the coyotes;~~

(b) the lower jaw and either the full pelt or the scalp (with both ears attached) of each coyote is presented to the division, as required in [~~Subsection (4)(b)(i)]Subsections (2)(a)(iv) and ([~~iii~~]2)(b), with the compensation form; and~~

(c) the compensation form identifies and authorizes the person that will present it to the division for compensation.

(4) Program participants are not authorized to trespass or take coyotes on tribal trust lands without written tribal authorization.

(5) Employees and contractors of USDA Wildlife Services are ineligible to receive compensation for coyotes taken within the scope of their employment or contractual responsibilities.

(6) Compensation for qualified coyotes will be documented by written receipt at the time of submission to the division and payment by check will be mailed at a later date.

(7) Participants shall be responsible for disposing of coyote pelts and ears presented to the division for compensation, but the division may retain the lower jaw.

(8) The division will mark each coyote redeemed for payment to ensure compensation is paid only once for each animal.

#### **R657-64-4.7. General Predator Control Program - Electronic Certification.**

(1) Beginning on July 1, 2019, program participants seeking compensation for coyotes under R657-64-4.3 must comply with the following electronic certification requirements:

(a)(i) Download the division's electronic certification application to a personal electronic device with photograph and location services capabilities.

(ii) The application will automatically record the date and GPS location of each photograph and link that data to the photograph.

(b) Using the electronic certification application, claimants must enable the location services on their electronic device and photograph each coyote at the exact location it is trapped or killed.

(c) The photographic image must:

(i) show the entire coyote carcass so it fills the frame of the image;

(ii) be uploaded to the division's designated database; and

(iii) be sufficiently clear and detailed to match a pelt or scalp presented to the division for compensation with the coyote carcass in the photographic image.

(2) Compensation will not be paid for any coyote presented to the division that has not been electronically certified by the claimant consistent with the requirements of Subsection (1).

#### **R657-64-5. Targeted Predator Control Program.**

~~[(1) The division may award contracts and compensate eligible vendors for targeted coyote removal services in areas of the State and at times specified in the contract.]~~ (1) The division may hire employees or award contracts to vendors for targeted coyote removal services .

~~[(a) Selected vendors will be compensated as prescribed in the contract and are ineligible to receive the \$50 incentive under the General Predator Control Program in R657-64-4 for coyotes taken under contract in the Targeted Predator Control Program.]~~

~~[ (b) Vendors participating in the Targeted Predator Control Program must submit to the division the lower jaw removed from the carcass with canine teeth intact and either the full pelt or the scalp with both ears attached for each coyote for which compensation credit is sought. ]~~

~~[ (i) The division will document each animal and mark its ears, and may retain its lower jaw. ]~~

~~[ (c) Contract vendors shall: ]~~

~~[ (i) be responsible for disposal of all coyote pelts and ears presented to the division for compensation credit, but the division may retain the lower jaw; ]~~

~~[ (ii) not interfere with USDA Wildlife Services employees conducting similar coyote removal efforts within a targeted area; ]~~

~~[ (iii) verify that all coyotes presented for compensation credit were taken; ]~~

~~[ (A) by them personally or by another person operating under their direct supervision; and ]~~

~~[ (B) within the areas and time periods prescribed in the contract; and ]~~

~~[ (iv) provide and verify the accuracy of GPS data documenting the precise location where each coyote is taken. ]~~

~~[ (2)(a) The division may establish a list or pool of preapproved vendors for participation in the Targeted Predator Control Program. ]~~

~~[ (b) Preapproved vendors are eligible to receive a coyote removal contract. ]~~

~~[ (c) The division may select one or more of the approved vendors for use in each targeted area for the season. ]~~

~~[ (d) The division has full discretion to select any vendor to contract with among the pool of preapproved vendors and is under no obligation to use all the vendors or to provide equal opportunity to them. ]~~

~~[ (e) The division is not bound to select vendors in any year, and does not guarantee that any vendor will be selected. ]~~

~~[ (3)(a) A person or business entity may become a preapproved vendor in the Targeted Predator Control Program by complying with the following: ]~~

~~[ (i) complete and submit to the division an application on the form provided by the division; and ]~~

~~[ (ii) participate in the General Predator Control Program under R657-64-4 for one or more years with compensation credit awarded by the division for 25 or more coyotes each year. ]~~

~~[ (A) In the case of a business entity, one or more of the entity's principals or owners must satisfy the requirements in Subsection (3)(a)(ii). ]~~

~~[ (b) The division may deny an application for preapproved vendor status in the Targeted Predator Control Program for any of the following reasons: ]~~

~~[ (i) the application is incomplete or filled out incorrectly; ]~~

~~[ (ii) the application contains false or misleading information; ]~~

~~[ (iii) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division; ]~~

~~[ (iv) the applicant's hunting privileges are suspended in the State at the time of application; ]~~

~~[ (v) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or ]~~

~~[ (vi) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are taken. ]~~

(2) Targeted predator control contracts will be solicited and awarded through the Division of Purchasing and General Services consistent with the procurement requirements in Title 63G, Chapter 6a of the Utah Code.

#### **R657-64-6. Trap and Hunting Locations.**

(1) Program participants and contract vendors are required to provide GPS data documenting the precise location where each coyote is taken.

(2) To the extent GPS data discloses the location of trap lines or hunting areas, and public disclosure of that data exposes the traps to the possibility of theft and damage or the hunting area to exploitation by others, the data may be classified as "protected" under Section 63G-2-305(2) and restricted from public disclosure pursuant to Title 63G, Chapter 2, Government Records Access and Management Act, provided the requirements of Subsection (3) are satisfied.

(3) Any person desiring to protect GPS data from public disclosure that locates trap lines or hunting areas must submit to the division a written claim of confidentiality explaining:

(a) the financial and commercial harm reasonably expected to occur if the data is subject to public disclosure; and

(b) why the person submitting the data has a greater interest in prohibiting access than the public in obtaining access.

**R657-64-7. Coordination.**

(1) The division will coordinate with the Department of Agriculture and Food and the Agricultural and Wildlife Damage Prevention Board created in Section 4-23-4 to:

(a) minimize unnecessary duplication of predatory animal control efforts;

(b) prevent interference between predatory animal control programs administered under Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act and this rule; and

(c) enhance the effectiveness of predatory animal control efforts and maximize the benefit to both mule deer and livestock.

**R657-64-8. Education and Training.**

The division may conduct and administer training, education, and outreach activities related to mule deer protection and predator control.

**R657-64-9. Appropriation of Funds.**

(1) Funding for the predatory animal control programs in this rule is appropriated annually by the Legislature.

(2) Should appropriated funding be reduced or eliminated, funds available for compensation in the two predatory animal control programs may be ended without prior public notice.

(3) Once the annual funding allocation for coyote removal is expended for the general or targeted control programs in a given year, no further payments will be made for that year, regardless of pelts or ears that may be held by program participants.

**R657-64-10. Liability.**

(1)(a) Any person who participates in either predatory animal control program under this rule assumes full and complete liability and responsibility for their acts and omissions while engaged in removing coyotes or redeeming them for compensation.

(b) To the extent provided under the Utah Governmental Immunity Act and the liability limitations in this rule, the

division shall not be liable in any civil action for any act or omission of a program participant while removing coyotes or redeeming them for compensation.

(2) It is the responsibility of program participants to read, understand and comply with this rule and all other applicable federal, state, county, and municipal laws, regulations, and ordinances.

#### **R657-64-11. Violations.**

(1) (a) The division may suspend, terminate, or deny any certificate of registration or other authorization issued under this rule to participate in either or both predatory animal control programs for any of the violations listed in R657-64-4(~~2~~3) or R657-64-5(3)(b).

(b) Suspension proceedings involving predator control certificates of registration will be initiated and adjudicated consistent with the procedures set forth in R657-26.

(2) Providing false information to the division or otherwise violating the provisions of this rule may be criminally prosecuted under applicable offenses defined in the Utah Code.

**KEY:** wildlife, [~~predators~~]predator, game laws, wildlife [~~laws~~]law

**Date of Enactment or Last Substantive Amendment:** July 8, 2013

**Notice of Continuation:** July 31, 2017

**Authorizing, and Implemented or Interpreted Law:** 23-30-102; 23-30-104; 23-13-17



GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
*Division Director*

## MEMORANDUM

Date: April 12, 2018

To: Wildlife Board and Regional Advisory Council Members

From: David Smedley, District Biologist

**Subject: Mineral Mountains Bighorn Sheep Unit Plan**

The Utah Division of Wildlife Resources is recommending a bighorn sheep unit management plan for the Mineral Mountains. In the plan we:

- 1) define a unit boundary,
- 2) address issues and concerns, and
- 3) outline unit goals, objectives, and strategies for bighorn sheep management on the Mineral Mountains.

See the attached management plan for details.



**BIGHORN SHEEP UNIT MANAGEMENT PLAN**  
**MINERAL MOUNTAINS**  
**May 2018**

**BOUNDARY DESCRIPTION**

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Beaver and Millard counties: Boundary begins at Black Rock Road and I-15 near Cove Fort; west on Black Rock Road to SR-257; south on SR-257 to SR-21; south and east SR-21 to I-15; north on I-15 to Black Rock Road near Cove Fort.

**LAND OWNERSHIP**

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Table 1. Range area and approximate ownership of Mineral Mountains bighorn sheep management unit and modeled bighorn sheep habitat.

Ownership	MANAGEMENT UNIT		MODELED SHEEP HABITAT	
	Area (acres)	%	Area (acres)	%
Bureau of Land Management	233,656	68%	91,733	87%
Private	84,723	25%	4,653	4%
Utah State Institutional Trust Lands	23,885	7%	9,880	9%
Tribal	262	<1%	0	0%
Utah State Parks	208	<1%	1	<1%
Utah Division of Wildlife Resources	40	<1%	40	<1%
Utah Department of Transportation	1	<1%	0	0%
<b>Totals</b>	<b>342,774</b>	<b>100%</b>	<b>106,307</b>	<b>100%</b>

**UNIT MANAGEMENT GOALS**

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The Mineral Mountains unit is located west of Beaver and east of Milford (Figure 1). It is proposed to transplant desert bighorn sheep into the unit in an effort to reestablish bighorns to their native ranges (Buechner 1960, Dalton and Spillet 1971) and to promote wildlife diversity in the area for hunting and viewing, in accordance with Utah Code 23-14-21. This plan will then guide future management decisions consistent with the Utah Statewide Bighorn Sheep Management Plan. Specific goals are to:

- 1) Manage for a healthy population of desert bighorn sheep capable of providing a broad range of recreational opportunities, including hunting and viewing.
- 2) Balance bighorn sheep impacts with other uses such as authorized cattle grazing and local economies.

- 3) Maintain a population that is sustainable within the available habitat in the unit boundary.

## **CURRENT STATUS**

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Bighorn sheep do not currently exist on the Mineral Mountains.

## **ISSUES AND CONCERNS**

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Potential Habitat: We modeled potential bighorn sheep habitat on the Mineral Mountains using methodology outlined by O'Brien et al. (2014). Bighorn sheep select habitat based on the proximity of steep-sloped escape terrain, forage availability, ruggedness, and horizontal visibility (Bleich et al. 1997, Valdez and Krausman 1999, Sappington et al. 2007). Bighorn sheep habitat is located throughout the mountain range (Figure 1). Additional habitat exists in areas that have become dominated by old growth pinyon and juniper forests as well as other conifer stands that have reduced value to bighorn. Aggressive habitat restoration efforts to return these areas into productive early successional stages will further expand bighorn sheep habitat throughout the Mineral Mountains.

Livestock Competition: Interactions of bighorn sheep with domestic cattle are anticipated seasonally. Dietary overlap between cattle and bighorns has not surfaced as a concern with other bighorn populations in the state and is not expected for the Mineral Mountain herd. Desert bighorn annual use of forage classes, when compared to cattle, differ significantly (Dodd and Brady 1988). Likewise, bighorn sheep generally avoid areas where cattle are present (Bissonette and Steinkamp 1996), and also select areas with a much higher degree of slope (Ganskopp and Vavra 1987), which also minimizes competition for water. Desert bighorn sheep have the ability to utilize metabolic water formed by oxidative metabolism, preformed water found in food, and surface water, including dew. The amount of surface water required by desert bighorns is dependent on many factors, including body size, activity, forage moisture content, temperature, and humidity (Monson and Sumner 1980). In hot, dry periods, bighorns will water daily if possible but have remained independent of surface water for periods of 5-8 days (Blong and Pollard 1968, Turner and Boyd 1970, Turner 1973, Welles and Welles 1961, 1966). Across all seasons, desert bighorns drink on average every 10-14 days (Welles and Welles 1961). It has been reported, in extreme cases, that desert bighorns did not drink for a period of several months (Monson 1958, Mendoza 1976). Koplín (1960) found that a captive herd of desert bighorn sheep that were fed a dry ration and provided unlimited water drank an average of 4.9 liters (1.3 gal) per day.

Disease: Disease, especially bacterial pneumonia, has been responsible for numerous declines in bighorn populations throughout North America (Cassirer and Sinclair 2007). Pneumonia outbreaks typically affect all age/sex cohorts and are usually followed by several years of annual pneumonia outbreaks in lambs that dramatically reduce population growth (Spraker et al. 1984, Ryder et al. 1992, George et al. 2008). These events are attributed to the transfer of pathogens from domestic sheep (*Ovis aries*) or goats (*Capra aegagrus hircus*) to wild sheep through social contact (Singer et al. 2000,

Monello et al. 2001, Cassirer and Sinclair 2007). Disease-induced mortality rates in bighorn sheep vary substantially by population due to multiple processes including contact rates, social substructuring, pathogen virulence, and individual susceptibility (Manlove et al. 2014, 2016). Therefore, spatial separation from domestic sheep and goats is the most important factor in maintaining overall herd health. It is not the intent of this plan or the DWR to force domestic sheep operators off of their ranges or out of business. Rather, the intent is to look for opportunities that will protect bighorn sheep populations while working with the domestic sheep industry.

Predation: Cougar predation may limit bighorn sheep in locations where predator populations are largely supported by sympatric prey populations (Hayes et al. 2000, Schaefer et al. 2000, Ernest et al. 2002), which, in this case, includes mule deer, domestic cattle, and elk. It has been hypothesized that declines in sympatric ungulate populations can increase predation on bighorn sheep as cougars switch to bighorns as an alternate prey source (Kamler et al. 2002, Rominger et al. 2004). It is anticipated that cougars will be the main predator of bighorns on the Mineral Mountains. If predation becomes a limiting factor, predator control work will be administered within the guidelines of the DWR Predator Management Policy. Predator management is coordinated with USDA Wildlife Services. Predator reduction work already occurs on the Mineral Mountains in conjunction with livestock losses, and therefore any additional work that may be done would be mutually beneficial to both livestock and other big game species.

## **POPULATION MANAGEMENT**

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### **Population Management Objectives:**

- 1) Achieve and maintain a population objective of 175 total desert bighorn sheep.

### **Population Management Strategies:**

Transplant Plan: Transplant(s) of wild bighorn sheep will be used to establish a viable herd. Initial transplant should occur with a minimum of 40 bighorns. The source population will likely be from the Muddy Mountain of Nevada and/or the Zion unit of Utah. Newly transplanted bighorns will be monitored for general movements and annual survival. Interested parties have been notified and given opportunity for discussion. This includes the Beaver County Commission, Millard County Commission, BLM, and grazing permittees. If the population reaches or exceeds the population objective, management practices including transplants and ewe hunts may be incorporated to maintain the population at objective. Aggressive management practices will be taken if the population exceeds 210 individuals (120% of objective).

Monitoring: Monitoring of bighorn sheep will be conducted every 2-3 years by aerial survey to determine lamb recruitment, population status, ram-to-ewe ratios, range distribution, and ages and quantity of rams. This population will likely require 8 hours to conduct a complete trend count and survey adjacent areas to evaluate wild sheep dispersal. Additional ground classification may be conducted as conditions permit. GPS collars with mortality signals will be used to document cause-specific mortality and

identify annual survival estimates. Space use will be monitored to assess potential overlap and competition with cattle. GPS collars will be added to the population as the original collars complete their usable lifespan. If bighorn sheep are found wandering into areas where there is high risk of contact with domestic sheep or goats, the DWR may remove these animals in accordance with the Utah Bighorn Sheep Statewide Management Plan.

Predator Management: Predator management will be coordinated with USDA Wildlife Services prior to bighorn release. If predation becomes a limiting factor on bighorns, predator control work will be administered within the guidelines of the DWR Predator Management Policy.

## **DISEASE MANAGEMENT**

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### **Disease Management Objectives:**

- 1) Maintain a healthy population of desert bighorn sheep on the Mineral Mountains range.
- 2) Maintain spatial separation from domestic sheep and goats.

### **Disease Management Strategies:**

Disease Monitoring: Source herds used for establishing this population will be tested for pneumonia related pathogens prior to release to ensure healthy source stock. The DWR may perform periodic live captures to assess herd health, as well as take advantage of opportunistic sampling of hunter harvested bighorns or bighorns that are found dead.

Spatial Separation: Active domestic sheep allotments and hobby farms with domestic sheep will be evaluated for potential overlap with bighorn habitat prior to a bighorn transplant. The DWR will delineate areas where there is high risk for domestic sheep and goats to come in contact with wild sheep or where wild sheep may stray and come in contact with domestics. These areas will be considered areas of concern. Lethal or non-lethal removal of bighorns may be warranted in these areas to prevent comingling. The need to test wandering sheep from this unit will be evaluated on a case by case basis. The BLM and DWR will explore the possibility of using fencing to prevent comingling with trailing domestic sheep.

## **HABITAT MANAGEMENT**

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### **Habitat Management Objectives:**

- 1) Maintain or improve sufficient bighorn sheep habitat to achieve population objective.
- 2) Support and encourage regulated livestock grazing and maintain/enhance forage production through range improvement projects on the Mineral Mountains.
- 3) Improve habitat and water availability where possible.

### **Habitat Management Strategies:**

Monitoring: The DWR will assist land management agencies in monitoring bighorn

habitat to detect changes in habitat quantity and quality.

Habitat Improvement: Vegetative treatment projects to improve bighorn habitat lost to natural succession or human impacts will be sought out and initiated. The DWR will cooperate with the BLM to utilize seeding, controlled burns, and/or mechanical treatments for conifer removal in order to increase and improve bighorn habitat across the unit. Habitat restoration projects will be planned and executed through the Utah Watershed Restoration Initiative program, allowing for public input to ensure that projects that are beneficial to both bighorn sheep and sympatric cattle are given priority.

Areas identified as priorities for habitat improvement are as follows:

- seeding of Porcupine area
- seeding of Honeyboy area
- pinyon/juniper removal in the Granite Peak area

Water Improvement: The DWR will work with the BLM and private stakeholders to locate and cooperatively modify or improve existing water sources or install new water developments across bighorn habitat.

Areas identified as priorities for water improvement are as follows:

- Hodgsen well and troughs
- Shagwell solar well
- Bailey Springs pipeline extension
- Cherry Creek pipeline extension
- Bailey Mountain guzzler replacement
- Shag Spring
- Rock Corral

## **RECREATION MANAGEMENT**

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### **Recreation Management Objectives:**

- 1) Provide high quality hunting opportunities when the Mineral Mountains population has established.
- 2) Increase public awareness and expand viewing opportunities of bighorn sheep.

### **Recreation Management Strategies:**

Hunting: Hunting and permit allocation recommendations will be made in accordance with the Utah Bighorn Sheep Statewide Management Plan. A bighorn hunt will be proposed on this unit when there is a harvestable and sustainable age class of rams. Ewe hunts may be utilized as a tool for maintaining population objective.

Non-Consumptive Uses: The DWR will look for opportunities to increase public awareness and expand viewing opportunities of bighorn sheep through viewing events and public outreach.

## **PUBLIC INVOLVEMENT**

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### **Public Involvement Objective:**

- 1) Provide opportunities for local stakeholders and cooperating agencies to be involved in the management process and to jointly resolve potential issues involving bighorn sheep.

### **Public Involvement Strategies:**

Plan Revision: If the population objective or other key components of this plan are to be revised in the future, affected cooperating agencies, local stakeholders, and grazing permittees will be invited to take part in the decision-making process.

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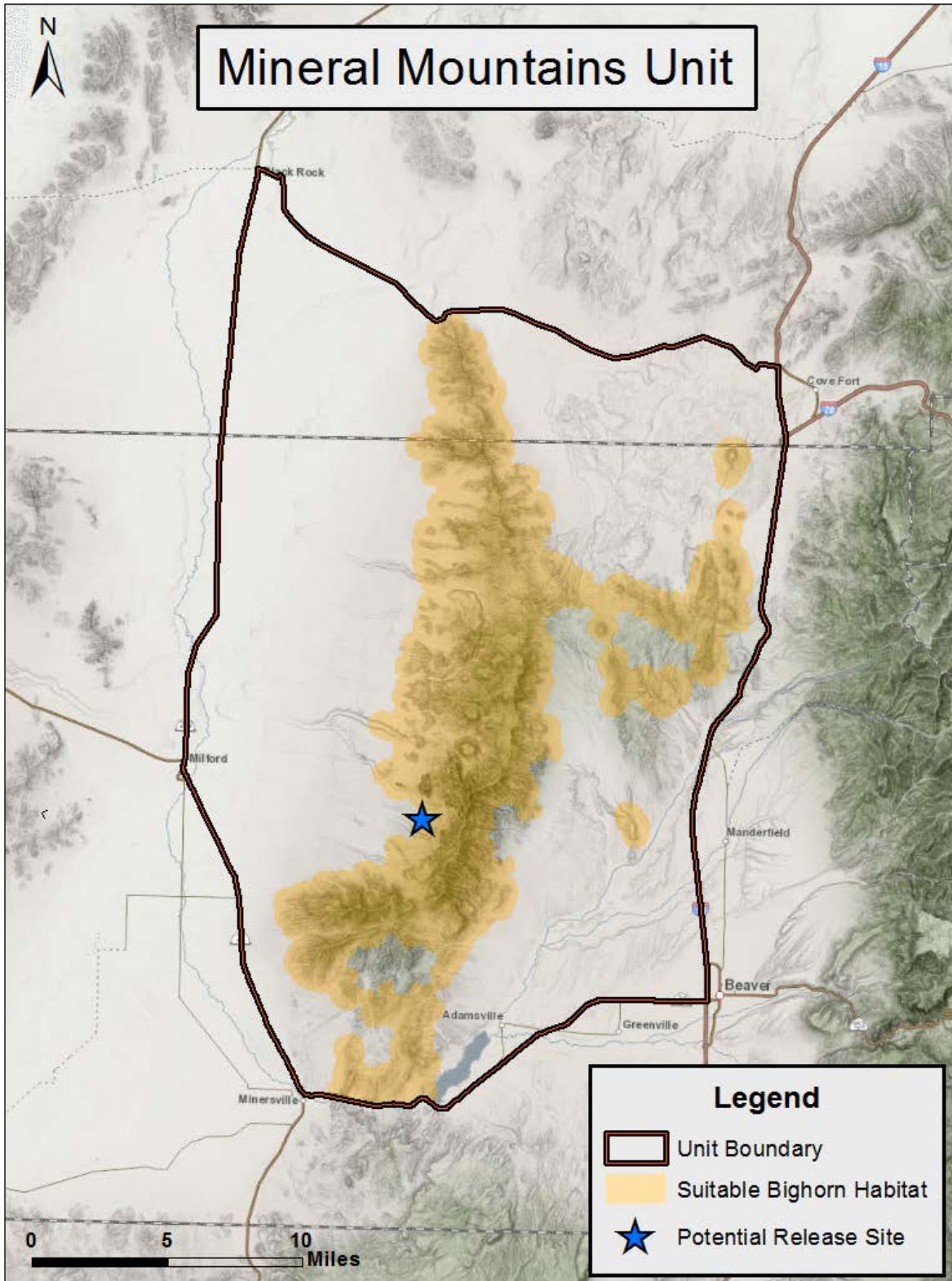


Figure 1. Mineral Mountains bighorn sheep habitat and management unit boundary, Millard and Beaver Counties, UT, USA.



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
Division Director

April 17, 2018

To: Regional Advisory Council

Re: Proposed Rule Changes R657-41 Conservation Permit Rule

The purpose of this action item is to strike from rule an archaic and never utilized provision for groups to propose a way to distribute a permit by raffle. We want to clarify that conservation permits only be initially distributed through a competitive auction to the high bidder. Clarify that there can only be one statewide conservation permit per species. Clarify that any weapon permits (Rifle) are restricted to a single season that the recipient must designate. (LE Deer and Elk)

Specify that the division will not issue a conservation permit until the voucher information is received entirely, the recipient possesses a hunting or combo license, pays the permit fee, and is legally eligible to possess the permit.

Reducing from 30 days to 10 days the time groups have to notify the division of the name of the successful bidder, the amount of the winning bid, and the date of the event where the permit opportunity was auctioned. Outlines the affidavit process to assign the voucher for a permit opportunity when it is not used by the successful bidder.

Require that accrued interest on retained revenue (60%) must now be used for projects. Funds committed to approved projects must be remitted sooner to the division, within 60 days of invoice instead of 90. Retained revenue and accrued interest must be expended on approved projects or transferred to the division by September 1 two years following collection.

Invoicing for approved projects up front and monitoring project expenditure detail in the division's database replaces the need for the conservation partners to provide project details to the division in an annual report.

Clarify in the definitions section that a conservation permit for turkey is not valid during the youth general season hunt, unless the holder qualifies as a youth.

Propose changing the conservation Bison permit season to August 1 – January 31 to be consistent with other once-in-a-lifetime Bison opportunity

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This proposed action also makes other minor and non-substantive changes, including clerical and punctuation changes.

Kenneth Johnson  
Administrative Services  
Utah Division of Wildlife Resources

**R657. Natural Resources, Wildlife Resources.[] R657-41. Conservation and Sportsman Permits. R657-41-1. Purpose and Authority.**

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for [~~sale at an~~] auction[~~, or for use as an aid to wildlife related~~] to the highest bidder at fund -raising [activities;] events ;

(b) sportsman permits;

(c) Special Antelope Island State Park Conservation Permits to a conservation organization for [~~marketing and sale~~] auction to the highest bidder at the annual wildlife exposition held pursuant to R657-55; and

(d) Special Antelope Island State Park Limited Entry Permits to successful applicants through a general drawing conducted by the [~~Division~~] division.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and [~~R657-41-9~~](5)(b) for the benefit of species for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

**R657-41-2. Definitions.**

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

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a conservation permit species, and may include an extended season, or legal weapon choice, or both, beyond the season, except area turkey permits are valid during any season option and are valid in any open area during general season hunt.

(i) Area [~~Conservation~~] conservation permits issued for limited entry units are not valid on cooperative wildlife management units authorized for the same species of wildlife as the area conservation permit.

(ii) Notwithstanding Subsection (a), area conservation permits issued for turkey are not valid during the youth general season hunt unless the holder qualifies as a youth.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting the protection and preservation of one or more conservation permit species and has established tax

exempt status under [~~Internal Revenue Code, Section 501C-~~] 26 U.S.C. § 501(c)(3), as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1.

(d) [~~—~~] "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, [~~Rocky Mountain~~] mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, cougar, and black bear.

(e) [~~—~~] "Multi-Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-7 for three consecutive years [~~to sell, market or otherwise use as an aid in wildlife related fund raising activities~~] for auction to the highest bidder at fund-raising events.

(f) "Retained Revenue" means 60% of the revenue raised by a conservation [~~organizations~~] organization from [~~the sale of~~] auctioning conservation permits that the organization retains for eligible projects, [~~excluding~~] including interest earned thereon less standard banking fees assessed on the account.

(g) [~~—~~] "Special Antelope Island State Park Conservation Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued pursuant to R657-41-~~[12(3)-]~~ 12.

(h) [~~—~~] "Special Antelope Island State Park Limited Entry Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit[~~-~~]

(i) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection (k), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(j) [~~—~~] "Single Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-6 for one year [~~to sell, market or otherwise use as an aid in wildlife related fund raising activities~~] for auction to the highest bidder at fund-raising events.

(k) "Statewide Conservation Permit" means a permit issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game [~~proclamation~~] guidebooks for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through November 15 and deer[~~-and-~~], elk from September 1 through January 15, and bison from August 1 through January 31;

(ii) two turkeys on any open unit from April 1 through May 31;

(iii) bear on any open unit during the season authorized by the Wildlife Board for that unit;

(iv) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective;

(v) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit, except for the Special Antelope Island State Park Conservation Permits and the Special Antelope Island State Park Limited Entry Permits; and

(vi) Rocky Mountain bighorn sheep on any open unit, excluding the

Box Elder, Pilot Mountain sheep unit, which is closed to both the [~~Sportsmen~~] Sportsman permit holder and the Statewide conservation permit holder every year.

(1) "Permit voucher" or "voucher" means an authorization issued by the division that entitles the designated holder to purchase the hunting permit specified in the authorization.

### **R657-41-3. Determining the Number of Conservation and Sportsman Permits.**

(1) The number of conservation permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, [~~and~~] distribution[~~-to protect the-~~], and long-term health[~~-of the population~~];

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) the potential revenue that will support protection and enhancement of the species.

(2) One statewide conservation permit may be authorized for each conservation permit species.

(3) A limited number of area conservation permits may be authorized as follows:

(a) the potential number of multi-year and single year permits available for Rocky Mountain bighorn sheep and desert bighorn sheep, assigned to a hunt area or combination of hunt areas, will be calculated



based on the number permits issued the year prior to the permits being awarded using the following rule:

(i) 5-14 public permits = 1 conservation permit, 15-24 public permits = 2 conservation permits, 25-34 public permits = 3 conservation permits, 35-44 permits = 4 conservation permits, 45-54 public permits = 5 conservation permits, 55-64 = 6 conservation permits, 65-74 public permits = 7 conservation permits and >75 public permits = 8 conservation permits.

(b) the potential number of multi-year and single year permits available for the remaining conservation permit species, for any unit or hunt area, will be calculated based on the number permits issued the year prior to the permits being awarded using the following rule:

(i) 11-30 public permits = 1 conservation permit, 31-50 public permits = 2 conservation permits, 51-70 public permits = 3 conservation permits, 71-90 permits = 4 conservation permits, 91-110 public permits = 5 conservation permits, 111-130 = 6 conservation permits, 131-150 public permits = 7 conservation permits and >150 public permits = 8 conservation permits.

(4) The number of conservation permits may be reduced if the number of public permits declines during the time period ~~[ex]~~for which multi-year permits were awarded.

(5) The actual number of conservation and sportsman permits available for use will be determined by the Wildlife Board.

(6) Area conservation permits shall be deducted from the number of public drawing permits.

(7) One sportsman permit shall be authorized for each statewide conservation permit authorized.

(8) All area conservation permits are eligible as multi-year permits, except ~~[that]~~ the division may designate some area conservation permits as single year permits based on the applications received for single year permits.

(9) All statewide permits will be multi-year permits ~~[except for a second statewide permit issued for a special event]~~.

#### **R657-41-4. Eligibility for Conservation Permits.**

(1) Statewide and area conservation permits may be awarded to eligible conservation organizations ~~[to market and sell, or to use as an aid in wildlife related fund raising activities]~~ for auction to the highest bidder at fund-raising events .

(2) To be eligible for multi-year conservation permits, a conservation organization must have generated in conservation permit sales during the previous three year period at least one percent of the total revenue generated by all conservation organizations in conservation permit sales during the same period. Conservation organizations eligible

for multi-year permits may not apply for single year permits, and conservation organizations ineligible for multi-year permits may only apply for single year permits.

(3) Conservation organizations applying for single year permits may not:

(a) bid for or obtain conservation permits if any employee, officer, or board of [~~director~~ [directors](#)] member of the conservation organization is an employee, officer, or board of [~~director~~ [directors](#)] member of any other conservation organization that is submitting a bid for single year conservation permits; or

(b) enter into any pre-bidding discussions, understandings or agreements with any other conservation organization submitting a bid for conservation permits regarding:

(i) which permits will be sought by a bidder;

(ii) what amounts will be bid for any permits; or

(iii) trading, exchanging, or transferring any permits after permits are awarded.

#### **R657-41-5. Applying for Conservation Permits.**

(1)(a) Conservation organizations may apply for conservation permits by sending an application to the division.

(b) Only one application per conservation organization may be submitted. Multiple chapters of the same conservation organization may not apply individually.

(c) Conservation organizations may apply for single year conservation permits or multi-year conservation permits. They may not apply for both types of conservation permits.

(2) The application must be submitted to the division by September ~~1~~ [1, unless otherwise specified on the division's website](#), to be considered for the following year's conservation permits. Each application must include:

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

(b) a copy of the conservation organization's mission statement;

(c) verification of the conservation organization's tax exempt status under [~~Internal Revenue Code, Section 501C-~~ [26 U.S.C. § 501\(c\)\(3\)](#)], as amended; and

(d) the name of the president or other individual responsible for the administrative operations of the conservation organization;

(3) If applying for single year conservation permits, a conservation organization must also include in its application:

(a) the proposed bid amount for each permit requested. The proposed bid amount is the revenue the



organization anticipates [~~to~~] will be raised from auctioning a permit [~~-through auction or other lawful fund raising activity.~~];

(b) certification that there are no conflicts of interest or collusion in submitting bids, as prohibited in R657-41-4(3);

(c) acknowledgement that the conservation organization recognizes that falsely certifying the absence of collusion may result in cancellation of permits, disqualification from bidding for five years or more, and the filing of criminal charges;

(d) evidence that the application and bid has been reviewed and approved by the board of directors of the bidding conservation[-] organization;

(e) the type of permit, and the species for which the permit is requested; and

(f) any requested variances for an extended season or legal weapon choice for area conservation permits.

(4) An application that is incomplete or completed incorrectly may be rejected.

(5) The application of a conservation organization for conservation permits may be denied for:

(a) failing to fully report on the preceding year's conservation permits;

(b) violating any provision of this rule, Title 23 of the Utah Code, Title R657 of the Utah Administrative Code, a division [~~proclamation~~] guidebook, or an order of the Wildlife Board; or

(c) violating any other law that bears a reasonable relationship to the applicant's ability to responsibly and lawfully handle conservation permits pursuant to this rule.

#### **R657-41-6. Awarding Single Year Conservation Permits.**

(1) The division shall recommend the conservation organization to receive each single year conservation permit based on:

(a) (i) the bid amount pledged to the species; and (ii) the bid amount pledged to the species, adjusted, when applicable, by: ([~~+~~]A) the performance of the organization over the previous two years in meeting proposed bids;

([~~+~~]B) 90% of the bid amount; and

([~~+~~]C) the organizations maintaining a minimum two-year average performance of 70% to be eligible for consideration of permits. Performance of the organization is the proportion of the total revenue generated from permit sales, divided by 90% of the bid amount for all permits, calculated annually and averaged for the last two years.

(b) [~~if~~]If two or more conservation organizations are tied using the criteria in Subsection (a), the following factors may be used to award the single year conservation permit:

(i) closeness of the organization's purpose to the species of the permit; and

(~~ii~~) [~~e~~] ~~if two or more conservation organizations are tied using the criteria in Subsection (a) and (b), the~~ ii) geographic closeness of the organization to the location of the permit.

(2)(a) Between the time the division recommends that a conservation permit be awarded to a conservation organization and the time the Wildlife Board approves that recommendation, a conservation organization may withdraw [~~its~~]the application for any given permit and assign it to or exchange [~~its application~~]it with another conservation organization eligible to receive the permit without penalty, provided the bid amount upon which the permit application was evaluated is not changed.

(b) If a conservation organization withdraws its bid for a conservation permit after being selected by the division to receive it, and the bid is awarded to another organization at a lower amount, [~~then~~] the difference between the two bids will be subtracted from the organization making the higher bid for purposes of evaluating organization performance.

(3) The Wildlife Board shall make the final assignment of conservation permits [~~at a meeting prior to December 1 annually~~].

(4) The Wildlife Board may authorize a conservation permit to a conservation organization[~~,~~] other than the [~~conservation organization~~]one recommended by the division, after considering the:

(a) division recommendation;

(b) benefit to the species;

(c) historical contribution of the organization to the conservation of wildlife in Utah;

(d) previous performance of the conservation organization; and

(e) overall viability and integrity of the conservation permit program.

(5) The total of all bids for permits awarded to any one organization shall not exceed \$20,000 the first year an organization receives permits.

(6) The number of permits awarded to any one organization shall not increase by more than 100% from the previous year.

[~~(7) If the Wildlife Board authorizes a second statewide conservation permit for a species, the conservation organization~~

~~receiving the permit must meet the division designated bid for that permit.]~~

**R657-41-7. Awarding Multi-Year Conservation Permits.**

(1) Distribution of multi-year conservation permits will be based on a sequential selection process where each eligible conservation organization is assigned a position or positions in the selection order among the other participating organizations and awarded credits with which to purchase multi-year permits at an assigned value. The selection process and other associated details are as follows.

(2) Multi-year permits will be awarded to eligible conservation organizations for no more than three years.

(3) The division will determine the number of permits available as multi-year permits after subtracting the proposed number of single year permits.

(a) Season types for multi-year area conservation permits for elk on any given hunt unit will be designated and assigned in the following order:

- (i) first permit -- multi-season;
- (ii) second permit  
-- any-weapon;
- (iii) third permit  
-- any-weapon;
- (iv) fourth permit --  
archery;
- (v) fifth permit -  
- muzzleloader;
- (vi) sixth permit  
-- multi-season;
- (vii) seventh permit -- any-weapon; and
- (viii) eighth permit -- any-weapon.

(b) Season types for multi-year area conservation permits for deer on any given hunt unit will be designated and assigned in the following order:

- (i) first permit [~~-~~]   hunter's choice of season;
- (ii) second permit [~~-~~]    
hunter's choice of season;
- (iii) third permit --  
muzzleloader;
- (iv) fourth permit  
-- archery;
- (v) fifth permit --  
any-weapon;
- (vi) sixth permit  
-- any-weapon;
- (vii) seventh permit -- muzzleloader; and

(viii) eighth permit -- archery.

(c) Notwithstanding the availability of multiple seasons, an any-weapon permit opportunity offered in Subsections (3)(a) and (b) is restricted to a single season, which the recipient of the permit must designate prior to receiving the permit.

(4) The division will assign a monetary value to each multi-year permit based on the average return for the permit during the previous three year period. If a history is not available, the value will be estimated.

(5) The division will determine the total annual value of all multi-year permits.

(6)(a) The division will calculate a market share for each eligible conservation organization applying for multi-year permits.

(b) Market share will be calculated and determined based on:

(i) the conservation organization[+]'s previous three years performance;

(ii) all conservation permits (single and multi-year) issued to a conservation organization [~~except for special permits allocated by the Wildlife Board outside the normal allocation process~~].

(iii) the percent of conservation permit revenue raised by a conservation organization during the three year period relative to all conservation permit revenue raised during the same period by all conservation organizations applying for multi-year permits.

(7) The division will determine the credits available to spend by each group in the selection process based on their market share multiplied by the total annual value of all multi-year permits.

(8) The division will establish a selection order for the participating conservation organizations based on the relative value of each groups market share as follows:

(a) groups will be ordered based on their percent of market share;

(b) each selection position will cost a group 10% of the total market share except the last selection by a group will cost whatever percent a group has remaining;

(c) no group can have more than three positions in the selection order; and

(d) the selection order will be established as follows:

(i) the group with the highest market share will be assigned the first position and ten percent will be subtracted from their total market share;

(ii) the group with the highest remaining market share will be assigned the second position and ten percent will be subtracted from their market share; and

(iii) this procedure will continue until all groups have three positions or their market share is exhausted.

(9) At least [~~two weeks~~] one week prior to the multi-year permit selection meeting, the division will provide each conservation organization applying for multi-year permits the following items:

(a) a list of multi-year permits available with assigned value;

(b) documentation of the calculation of market share;

(c) credits available to each conservation group to use in the selection process;

(d) the selection order; and

(e) date, time and location of the selection meeting.

(10) Between [~~the~~] establishing [~~of~~] the selection order and the selection meeting, groups may trade or assign [~~draw~~] selection positions, but once the selection meeting begins [~~draw~~] selection order cannot be changed.

(11) At the selection meeting, conservation organizations will select permits from the available pool according to their respective positions in the selection order. For each permit selected, the value of that permit will be deducted from the conservation organization[+]s available credits. The selection order will repeat itself until all available credits are used or all available permits are selected.

(12) Conservation organizations may continue to select a single permit each time their turn comes up in the selection order until all available credits are used or all available permits are selected.

(13) A conservation organization may not exceed its available credits except a group may select their last permit for up to 10% of the permit value above their remaining credits.

(14) Upon completion of the selection process, but prior to the Wildlife Board meeting where the final assignment of permits are made, conservation organizations may trade or assign permits to other conservation organizations eligible to receive multi-year permits. The group receiving a permit retains the permit for the purposes of marketing and determination of market share for the entire multi-year period.

(15) Variances for an extended season or legal weapon choice may be obtained only on area conservation permits and must be presented to the Wildlife Board prior to the final assignment of the permit to the conservation organization.

(16) Conservation organizations may not trade or transfer multi-year permits to other organizations once assigned by the Wildlife Board.

(17) Conservation organizations failing to comply with the reporting requirements in any given year during the multi-year period [~~shall~~] may lose the multi-year conservation permits for the balance of the multi-year award period.

(18) If a conservation organization is unable to complete the terms of [~~marketing—the~~] auctioning assigned permits, the permits will be returned to the regular public drawing process for the duration of the multi-year allocation period.

#### **R657-41-8. Distributing Conservation Permits.**

(1) The division and conservation organization receiving permits shall enter into a contract.

(2)(a) [~~The conservation organization~~] Conservation organizations receiving the opportunity to distribute permits must insure [~~that~~] the [~~permits~~] permit opportunities are marketed, auctioned, and distributed by lawful means. [~~Conservation permits may not be distributed in a raffle except where the following conditions are met:~~]

[~~— (i) the conservation organization obtains and provides the division with a written opinion from a licensed attorney or a written confirmation by the local district or county attorney that the raffle scheme is in compliance with state and local gambling laws;~~]

[~~— (ii) except as otherwise provided in R657-41-8(5), the conservation organization does not repurchase, directly or indirectly, the right to any permit it distributes through the raffle;~~]

[~~— (iii) the conservation organization prominently discloses in any advertisement for the raffle and at the location of the raffle that no purchase is necessary to participate; and~~]

[~~— (iv) the conservation organization provides the division with a full accounting of any funds raised in the conservation permit raffle, and otherwise accounts for and handles the funds consistent with the requirement in Utah Admin. Code R657-41-9.~~]

(3) (a) The conservation organization must:

[~~— (i) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and~~]

[~~— (ii) notify the division of the proposed permit recipient within 30 days of the recipient selection or the permit may be forfeited.~~]

[~~— (4) If a person is selected by a qualified organization to receive a conservation permit and is also successful in obtaining a permit for the same species in the same year through the a division drawing, that person may designate another person to receive the conservation permit, provided the conservation permit has not been issued by the division to the first selected person.~~]

~~[(5) If a person is selected by a qualified organization to receive a conservation permit, but]~~

(i) obtain at the event where the conservation permit opportunity is auctioned the information and data requested by the division, including the:

(A) full name of the successful bidder;

(B) date of the event where the permit opportunity is auctioned; and

(C) winning bid amount for that permit opportunity;

(ii) submit the information required in Subsection (3)(a)(i) to the division within 10 days of the event where the permit opportunity is auctioned to the highest bidder; and

(iii) complete the return receipt on a conservation permit voucher and submit it to the division within 10 days of issuing the voucher to the person designated by the successful bidder.

(b) The division will not issue a conservation permit unless:

(i) a fully completed voucher for that permit is submitted; and

(ii) it has previously received from the conservation organization the voucher's return receipt with all required information included.(4) If the successful bidder or a person designated by the successful bidder to receive a conservation permit voucher fails to pay the conservation organization the winning bid amount that secured the permit opportunity, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the permit opportunity..

(5)(a) If, for any reason, the successful bidder elects not to personally use a conservation permit opportunity, they may assign that opportunity to another person, provided:

(i) the conservation organization is notified of the assignment;

(ii) the original winning bid amount for the permit opportunity is received in full by the conservation organization and not decreased;

(iii) the conservation organization handles and otherwise uses the entire winning bid amount consistent with the requirements in Section R657-41-9; and

(iv) the successful bidder executes an affidavit verifying they are not profiting from the assignment.

(A) For purposes of Subsection (iv), "profiting" does not include a reasonable fee for guiding services provided in conjunction with the assigned permit opportunity.

(b) If a person assigned a permit opportunity by the successful bidder or a person possessing a permit voucher is



unable to use the permit opportunity for any reason, including obtaining another Utah permit for the same species, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the ~~[permit]~~ opportunity, provided:

(~~[a]~~i) the conservation organization selects the new recipient of the permit opportunity;

(~~[b]~~ii) the amount of money received by the division for the permit opportunity is not decreased;

(~~[e]~~iii) the conservation organization relinquishes to the division and otherwise uses all proceeds generated from the re-designated permit~~[, pursuant to]~~ opportunity consistent with the requirements ~~[provided]~~ in Section R657-41-9;

(~~[d]~~iv) the conservation organization and the ~~[initial designated recipient]~~ holder of the permit~~[, sign]~~ opportunity execute an affidavit ~~[indicating the initial designated recipient is not]~~ verifying neither is profiting from transferring the right to the permit; and

(~~[e]~~v) the permit has not been issued by the division to the first designated person.

(6) (~~a~~) Except as otherwise provided under Subsections (4) and (5), ~~[a person designated by a]~~ neither the conservation organization~~[as a recipient]~~, successful bidder, successful bidder's assignee, nor the holder of a conservation permit~~[,]~~ voucher may ~~[not]~~ offer for sale, sell, or transfer the rights to that designation to any other person. ~~[-This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.]~~

(7) A person cannot obtain more than one conservation permit for a single conservation permit species per year, except ~~[for]~~:

(a) ~~[—elk, provided no more than]~~ two elk permits ~~[are]~~may be obtained~~[-where-]~~, provided one or both are antlerless permits; and

(b) turkey.

(8) ~~[-the]~~The person designated on a conservation permit voucher must possess or obtain a current Utah hunting or combination license to redeem the voucher for the corresponding conservation permit.

#### **R657-41-9. Conservation Permit Funds and Reporting.**

(1) All permits must be ~~[marketed]~~ auctioned or distributed by September 1, annually.

(2) Within 30 days of the last event, but no later than September 1 annually, the conservation organization must submit to the division:



(a) a final report on the distribution of permits;

(b) the total funds raised on each permit; and

(c) the funds due to the division [~~;~~ ~~and~~] [~~—(d)—a report on the status of each project funded in whole or in part with retained conservation permit revenue~~].

(3)(a) [~~Permits~~] Conservation permits shall not be issued [~~until the permit fees are paid to the division.~~] to a person possessing a conservation permit voucher unless the person redeeming the voucher:

(i) possesses a valid Utah hunting or combination license;

(ii) remits to the division the applicable permit fee ;

and

(iii) is otherwise legally eligible to possess the particular hunting permit.

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in Subsection (5)(a).

(4)(a) Conservation organizations shall remit to the division by September 1 of each year 30% of the total revenue generated by conservation permit sales in that year.

(b) The permit revenue payable to the division under Subsection (4)(a), [~~excluding accrued interest,~~] is the property of the division and may not be used by conservation organizations for projects or any other purpose.

(c) The permit revenue must be placed in a federally insured account promptly upon receipt and remain in the account until remitted to the division on or before September 1 of each year.

(d) The permit revenue payable to the division under this subsection shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the permit revenue is not lost.

(e) Failure to remit 30% of the total permit revenue to the [~~Division~~] division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code, and may further disqualify the conservation organization from obtaining any future conservation permits.

(5) A conservation organization may retain 70% of the permit revenue generated from [~~the sale of~~] auctioning conservation permits, as follows:

(a) 10% of the permit revenue may be withheld and used by the conservation organization for administrative expenses.

(b) [~~60% of the revenue~~]60% of the permit revenue and accrued interest, excluding standard banking fees assessed on the account where the permit revenue is deposited, may be retained and used by the conservation organization only for eligible projects, as provided in [~~subsections~~]Subsections (i) through (ix).

(i) eligible projects include habitat improvement, habitat acquisition, transplants, targeted education efforts and other projects providing a substantial benefit to species of wildlife for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

(ii) retained revenue shall not be committed to or expended on any eligible project without first obtaining the division director[+]'s written concurrence.

(iii) retained revenue shall not be used on any project that does not provide a substantial and direct benefit to conservation permit species or other protected wildlife located in Utah.

(iv) cash donations to the Wildlife Habitat Account created under Section 23-19-43, Division Species Enhancement Funds, or the Conservation Permit Fund shall be considered an eligible project and do not require the division director[+]'s approval, provided the donation is made with instructions that it be used for species of wildlife for which conservation permits are issued.

(v) funds committed to approved, division projects will be transferred to the division within [~~90~~]60 days of being [~~committed~~]invoiced by the division.

(A) if the division-approved project to which funds are committed is completed under [~~the~~] projected budget or is canceled, funds committed to the project that are not used will be kept by the division and credited back to the conservation organization and will be made available for the group to use on other approved projects during the current or subsequent year.

(vi) retained revenue shall not be used on any project that is inconsistent with division policy, including feeding programs, depredation management, or predator control.

(vii) retained revenue under this subsection must be placed in a federally insured account. All interest revenue earned thereon [~~may~~]must be [~~retained and used by the conservation organization for administrative expenses~~]accounted for and used consistent with the requirements of this subsection .

(viii) retained revenue shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and

administration funds, so that the separate identity of the retained revenue is not lost.

(ix) retained revenue must be completely expended on ~~[or committed to]~~ approved eligible projects or transferred to the division by September 1, two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to ~~[commit or]~~ expend or transfer to the division retained revenue by the September 1 deadline will disqualify the conservation organization from obtaining any future conservation permits until the unspent retained revenue is ~~[committed to]~~ expended on an approved eligible project or transferred to the division.

(x) all records and receipts for projects under this subsection must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(6)(a) Conservation organizations accepting permits shall be subject to annual audits on project expenditures and conservation permit accounts.

(b) The division shall perform annual audits on project expenditures and conservation permit accounts.

#### **R657-41-10. Obtaining Sportsman Permits.**

(1) One sportsman permit is offered to residents through a drawing for each of the following species:

- (a) desert bighorn (ram);
- (b) bison (hunter's choice);
- (c) buck deer;
- (d) bull elk;
- (e) Rocky Mountain bighorn (ram);
- (f) ~~[-Rocky Mountain]~~ mountain goat (hunter's choice);
- (g) bull moose;
- (h) buck pronghorn;
- (i) black bear;
- (j) cougar; and
- (k) wild turkey.

(2) The following information on sportsman permits is provided in the ~~[proclamations]~~ guidebooks of the Wildlife Board for taking protected wildlife:

- (a) hunt dates;
- (b) open units or hunt areas;

(c) application procedures;

(d) fees; and

(e) deadlines.

(3) ~~[-a]~~A person must possess or obtain a current Utah hunting or combination license to apply for or obtain a sportsman permit.

**R657-41-11. Using a Conservation or Sportsman Permit.**

(1)(a) A conservation or sportsman permit allows the recipient to take only one individual of the species for which the permit is issued, except a statewide turkey conservation or sportsman permit allows the holder to take two turkeys.

(b) The species that may be taken shall be printed on the permit.

(c) The species may be taken in the area and during the season specified on the permit.

(d) The species may be taken only with the weapon specified on the permit.

(2) The recipient of a conservation or sportsman permit is subject to all ~~[of]~~ the provisions of Title 23, Wildlife Resources Code, and the rules and ~~[proclamations]~~ guidebooks of the Wildlife Board for taking and pursuing wildlife.

(3) Bonus points shall not be awarded or utilized:

(a) when applying for conservation or sportsman permits; or

(b) in obtaining conservation or sportsman permits.

(4) Any person who ~~[has-obtained]~~ obtains a conservation or sportsman permit is subject to ~~[all]~~ applicable waiting periods for purposes of obtaining a permit for the same species through a division drawing, as provided in Rules R657-62.

**R657-41-12. Special Antelope Island State Park Hunting Permits.**

(1)(a) The Wildlife Board may authorize a hunt for bighorn sheep and buck mule deer on Antelope Island State Park, with one or more permits made available for each species ~~[made available]~~ and designated as Special Antelope Island State Park Conservation Permits and an equal number of permits for each species made available as Special Antelope Island State Park Limited Entry Permits.

(b) The ~~[Division of Wildlife Resources]~~ division and the Division of Parks and Recreation, through their respective policy boards, will enter into a cooperative agreement for ~~[the purpose]~~ purposes of establishing:

(i) the number of permits issued annually for bighorn sheep and buck mule deer hunts on Antelope Island;

(ii) season dates for each hunt;

(iii) procedures and regulations applicable to hunting on Antelope Island;

(iv) protocols for issuing permits and conducting hunts for antlerless deer on Antelope Island when populations require management; and

(v) procedures and conditions for transferring Special Antelope Island State Park Conservation Permit revenue to the Division of Parks and Recreation.

(c) The cooperative agreement governing bighorn sheep and mule deer hunting on Antelope Island and any subsequent amendment thereto shall be presented to the Wildlife Board and the Parks Board for approval prior to holding a drawing or issuing hunting permits.

(2)(a) Special Antelope Island State Park Limited Entry Permits will be issued by the [~~Division~~division] through its annual bucks, bulls, and once-in-a-lifetime drawing.

(i) The mule deer Special Antelope Island State Park Limited Entry Permit is a premium limited entry buck deer permit and subject to the regulations governing such permits, as provided in this rule, R657-5, and R657-62.

(ii) The bighorn sheep Special Antelope Island State Park Limited Entry Permit is a once-in-a-lifetime Rocky Mountain bighorn sheep permit and subject to the regulations governing such permits, as provided in this rule, R657-5, and R657-62.

(b) To apply for a Special Antelope Island State Park Limited Entry Permit, the applicant must:

(i) pay the prescribed application handling fee;

(ii) possess a current Utah hunting license or combination license;

(iii) not be subject to a waiting period under R657-62 for the species of wildlife applied for; and

(iv) otherwise be eligible to hunt the species of wildlife designated on the application;

(c) A person that obtains a Special Antelope Island State Park Limited Entry Permit:

(i) must pay the applicable permit fee;

(ii) may take only one animal of the species and gender designated on the permit;

(iii) may hunt only with the weapon and during the season prescribed on the permit;

(iv) may hunt the specified species within the areas of Antelope Island designated open by the Wildlife Board and the rules and regulations of the Division of Parks and Recreation; and

(v) is subject to the:

(A) provisions of Title 23, Wildlife Resources Code, and the rules and [~~proclamations~~] guidebooks of the Wildlife Board for taking and pursuing wildlife; and

(B) statutes, rules, and regulations of the Division of Parks and Recreation for hunting on Antelope Island.

(d) Bonus points are awarded and utilized in applying for and obtaining a Special Antelope Island State Park Limited Entry Permit.

(e) A person who has obtained a Special Antelope Island State Park Limited Entry Permit is subject to all waiting periods applicable to the particular species, as provided in R657-62.

(f) A person cannot obtain a Special Antelope Island State Park Limited Entry Permit for a bighorn sheep or mule deer and any other permit for a male animal of the same species in the same year.

(3) Special Antelope Island State Park Conservation Permits will be provided to the conservation group awarded the wildlife expo permit series, as provided in R657-55, for [~~marketing-~~] auction to the highest bidder at the wildlife exposition.

(a) The division and conservation organization receiving authority to auction Special Antelope Island State Park Conservation Permits shall enter into a contract.

(b) The conservation organization receiving authority to auction the opportunity for Special Antelope Island State Park Conservation Permits must insure [~~that~~] the permits are marketed and distributed by lawful means.

([e]4) (a) The conservation organization must:

(i) obtain [~~the name of the proposed permit recipient at the event where the permit recipient is selected; and~~]

[~~— (ii) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited.~~] at the event where the Special Antelope Island State Park Conservation Permit is auctioned the information and data requested by the division, including the: .

(A) full name of the successful bidder;

(B) date of the event where the permit opportunity is auctioned; and

(C) winning bid amount for that permit opportunity.

(ii) submit the information required in Subsection (4)(a)(i) to the division within 10 days of the event where the permit opportunity is auctioned to the highest bidder; and .

(iii) complete the return receipt on a permit voucher and submit it to the division within 10 days of issuing the voucher to the person designated by the successful bidder.

(b) The division will not issue a Special Antelope Island State Park Conservation Permit unless:

(i) a fully completed voucher for that permit is submitted; and

(ii) it has previously received from the conservation organization the voucher's return receipt with all required information included.(5) If the successful bidder or the person designated by a successful bidder to receive a Special Antelope Island State Park Conservation Permit fails to pay the conservation organization the winning bid amount, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the permit opportunity.(6)(a) If, for any reason, the successful bidder elects not to personally use a Special Antelope Island State Park Permit opportunity, they may assign that opportunity to another person, provided:

(i) the conservation organization is notified of the assignment;

(ii) the original winning bid amount for the permit opportunity is received in full by the conservation organization and not decreased;

(iii) the conservation organization handles and otherwise uses the entire winning bid amount consistent with the requirements in Subsection (9); and

(iv) the successful bidder executes an affidavit verifying they are not profiting from the assignment.

(A) For purposes of Subsection (iv), "profiting" does not include a reasonable fee for guiding services provided in conjunction with the assigned permit opportunity.

([d]b) If a person[~~-is selected by a qualified organization to receive~~] assigned a Special Antelope Island State Park Conservation Permit [~~and is also successful in obtaining a~~] opportunity by the successful bidder or a person possessing the permit voucher is unable to use the permit opportunity for any reason, including obtaining another Utah permit for the same species[~~-in the same year through a division drawing, that person may designate another person to receive the Special Antelope Island State Park Conservation Permit, provided the permit has not been issued by the division to the first selected person.~~][~~—(e) If a person is selected by a qualified organization to receive a Special Antelope Island State Park Conservation Permit, but is unable to use the permit~~], the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the[~~-permit~~] opportunity, provided:



(i) the conservation organization selects the new recipient of the permit opportunity;

(ii) the amount of money received by the division for the permit opportunity is not decreased;

(iii) the conservation organization relinquishes to the division [~~and otherwise uses~~] all proceeds generated from the re-designated permit, [~~pursuant to the requirements~~] as provided [~~below~~] in Subsection (9);

(~~A~~) iv) the conservation organization and the [~~initial designated recipient~~] holder of the permit [~~, sign~~] execute an affidavit [~~indicating the initial designated recipient is not~~] verifying neither is profiting from transferring the right to the permit; and

(~~B~~) v) the permit has not been issued by the division to the first designated person.

(~~f~~) (7) Within 30 days of the exposition, but no later than May 1 annually, the conservation organization must submit to the division:

(~~i~~) a) a final report on the distribution of the Special Antelope Island State Park Conservation Permits;

(~~ii~~) b) the total funds raised on each permit; and

(~~iii~~) c) the funds due to the division.

(~~g~~) 8) (~~i~~) a) Permits shall not be issued until the applicable permit fees are paid to the division.

(~~ii~~) b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in [~~R657-41-9(5)(a)~~] Subsection (9)(b).

(~~h~~) 9) (~~a~~) (i) Conservation organizations shall remit to the division 90% of the total revenue generated by the Special Antelope Island State Park Conservation Permit sales in that year.

(ii) Failure to remit 90% of the total permit revenue to the division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code.

(~~i~~) b) A conservation organization may retain 10% of the revenue generated by the permits for administrative expenses.

(~~j~~) c) Special Antelope Island State Park Conservation Permits will be issued under this section and will not be limited by the requirements of R657-41-3 through R657-41-8.

(~~k~~) d) Upon receipt of the permit revenue from the conservation organization, the division will transfer the revenue to the Division of Parks and Recreation, as provided in the cooperative agreement under Subsection (1)(b) between the two divisions.



(~~[3]~~[4]10)(a) Except as otherwise provided under Subsections (~~[3]~~~~(d)~~[5]) and (~~[3]~~~~(e)~~, ~~a person designated by a~~[6]), neither the conservation organization~~[-as a recipient]~~, successful bidder, successful bidder's assignee, nor the holder of a Special Antelope Island State Park Conservation Permit~~[7]~~ voucher may ~~[not]~~ offer for sale, sell, or transfer the rights to that designation to any other person. [~~This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.~~]

(b) A person cannot obtain a Special Antelope Island State Park Conservation Permit for a bighorn sheep or mule deer and any other permit for a male animal of the same species in the same year.

(c) The person designated to receive a Special Antelope Island State Park Conservation Permit must possess or obtain a current Utah hunting or combination license before being issued the permit.

**R657-41-13. Failure to Comply.**

Any conservation organization administratively or criminally found in violation of this rule or the Wildlife Resources Code may be suspended from participation in the conservation permit program and required to surrender all conservation permit vouchers.

**KEY: wildlife, wildlife permits, sportsman, conservation permits**

**Date of Enactment or Last Substantive Change: November 28, 2016**

**Notice of Continuation: October 5, 2015**

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



**GARY R. HERBERT**  
Governor

**SPENCER J. COX**  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

**MICHAEL R. STYLER**  
Executive Director

### Division of Wildlife Resources

**MICHAEL D. FOWLKS**  
Division Director

April 17, 2018

To: Regional Advisory Council

Re: Proposed Rule Change R657-55 Expo Permit Rule

The purpose of this action item is to propose harmonizing the application and renewal process for awarding the expo contract to be consistent with State procurement code. Clarify that the division has authority to terminate the contract in interest of wildlife conservation, management issues, or compliance with law. Clarify how a qualified co-participating organization could assume the expo contract with State Purchasing and Wildlife Board approval, consistent with the initial qualifications to receive a contract.

We are also proposing that applicants in the expo draw would be eligible to receive only one expo permit each year. When multiple permits are drawn, they would need to select a permit within 2 days of being contacted by the division.

Clarify that accrued interest on application fee revenue dedicated to funding projects must be used for projects. Application handling fee revenue committed to approved projects must be remitted to the division sooner than before within 60 days of invoice instead of 90. Application handling fee revenue dedicated to funding projects must be expended on approved projects or transferred to the Division by August 1, two years following collection. Any unused remitted funds would be kept by division but credited back to the organization for use on other projects in subsequent years.

Invoicing for approved projects up front and monitoring project expenditure detail in the division's database replaces the need for the expo contractor to provide expo project details to the division in an annual report.

This proposed action also makes other minor and non-substantive changes, including clerical and punctuation changes.

Kenneth Johnson  
Administrative Services  
Utah Division of Wildlife Resources



**R657. Department of Natural Resources, Wildlife Resources.** []

**R657-55. Wildlife Expo Permits.**

**R657-55-1. Purpose and Authority.**

(1) Under the authority of Sections 23-14-18 and 23-14-19 of the Utah Code, this rule provides the standards and requirements for issuing wildlife expo permits.

(2) Wildlife expo permits are authorized by the Wildlife Board and issued by the division to a qualified conservation organization for purposes of generating revenue to fund wildlife conservation activities in Utah and attracting and supporting a regional or national wildlife exposition in Utah.

(3) The selected conservation organization will conduct a random drawing at an exposition held in Utah to distribute the opportunity to receive wildlife expo permits.

(4) This rule is intended as authorization to issue one series of wildlife expo permits per year to [~~one~~] a qualified conservation organization.

**R657-55-2. Definitions.**

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

(2) In addition:

(a) "Conservation organization" means a 26 U.S.C. § 501(c)(3) tax exempt, nonprofit chartered institution, corporation, foundation, or association founded for the purpose of promoting wildlife conservation.

(b) [~~u~~] "Special nonresident expo permit" means one wildlife expo permit for each once-in-a-lifetime species that is only available to a nonresident hunter legally eligible to hunt in Utah.

(c) "Wildlife exposition" means a multi-day event held within the state of Utah that is sponsored by one or more wildlife conservation organizations, acting through a single conservation organization, as their national or regional convention or event that is open to the general public and designed to draw nationwide attendance of more than 10,000 individuals. The wildlife exposition may include wildlife conservation fund raising activities, outdoor exhibits, retail marketing of outdoor products and services, public awareness programs, and other similar activities.

(d) [~~u~~] "Wildlife exposition audit" means an annual review by the division of the conservation organization [~~u~~] 's processes used to handle applications for expo permits and conduct the drawing, the protocols associated with collecting and using client data, the revenue generated from expo permit application handling fees, and the expenditure of designated expo permit application handling fee revenue on division-approved projects.

(e) "Wildlife expo permit" means a permit which:  
(i) is authorized by the Wildlife Board to be issued to successful applicants through a drawing or random selection process conducted at a Utah wildlife exposition; and  
(ii) allows the permittee to hunt the designated species on the designated unit during the respective season for each species as authorized by the Wildlife Board.

(f) "Wildlife expo permit series" means a single package of permits to be determined by the Wildlife Board for:

- (i) deer;
- (ii) elk;
- (iii) pronghorn;
- (iv) moose;
- (v) bison;
- (vi) [~~rocky~~] mountain goat;
- (vii) desert bighorn sheep;
- (viii) rocky mountain bighorn sheep;
- (ix) wild turkey;
- (x) cougar; or
- (xi) black bear.

(g) "Secured opportunity[u]" means the opportunity to receive a specified wildlife expo permit that is secured by an eligible applicant through the exposition drawing process.

(h) [~~u~~]"Successful applicant[u]" means an individual selected to receive a wildlife expo permit through the drawing process.

### **R657-55-3. Wildlife Expo Permit Allocation.**

(1) The Wildlife Board may allocate wildlife expo permits [~~by~~] after May 1 of the year preceding the wildlife exposition.

(2) Wildlife expo permits shall be issued as a single series to one conservation organization.

(3) The number of wildlife expo permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, [~~and~~] distribution[~~to protect the~~], and long-term health[~~of the population~~];

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) a percentage of the permits available to nonresidents in the annual big game drawings matched by a proportionate number of resident permits.

(4) Wildlife expo permits, including special nonresident expo permits, shall not exceed 200 total permits.

(5) Wildlife expo permits designated for the exposition each year shall be deducted from the number of public drawing permits.

**R657-55-4. Obtaining Authority to Distribute Wildlife Expo Permit Series.**

(1)(a) Except as provided in Subsection (b), the wildlife expo permit series is issued for a period of five years.

~~[(b) For expo contracts governing the 2017 expo, and all expo contracts thereafter, the]~~ (b) The original five -year term may be [extended]renewed for an additional period not to exceed five years, [so long as:] provided:

(i) the [division and] conservation organization, Division of Purchasing and General Services procurement officer, Wildlife Board, and division mutually agree in writing to [an-extension] the renewal term; and

~~[(ii) the contract extension is approved by the Wildlife Board.]~~ (ii) the procurement officer determines in writing pursuant to Section 63G-6a-1204(7) that the renewal term is in the division's best interest and places the writing in the conservation organization's procurement file.

(2) (a) The wildlife expo permit series is available to eligible conservation organizations for distribution through a drawing or other random selection process held at a wildlife exposition in Utah open to the public.

~~[(3) Conservation organizations may apply for the wildlife expo permit series by sending an application to the division between August 1 and September 1 of the year preceding the expiration of each wildlife exposition term, as provide in R657-55-4(1).]~~

(b) The division may unilaterally discontinue or suspend issuing the wildlife expo permit series at:

(i) the conclusion of the original five-year contract term or renewal term described in Subsection (1) and prior to issuance of a contract under this rule; or

(ii) any time during the term of a contract when in the interest of wildlife conservation, management, or compliance with law.

(3) Prior to expiration of a current wildlife exposition term or renewal term, the division may issue through the Division of Purchasing and General Services a request for proposal consistent with the Procurement Code in Title 63G, Chapter 6a of the Utah Code to solicit bids from conservation organizations desiring to distribute the wildlife expo permit series at a wildlife exposition.

~~[(4) Each application must include:]~~ (4) The request for proposal will solicit information relevant to successfully conducting a wildlife exposition, competently distributing the expo permit series, protecting confidential personal information acquired in distributing permits, and generating revenue for wildlife conservation in Utah, including:

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

(b) a description of the conservation organization's mission statement;

(c) documentation establishing the conservation organization meets the definitional criteria in R657-55-2(2)(a) and is eligible to submit a proposal;

(d) the name of the president or other individual responsible for the administrative operations of the conservation organization; ~~and~~

(~~d~~e) a detailed business plan describing how the:

(i) proposed wildlife exposition will take place~~[-and how- the-];~~

(ii) proposed wildlife exposition will satisfy the definitional criteria in R657-55-2(2)(c);

(iii) wildlife expo permit drawing procedures will be carried out[-]; and

~~[(5) An incomplete or incorrect application may be rejected.]~~

~~[(6) The division shall recommend to the Wildlife Board which conservation organization may receive the wildlife expo permit series based on:]~~

~~[(a) the business plan for the wildlife exposition and drawing procedures contained in the application; and]~~

(iv) confidential personal information acquired in the drawing process will be safeguarded;

(~~b~~f) the conservation organization~~[-s, including- its constituent]~~ and any partnering entities~~[-]~~' ability, including past performance in marketing conservation permits under [Rule] R657-41, to effectively plan and complete the wildlife exposition~~[-]~~

~~[(7) The Wildlife Board shall make the final assignment of the wildlife expo permit series based on the:][-(a)- division's recommendation];~~

(~~b~~g) [~~applicant~~] the conservation organization~~[-]~~'s commitment to use expo permit handling fee revenue to benefit protected wildlife in Utah; and

(~~e~~h) historical [~~contribution~~]contributions of the [~~applicant~~] conservation organization~~[-, including its- constituent]~~ and any partnering entities~~[-]~~ to the conservation of wildlife in Utah~~[-and].~~

~~[(d) previous performance of the applicant conservation organization, including its constituent entities.]~~

(5) Proposals submitted in response to a request for proposal under Subsection (4) will be processed, evaluated, and acted upon consistent with the procurement requirements set forth in Title 63G, Chapter 6a of the Utah Code.

(~~8~~6) The conservation organization receiving the wildlife expo permit series must:

(a) require each wildlife expo permit applicant to possess a current Utah hunting or combination license before applying for a wildlife expo permit;

(b) select successful applicants for wildlife ~~convention~~ expo permits by drawing or other random selection process in accordance with law, provisions of this rule, ~~proclamation,~~ and ~~order~~orders of the Wildlife Board;

(c) allow applicants to apply for wildlife expo permits without purchasing admission to the wildlife exposition;

(d) notify the division of the successful applicant of each wildlife expo permit within 10 days of the applicant's selection;

(e) maintain records demonstrating that the drawing was conducted fairly; and

(f) submit to an annual wildlife exposition audit by a division appointed auditor.

(~~9~~7) The division shall issue the appropriate wildlife expo permit to the designated successful applicant after:

(a) completion of the random selection process;

(b) verification of the recipient being eligible for the permit; and

(c) payment of the appropriate permit fee is received by the division.

(~~10~~8) The division and the conservation organization receiving the wildlife expo permit series ~~shall~~ will enter into a contract~~, including the~~ with terms that include the relevant provisions ~~outlined~~ in this rule, the request for proposal, and the conservation organization's proposal.

(~~11~~9) If the conservation organization awarded the wildlife expo permit series withdraws before the end of the 5 \_ year period or any extension period under R657-55-4(1)(b), any remaining co-participant with the conservation organization may ~~be given an opportunity to~~ assume the contract and ~~to~~ distribute the expo permit series consistent with the contract and this rule for the remaining years in the applicable period, provided:

(a) The original contracted conservation organization submits a certified letter to the head of the procurement unit, as defined in Section 63G-6a-103, and the division identifying that it will no longer be participating in the exposition~~;~~;

(b) [~~The partner or successor~~]The co-participant conservation organization [~~files an application~~]submits a request with the head of the procurement unit and the division~~[- as provided in Subsection (4) for the remaining period.]~~



~~[(c) The successor conservation organization submits its application request at least 60 days prior to the next scheduled exposition so that the Wildlife Board can evaluate the request under the criteria in this section.]~~ for authorization to assume the remaining term of the contract ; and

~~[(d) The Wildlife Board authorizes the successor conservation organization to assume the contract and complete the balance of the expo permit series period.]~~ (c) the head of the procurement unit, in consultation with the division and Wildlife Board, approves the application.

(~~12~~10) The division may suspend or terminate the conservation organization's authority to distribute wildlife expo permits at any time during the original five year award term or any ~~extension~~ renewal period for:

(a) violating any of the requirements set forth in this rule or the contract; or

(b) failing to bring or organize a wildlife exposition in Utah, as described in the business plan under R657-55-4(4)(~~d~~e), in any given year.

#### **R657-55-5. Wildlife Expo Permit Application Procedures.**

(1) Any person legally eligible to hunt in Utah may apply for a wildlife expo permit, except that only a nonresident of Utah may apply for a special nonresident expo permit.

(2) The handling fee assessed by the conservation organization to process applications shall be \$5 per application submitted.

(3)(a) Except as provided in Subsection (3)(b), applicants must validate their application in person at the wildlife exposition to be eligible to participate in the wildlife expo permit drawing.

(i) No person may submit an application in behalf of another.

(ii) A person may validate their wildlife expo permit application at the exposition without having to enter the exposition and pay the admission charge.

(b) An applicant that is a member of the United States Armed Forces and unable to attend the wildlife exposition as a result of being deployed or mobilized in the interest of national defense or a national emergency is not required to validate their application in person; provided exposition administrators are furnished a copy of the written deployment or mobilization orders and the orders identify:

(i) the branch of the United States Armed forces from which the applicant is deployed or mobilized;

(ii) the location where the applicant is deployed or mobilized;

(iii) the date the applicant is required to report to duty; and



(iv) the nature and length of the applicant's deployment or mobilization.

(c) The conservation organization shall maintain a record, including copies of military orders, of all applicants that are not required to validate their applications in person pursuant to Subsection (3)(b), and submit to a division audit of these records as part of its annual audit under R657-55-4(8)(f), when requested by the division.

(4) Applicants may apply for each individual hunt for which they are eligible.

5) Applicants may apply only once for each hunt, regardless of the number of permits for that hunt.

(6) Applicants must submit an application for each desired hunt.

(7) Applicants must possess a current Utah hunting or combination license in order to apply for a wildlife expo permit.

(8) The conservation organization shall advertise, accept, and process applications for wildlife expo permits and conduct the drawing in compliance with this rule and all other applicable laws.

#### **R657-55-6. Drawing Procedures.**

(1) A random drawing or selection process must be conducted for each wildlife expo permit.

(2) Preference and bonus points are neither awarded nor applied in the drawings.

(3) Waiting periods do not apply, except any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in ~~[Rule]~~ R657-~~[5]~~62 and the ~~[proclamation]~~ guide books of the Wildlife Board for taking big game.

(4) No predetermined quotas or restrictions shall be imposed in the application or selection process for wildlife expo permits between resident and nonresident applicants, except that special nonresident expo permits may only be awarded to a nonresident of Utah.

(5) Drawings will be conducted within five days of the close of the exposition.

(6) Applicants do not have to be present at the drawing to be awarded a wildlife expo permit.

(7) The conservation organization shall identify all eligible alternates for each wildlife expo permit and provide the division with a finalized list. This list will be

maintained by the conservation organization until all permits are issued.

(8) The division shall contact successful applicants [~~by phone or mail~~], and the conservation organization shall post the name of all successful applicants on a designated website.

#### **R657-55-7. Issuance of Permits.**

(1) The division shall provide a wildlife expo permit to the successful applicant, as designated by the conservation organization.

(2) The division must provide a wildlife expo permit to each successful applicant, except as otherwise provided in this rule.

(3) The division shall provide each successful applicant a letter indicating the permit secured in the drawing, the appropriate fee owed the division, and the date the fee is due.

(4)(a) Successful applicants must [~~provide~~] submit the permit fee payment in full to the division before receiving the permit.

(b) Subject to the limitation in Subsection (8), the division will issue the designated wildlife expo permit to the successful applicant.

(5) Residents will pay resident permit fees and nonresidents will pay nonresident permit fees.

(6) [~~Applicants~~] Beginning in 2019, applicants are eligible to obtain only one expo permit [~~per species, except as provided in Rule R657-5, but no restrictions apply on obtaining permits for multiple species.~~] each year, regardless of species.

(7) If an applicant is selected for more than one expo permit [~~for the same species~~], the division will contact the applicant to determine which permit the applicant selects.

(a) The applicant must select the permit of choice within [~~five~~] 2 days of receiving notification.

(b) If the division is unable to contact the applicant within [~~5~~] 2 days, the division will issue to the applicant the permit with the most difficult [~~drawings~~] drawing odds based on drawing results from the division's big game drawing for the preceding year.

(c) Permits not issued to the applicant will go to the next person on the alternate drawing list for that permit, provided the person is legally eligible to receive the permit and does not have a secured opportunity for any other expo permit.

(8) Any successful applicant who fails to satisfy the following requirements will be ineligible to receive the wildlife expo permit and the next drawing alternate for that permit will be selected:

(a) The applicant fails to [~~return~~] remit the appropriate permit fee in full to the division by the date provided in Subsection (3);

(b) The applicant does not possess a valid Utah hunting or combination license at the time the expo permit application was submitted[~~-and the permit received~~]; or

(c) The applicant is legally ineligible to possess the permit.

#### **R657-55-8. Surrender or Transfer of Wildlife Expo Permits.**

(1)(a) A person selected to receive a wildlife expo permit that is also successful in obtaining a Utah once-in-a-lifetime or limited entry permit for the same species in the same year or successful in obtaining a general permit for a male animal of the same species in the same year, may not possess both permits and must select the permit of choice.

(b) In the event a secured opportunity is [~~willingly~~] surrendered before the permit is issued, the next eligible applicant on the alternate drawing list for that permit will be selected to receive the permit, provided the person is legally eligible to receive the permit and does not:

(i) have a secured opportunity for any other expo permit;  
or

(ii) possess any other expo permit valid in the same year.

(c) In the event the wildlife expo permit is surrendered, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it, [~~and the~~]provided the person satisfies the eligibility requirements in Subsection (b).

(d) The permit fee on a surrendered expo permit may be refunded, as provided in Sections 23-19-38, 23-19-38.2, and R657-42-5.

(2) A person selected by a conservation organization to receive a wildlife expo permit, may not sell or transfer the permit, or any rights thereunder to another person in accordance with Section 23-19-1.

(3) If a person is successful in obtaining a wildlife expo permit but is legally ineligible to hunt in Utah, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it, provided the person satisfies the eligibility requirements in Subsection (1)(b).

#### **R657-55-9. Using a Wildlife Expo Permit.**

(1) A wildlife expo permit allows the recipient to:

(a) take [~~only the species for which the permit is issued;~~][~~-(b)-take-~~]only the species and sex printed on the permit;

(~~[e]~~b) take the species only in the area and during the season specified on the permit; and

(~~[d]~~c) take the species only with the weapon type specified on the permit.

(2) The recipient of a wildlife expo permit is subject to all ~~[of]~~ the provisions of Title 23, Wildlife Resources Code, and the rules and ~~[proclamations]~~ guidebooks of the Wildlife Board for taking and pursuing wildlife.

**R657-55-10. Wildlife Expo Permit -- Application Handling Fee Revenue.**

(1)(a) All wildlife expo permit application handling fee revenue generated by the conservation organization under R657-55-5(2) will be deposited in a separate, federally insured account to prevent commingling with any other funds.

(~~[a]~~b) ~~[All-interest]~~Interest earned on the portion of application handling fee revenue ~~[may be-]~~retained~~[-and-used]~~ by the conservation organization for administrative expenses~~[-]~~ under Subsection (2) may be retained and used by the conservation organization.

(c) Interest earned on the portion of application handling fee revenue committed to fund wildlife conservation projects under Subsection (3) shall be used by the conservation organization to fund approved wildlife conservation projects.

(2) The conservation organization may retain up to \$3.50 of each \$5.00 application handling fee for administrative expenses, unless the conservation organization pledges a greater percentage of the application handling fee to wildlife conservation in:

(a) its response to the request for proposal; or

(b) the expo contract with the division.

(3) The remaining balance of each \$5.00 application ~~[fee]~~handling fee and accrued interest, less standard banking fees assessed on the account where the funding is deposited, will be used by the conservation organization to fund projects advancing wildlife interests in the state, subject to the following:

(a) project funding will not be committed to or expended on any project without first obtaining the division director~~[-]~~'s written approval;

(b) cash donations to the Wildlife Habitat Account created under Section 23-19-43 or Division Species Enhancement Funds are authorized projects that do not require the division director~~[-]~~'s approval; and

(c) application handling fee revenue dedicated to funding projects must be completely expended on ~~[or committed to]~~ approved projects ~~[by September]~~or transferred to the division by August 1<sup>st</sup>, two years following the year in which the application

handling fee revenue is collected[~~, unless otherwise authorized in writing by the division director~~].

(4) Application handling fee revenue committed to division-approved projects will be transferred by the conservation organization to the division within 60 days of being invoiced by the division.

(a) If the division-approved project to which funds are committed is completed under projected budget or canceled, funds committed to the project that are not used will be kept by the division and credited back to the conservation organization and made available for the group to use on other approved projects during the current or subsequent year.

(5) All records and receipts for projects under Subsection (3) must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(~~5~~6) The conservation organization shall submit a report to the division and Wildlife Board each year [~~no later than September~~] by August 1<sup>st</sup> that accounts for and documents the following:

(a) gross revenue generated from collecting \$5 wildlife expo permit application handling fees;

(b) total amount of application handling fee revenue retained for administrative expenses; and

(c) total amount of application handling fee revenue set aside and dedicated to funding projects, including bank statements showing account balances[~~; and~~][~~—(d)—description and records of each project funded with application fee revenue, including the date of funding, the amount of funding contributed, and the completion status of the project~~].

(~~6~~7) [~~An~~]A partner organization that individually receives application handling fee revenue from the expo permit drawing pursuant to a co-participant contract with the conservation organization, is subject to the provisions in Subsections (1) through (~~5~~6).

**KEY:** wildlife, wildlife permits

**Date of Enactment or Last Substantive Amendment:** November 10, 2015

**Notice of Continuation:** May 5, 2015

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



**GARY R. HERBERT**  
*Governor*

**SPENCER J. COX**  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

**MICHAEL R. STYLER**  
*Executive Director*

### Division of Wildlife Resources

**MICHAEL D. FOWLKS**  
*Division Director*

April 17, 2018

To: Regional Advisory Council

Re: Proposed Rule Change Drawing Application Procedures R657-62

The purpose of this action item is to clarify in this rule that if a hunter draws a Limited Entry, or Premium Limited Entry Expo permit there is no waiting period for either the division application and draw process, or the expo permit drawing.

Waiting periods do apply for “once-in-a-lifetime” expo permits, pertaining to the division application and draw process, however not to the expo permit drawing. These are explained currently in R657-55, we needed to include them in the Drawing Application Procedures rule as well.

We are proposing to require a hunter to possess a valid hunting or combination license in order to apply for Sandhill Crane, Sharp-Tailed Grouse, Greater Sage Grouse, and Swan permits. We also want to ensure that youth groups for Turkey, Sandhill Crane, Sharp-Tailed and Greater Sage Grouse are counted as youth for permit allocation purposes.

This proposed action also makes other minor and non-substantive changes, including clerical and punctuation changes.

Kenneth Johnson  
Administrative Services  
Utah Division of Wildlife Resources



**R657. Natural Resources, Wildlife Resources.[]**

**R657-62. Drawing Application Procedures.**

**R657-62-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

**R657-62-2. Definitions.**

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

(2) In addition:

(a) [~~u~~] "Application[u]" means a form required by the Division which must be completed by a person and submitted to the Division in order to apply for a hunting permit.

(b) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on an executed contract for sale of eligible property.

(c) "Limited entry hunt" means any hunt listed in the hunt tables published by the Wildlife Board and is identified as a premium limited entry hunt or limited entry hunt. [u] "Limited entry hunt[u]" does not include cougar pursuit or bear pursuit.

(d) "Limited entry permit" means any permit obtained for a limited entry hunt,  
including conservation permits, expo permits and sportsman permits.

(e)(i) "Valid application" means an application:

(A) for a permit to take a species for which the applicant is eligible to possess;

(B) for a permit to take a species regardless of estimated permit numbers;

(C ) for a certificate of registration; and

(D) containing sufficient information, as determined by the division, to process the application, including personal information, hunt information, and sufficient payment.

(ii) Applications missing any of the items in Subsection (i) may be considered valid if the application is timely corrected through the application correction process.

(f) "Waiting period" means a specified period of time that a person who has obtained a permit must wait before applying for the same permit type.

(g) [~~u~~] "Once-in-a-lifetime hunt[u]" means any hunt listed in the hunt tables published by the Wildlife Board and is identified

as once-in-a-lifetime, and does not include general or limited entry hunts.

(h) [~~u~~] "Once-in-a-lifetime permit[~~u~~]" means any permit obtained for a once-in-a-lifetime hunt by any means, including conservation permits, sportsman permits, cooperative wildlife management unit permits and limited entry landowner permits.

### **R657-62-3. Scope of Rule.**

(1) This rule sets forth the procedures and requirements for completing and filing applications to receive the following hunting permits and/or certificates of registrations:

- (a) Dedicated Hunter certificate of registrations;
- (b) limited-entry deer;
- (c) limited-entry elk;
- (d) limited-entry pronghorn;
- (e) once-in-a-lifetime;
- (f) public cooperative wildlife management unit;
- (g) general season deer and youth elk;
- (h) limited entry bear;
- (i) bear pursuit;
- (j) antlerless big game;
- (k) sandhill crane;
- (l) sharp-tail and greater sage grouse;
- (m) swan
- (n) cougar;
- (o) sportsman; and
- (p) turkey.

### **R657-62- 4. Residency Restrictions.**

(1) Only a resident may apply for or obtain a resident permit or resident certificate of registration and only a nonresident may apply for or obtain a nonresident permit or nonresident certificate of registration.

(2)(a) To apply for a resident permit or certificate of registration, a person must be a resident at the time of purchase.

(b) The posting date of the drawing shall be considered the purchase date of a permit or certificate of registration issued through a drawing.

### **R657-62- 5. Hunting on Private Lands[~~r~~]**

(1) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. The division does not guarantee access and cannot restore lost opportunity, bonus points, or permit fees when access is denied. Hunters should contact private landowners for permission to access their land prior to applying for a permit. The Division does not have the names of landowners where hunts occur.



**R657-62- 6. Applications.**

(1)(a) Applications are available at the division's internet address, and must be completed and submitted online by the date prescribed in the respective guidebook of the Wildlife Board.

(b) The permit fees and handling fees must be paid with a valid debit or credit card.

(c) Any license, permit or certificate of registration issued to a person is invalid where full payment is not remitted to and received by the division.

(d) A person who applies for or obtains a permit or certificate of registration must notify the division of any change in mailing address, residency, telephone number, email address, and physical description.

**R657-62-7. Group Applications.**

(1) When applying as a group all applicants in the group with valid applications and who are eligible to possess the permit or certificate of registration applied for shall receive a permit or certificate of registration where the group is successful in the drawing.

(2) Group members must apply for the same hunt choices.

(3) When applying as a group, if the available permit or certificate of registration quota is not large enough to accommodate the group size, the group application will not be considered.

**R657-62-8. Bonus Points.**

(1) Bonus points are used to improve odds for drawing permits.

(2)(a) A bonus point is awarded for:

(i) each valid unsuccessful application when applying for limited-entry permits; or

(ii) each valid application when applying for bonus points.

(b) Bonus points are awarded by species for;

(i) limited-entry deer including cooperative wildlife management unit buck deer and management buck deer;

(ii) limited-entry elk including cooperative wildlife management unit bull elk and management bull elk;

(iii) limited-entry pronghorn including cooperative wildlife management unit buck pronghorn;

(iv) once-in-a-lifetime species including cooperative wildlife management units;

(v) limited entry bear;

(vi) restricted bear pursuit;

(vii) antlerless moose;

(viii) ewe Rocky Mountain bighorn sheep;

(xi) ewe desert bighorn sheep;

(x) cougar; and

(xi) turkey.

(3)(a) A person may not apply in the drawing for both a permit and a bonus point for the same species.

(b) A person may not apply for a bonus point if that person is ineligible to apply for a permit for the respective species.

(c) Group applications will not be accepted when applying for bonus points.

(d) A person may apply for bonus points only during the applicable drawing application for each species.

(4)(a) Fifty percent of the permits for each hunt unit will be reserved for applicants with the greatest number of bonus points.

(b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points for each species.

(c) If reserved permits remain, the reserved permits will be designated by a random number to eligible applicants with the next greatest number of bonus points for each species.

(d) The procedure in Subsection (c) will continue until all reserved permits are issued or no applications for that species remain.

(e) Any reserved permits remaining and any applicants who are not selected for reserved permits will be returned to the applicable drawing.

(5)(a) Each applicant receives a random drawing number for:

(i) each species applied for; and

(ii) each bonus point for that species.

(6) Bonus points are forfeited if a person obtains a permit through the drawing for that bonus point species including any permit obtained after the drawing.

(7) Bonus points are not forfeited if:

(a) a person is successful in obtaining a conservation permit, expo permit, sportsman permit, or harvest objective bear permit;

(b) a person obtains a landowner or a cooperative wildlife management unit permit from a landowner; or

(c) a person obtains a poaching-reported reward permit.

(8) Bonus points are not transferable.

(9) Bonus points are averaged and rounded down when two or more applicants apply together on a group application.

(10)(a) Bonus points are tracked using social security numbers or division-issued customer identification numbers.

(b) The division shall retain electronic copies of applications from 1996 to the current drawings for the purpose of researching bonus point records.

(c) Any requests for researching an applicant's bonus point records must be submitted within the time frames provided in Subsection (b).

(d) Any bonus points on the division's records shall not be researched beyond the time frames provided in Subsection (b).

(e) The division may void or otherwise eliminate any bonus point obtained by fraud, deceit, misrepresentation, or in violation of law.

**R657-62-9. Preference Points.**

(1) Preference points are used in the applicable drawings to ensure that applicants who are unsuccessful in the drawing will have first preference in the next year's drawing.

(2)(a) A preference point is awarded for:

(i) each valid, unsuccessful application applying for a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill Crane, Sharp-tailed grouse, Greater sage grouse or Swan permit; or

(ii) each valid application when applying only for a preference point in the applicable drawings.

(b) Preference points are awarded by species for:

(i) general buck deer;

(ii) antlerless deer;

(iii) antlerless elk;

(iv) doe pronghorn;

(v) Sandhill Crane;

(vi) Sharp-tailed Grouse;

(vii) Greater sage grouse; and

(viii) Swan.

(3)(a) A person may not apply in the drawing for both a preference point and a permit for the species listed in (2)(b).

(b) A person may not apply for a preference point if that person is ineligible to apply for a permit.

(c) Preference points shall not be used when obtaining remaining permits.

(4) Preference points for the applicable species are forfeited if a person obtains a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill Crane, Sharp-tailed grouse, Greater sage grouse or Swan permit through the drawing.

(5) Preference points are not transferable.

(6) Preference points are averaged and rounded down when two or more applicants apply together on a group application.

(7)(a) Preference points are tracked using social security numbers or division-issued customer identification numbers.

(b) The division shall retain copies of electronic applications from 2000 to the current applicable drawings for the purpose of researching preference point records.

(c) Any requests for researching an applicant's preference point records must be submitted within the time frames provided in Subsection (b).

(d) Any preference points on the division's records shall not be researched beyond the time frames provided in Subsection (b).

(e) The division may eliminate any preference point obtained by fraud, deceit, misrepresentation, or in violation of law.

**R657-62-10. Dedicated Hunter Preference Points.**

(1) Preference points are used in the dedicated hunter certificate of registration drawing to ensure that applicants who are unsuccessful in the drawing will have first preference in the next year's drawing.

(2) A preference point is awarded for:

(a) each valid unsuccessful application;

(b) each valid application when applying only for a preference point in the dedicated hunter drawing.

(3)(a) A person may not apply in the drawing for both a preference point and a certificate of registration.

(b) A person may not apply for a preference point if that person is ineligible to apply for a certificate of registration.

(4) Preference points are forfeited if a person obtains a certificate of registration through the drawing.

(5)(a) Preference points are not transferable.

(b) Preference points shall only be applied to the Dedicated Hunter drawing.

(6) Preference points are averaged and rounded down to the nearest whole point when two or more applicants apply together on a group application.

(7)(a) Preference points are tracked using social security numbers or division-issued customer identification numbers.

(b) The division shall retain copies of electronic applications from 2011 to the current applicable drawing for the purpose of researching preference point records.

(c) Any requests for researching an applicant's preference point records must be requested within the time frames provided in Subsection (b).

(d) Any preference points on the division's records shall not be researched beyond the time frames provided in Subsection (b).

(e) The division may eliminate any preference points earned that are obtained by fraud, deceit or misrepresentation.

**R657-62-11. Corrections, Withdrawals and Resubmitting Applications.**

(1) (a) If an error is found on the application, the applicant may be contacted for correction.

(b) The division reserves the right to correct or reject applications.

(2)(a) An applicant may withdraw their application from the permit or certificate of registration drawing by the date published in the respective guidebook of the Wildlife Board.

(b) An applicant may resubmit their application, after withdrawing a previous application, for the permit or certificate of

registration drawing by the date published in the respective guidebook of the Wildlife Board.

(c) Handling fees, hunting or combination license fees and donations will not be refunded. Resubmitted applications will incur a handling fee.

(3) To withdraw an entire group application, all applicants must withdraw their individual applications.

**R657-62-12. Drawing Results.**

Drawing results will be made available by the date prescribed in the respective guidebook of the Wildlife Board.

**R657-62-13. License, [~~Permit, Certificate of Registration and Handling Fees~~]permit, certificate of registration and handling fees.**

(1) Unsuccessful applicants will not be charged for a permit or certificate of registration.

(2) The handling fees and hunting or combination license fees are nonrefundable.

(3) All license, permit, certificate of registration and handling fees must be paid with a valid debit or credit card.

**R657-62-14. Permits Remaining [~~After~~]after the Drawing.**

(1) Any permits remaining after the drawing are available on the date published in the respective guidebook of the Wildlife Board on a first-come, first-served basis from division offices, participating license agents and through the division<sup>[+]</sup>'s internet site.

**R657-62-15. Waiting Periods for [~~Permits Obtained After the Drawing.~~]permits obtained after the drawing.**

(1) Waiting periods do not apply to the purchase of remaining permits sold over the counter except as provided in Section 2.

(2) Waiting periods are incurred as a result of purchasing remaining permits after the drawing. If a remaining permit is purchased in the current year, waiting periods will be in effect when applying in the drawing in following years.

**R657-62-16. Dedicated Hunter Certificates of Registration.**

(1) (a) Applicants for a dedicated hunter certificate of registration must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in [~~Rule~~]rule R657-38.

(b) Each prospective participant must complete Dedicated Hunter program orientation course annually before submitting an application.

(2) Group applications are accepted. Up to four applicants may apply as a group.

**R657-62-17. Lifetime License Permits.**

(1) Lifetime License permits shall be issued pursuant to [Rule]rule R657-17.

**R657-62-18. Big Game.**

(1) Permit Applications

(a) Limited entry, Cooperative Wildlife Management Unit, Once-in-a-Lifetime, Management Bull Elk, Management Buck Deer, General Buck Deer, and Youth General Any Bull Elk permit applications.

(i) A person must possess or obtain a valid hunting or combination license to apply for or obtain a big game permit.

(ii) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in [Rule]rule R657-5.

(iii) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

(b) A resident may apply in the big game drawing for the following permits:

(i) only one of the following:

(A) buck deer - limited entry and cooperative wildlife management unit;

(B) bull elk - limited entry and cooperative wildlife management unit; or

(C) buck pronghorn - limited entry and cooperative wildlife management unit; and

(ii) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits.

(c) A nonresident may apply in the big game drawing for the following permits:

(i) all of the following:

(A) buck deer -limited entry;

(B) bull elk - limited entry;

(C) buck pronghorn - limited entry; and

(D) all once-in-a-lifetime species.

(ii) Nonresidents may not apply for cooperative management units through the big game drawing.

(d) A resident or nonresident may apply in the big game drawing by unit for:

(i) a statewide general archery buck deer permit; or

(ii) for general any weapon buck deer; or

(iii) for general muzzleloader buck deer; or

(iv) a dedicated hunter certificate of registration.

(2) Youth

(a) For purposes of this section [u]"youth[u]" means any person 17 years of age or younger on July 31.

(b) Youth applicants who apply for a general buck deer permit

(i) will automatically be considered in the youth drawing based upon their birth date.

(ii) 20% of general buck deer permits in each unit are reserved for youth hunters.

(iii) Up to four youth may apply together for youth general deer permits.

(iv) Preference points shall be used when applying.

(v) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the general buck deer drawing.

(c) Youth applicants who apply for a management buck deer permit

(i) will automatically be considered in the youth drawing based upon their birth date.

(ii) 30% of management buck deer permits in each unit are reserved for youth hunters.

(iii) Bonus points shall be used when applying

(iv) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the management buck deer drawing.

(3) Senior

(a) For purposes of this section [u]"senior[u]" means any person 65 years of age or older on the opening day of the management buck deer archery season published in the guidebook of the Wildlife Board for taking big game.

(b) Senior applicants who apply for a management buck deer permit

(i) will automatically be considered in the senior drawing based upon their birth date.

(ii) 30% of management buck deer permits in each unit are reserved for senior hunters.

(iii) Bonus points shall be used when applying.

(c) Any reserved permits remaining and any senior applicants who were not selected for reserved permits shall be returned to the management buck deer drawing.

(4) Drawing Order

(a) Permits for the big game drawing shall be drawn in the following order:

(i) limited entry, cooperative wildlife management unit and management buck deer;

(ii) limited entry, cooperative wildlife management unit and management bull elk;

(iii) limited entry and cooperative wildlife management unit buck pronghorn;

(iv) once-in-a-lifetime;

(v) general buck deer [-]\_ lifetime license;

(vi) general buck deer [-]\_ dedicated hunter;

(vii) general buck deer - youth;

(viii) general buck deer; and

(ix) youth general any bull elk.

(b) Any person who draws one of the following permits is not eligible to draw a once-in-a-lifetime permit:

(i) limited entry, Cooperative Wildlife Management unit or management buck deer;

(ii) limited entry, Cooperative Wildlife Management unit or management bull elk; or

(iii) a limited entry or Cooperative Wildlife Management unit buck pronghorn.

(c) If any permits listed in Subsection (a)(i) through (a)(iii) remain after the big game drawing after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(5) Groups

(a) Limited Entry

(i) Up to four people may apply together for limited entry deer, elk or pronghorn; or resident cooperative wildlife management unit permits.

(b) Group applications are not accepted for management buck deer or bull elk permits.

(c) Group applications are not accepted for Once-in-a-lifetime permits.

(d) General season

(i) Up to four people may apply together for general deer permits[-]

(ii) Up to two youth may apply together for youth general any bull elk permits.

(iii) Up to four youth may apply together for youth general deer permits.

(6) Waiting Periods

(a) Deer waiting period.

(i) Any person who draws or obtains a limited entry, premium limited entry, management, or cooperative wildlife management unit buck deer permit through the big game drawing process may not apply for or receive any of these permits again for a period of two seasons.

(ii) A waiting period does not apply to:

(A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits; [~~or~~]

(B) cooperative wildlife management unit[~~or~~], limited entry, premium limited entry, or landowner buck deer permits obtained through the landowner[-]; or

(C) buck deer wildlife expo permits, as provided in R657-55-6.

(b) Elk waiting period.



(i) Any person who draws or obtains a limited entry, management or cooperative wildlife management unit bull elk permit through the big game drawing process may not apply for or receive any of these permits for a period of five seasons.

(ii) A waiting period does not apply to:

(A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits; ~~[ex]~~

(B) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner~~[-]~~; or  
(C) bull elk wildlife expo permits, as provided in R657-55-6.

(c) Pronghorn waiting period.

(i) Any person who draws or obtains a buck pronghorn or cooperative wildlife management unit buck pronghorn permit through the big game drawing may not apply for or receive any of these permits thereafter for a period of two seasons.

(ii) A waiting period does not apply to:

(A) conservation, sportsman, poaching-reported reward permits; or

(B) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner~~[-]~~; or  
(C) buck pronghorn wildlife expo permits, as provided in R657-55-6.

(d) Once-in-a-lifetime species waiting period.

(i) Any person who draws or obtains a permit for any bull moose, bison, Rocky Mountain bighorn sheep, desert bighorn sheep or ~~[Rocky Mountain]~~mountain goat may not apply for or receive an once-in-a-lifetime permit for the same species in the big game drawing or sportsman permit drawing.

(ii) Except as provided in Subsection (iii), once-in-a-lifetime restrictions do not apply to obtaining wildlife expo permits for once-in-a-lifetime species in the wildlife expo drawing, as provided in R657-55.

(iii) Any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in R657-62 and the guide books of the Wildlife Board for taking big game.

(iv) A person who has been convicted of unlawfully taking a once-in-a-lifetime species may not apply for or obtain a permit for that species.

(e) Cooperative Wildlife Management Unit and landowner permits.

(i) Waiting periods and once-in-a-lifetime restrictions do not apply to purchasing limited entry landowner or cooperative wildlife management unit permits obtained through a landowner, except as provided in Subsection (ii).

(ii) Waiting periods are incurred and applied for the purpose of applying in the big game drawing as a result of obtaining a

cooperative wildlife management unit bull moose permit through a landowner.

**R657-62-19. Black Bear.**

(1) Permit and Pursuit Applications.

(a) For the purposes of this section, [u]restricted bear pursuit permit[u] means a permit issued in a division drawing that authorizes an individual to pursue bear using trained dogs, consistent with the restrictions found in Utah Admin. Code R657-33.

(b) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain a limited entry bear permit or restricted bear pursuit permit.

(c) A person may not apply for or obtain more than one bear permit and restricted bear pursuit permit distributed pursuant to this rule within the same calendar year.

(d) A person may simultaneously possess both a limited entry bear permit and a restricted pursuit permit.

(e) Limited entry bear permits and restricted pursuit permits are valid only for the hunt unit and for the specified season designated on the permit.

(f)(i) Applicants may select up to three hunt unit choices when applying for limited entry bear or restricted bear pursuit permits. Hunt unit choices must be listed in order of preference.

(ii) Applicants must specify in the application a specific season for their limited entry or restricted bear pursuit permit.

(g) Any person intending to use bait during their bear hunt must obtain a certificate of registration as provided in Sections R657-33-13 and 14.

(h) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Sections 23-19-22.5, 23-19-11 and 23-20-20.

(2) Group applications are not accepted.

(3) Waiting periods.

(a) Any person who obtains a limited entry bear permit through the division drawing, may not apply for a permit thereafter for a period of two years.

(b) Any person who obtains a limited entry restricted bear pursuit permit through the division drawing, may not apply for a permit thereafter for a period of two years.

(c) Waiting periods do not apply to bear wildlife expo permits, as provided in R657-55-6.

(4) A person must complete a mandatory orientation course prior to applying for any bear permit offered through a division drawing or obtaining bear permits as described in R657-33-3(5).

**R657-62-20. Antlerless Species.**

(1) Permit Applications.

(a) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain an antlerless permit.

(b) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in rule R657-5.

(c) A person may apply in the drawing for and draw the following permits, except as provided in Subsection (d):

(i) antlerless deer;

(ii) antlerless elk;

(iii) doe pronghorn;

(iv) antlerless moose, if available;

(v) ewe Rocky Mountain bighorn sheep, if available; and

(vi) ewe desert bighorn sheep, if available.

(d)(i) Any person who has obtained a buck pronghorn permit, bull moose permit, ram Rocky Mountain bighorn sheep permit, or a ram desert bighorn sheep permit may not apply in the same year for a doe pronghorn permit, antlerless moose permit, ewe Rocky Mountain bighorn sheep permit, or a ewe desert bighorn sheep permit, respectively, except for permits remaining after the drawing as provided in R657-62-15.

(ii) A resident may apply for an antlerless moose, ewe Rocky Mountain bighorn sheep, or ewe desert bighorn sheep in the antlerless drawing, but may not apply for more than one of those permits in a given year.

(iii) A nonresident may apply for all antlerless species in a given year.

(e) Applicants may select up to five hunt choices when applying for antlerless deer, antlerless elk and antlerless pronghorn.

(f) Applicants may select up to two hunt choices when applying for antlerless moose.

(g) Applicants may select up to two hunt choices when applying for ewe bighorn sheep permits.

(h) Hunt unit choices must be listed in order of preference.

(i) A person may not submit more than one application in the antlerless drawing per species. (2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31.

(b) Twenty percent of the antlerless deer, elk and doe pronghorn permits are reserved for youth hunters.

(c) Youth applicants who apply for an antlerless deer, elk, or doe pronghorn permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Drawing Order

(a) Permits are drawn in the order listed in the guidebook of the Wildlife Board for taking big game.

(b) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the antlerless drawing.

(c) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(4) Group Applications

(a) Up to four hunters can apply together for antlerless deer, antlerless elk and doe pronghorn

(b) Group applications are not accepted for antlerless moose or ewe bighorn sheep permits.

(c) Youth hunters who wish to participate in the youth drawing must not apply as a group.

(5) Waiting Periods

(a) Antlerless moose waiting period.

(i) Any person who draws or obtains an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process, may not apply for or receive an antlerless moose permit thereafter for a period of five seasons.

(ii) A waiting period does not apply to:

(A) cooperative wildlife management unit antlerless moose permits obtained through the landowner[-]; or

(B) antlerless moose wildlife expo permits, as provided in R657-55-6.

(b) Ewe bighorn sheep waiting period.

(i) Any person who draws or obtains a ewe bighorn sheep permit through the antlerless drawing process may not apply for or receive a permit for the same species of ewe bighorn sheep for a period of five seasons.

(ii) A waiting period does not apply to ewe bighorn sheep wildlife expo permits, as provided in R657-55-6.

**R657-62-21. Sandhill Crane, Sharp-Tailed and Greater Sage Grouse.**

(1) Permit applications.

(a) A person may obtain only one Sandhill Crane permit each year.

(b) A person must possess or obtain a valid hunting or combination license [~~is required when taking~~]in order to apply for or obtain Sandhill Crane, Sharp-Tailed and Greater Sage Grouse [~~and may be purchased when applying for the~~]permit. (c) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(d) Applicants may select up to four hunt choices. Hunt unit choices must be listed in order of preference.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31 for the purpose of obtaining Sandhill Crane, Sharp-tailed grouse and Greater Sage grouse permits.

(b) Fifteen percent of the Sandhill Crane, Sharp-tailed grouse and Greater sage grouse permits are reserved for youth hunters.

(c) Youth applicants who apply for a Sandhill Crane, Sharp-tailed grouse or Greater sage grouse permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Group [~~applications.~~] Applications

(a) Up to four people may apply together.

[~~—(b) Youth hunters who wish to participate in the youth drawing must not~~](b) Up to four youth may apply [as a group] together in a Group Application. (4) Waiting Periods do not apply.

### **R657-62-22. Swan.**

(1) Permit applications.

(a) A person may obtain only one swan permit each year.

(i) A person may not apply more than once annually.

(b) [~~A Utah~~] A person must possess or obtain a valid hunting or combination license [is required when hunting Swan and may be purchased when applying for the] in order to apply for or obtain a Swan permit.

(c) The division shall issue no more than the number of swan permits authorized by the U.S. Fish [~~and~~]& Wildlife Service each year.

(d) A person must complete a one-time orientation course before applying for a swan permit, except as provided under Subsection R657-9-6 (3) (b).

(i) Remaining swan permits available for sale shall be issued only to persons having previously completed the orientation course.

(e) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31<sup>st</sup> of the year in which the youth hunting day is held, as provided in the guidebook of the Wildlife Board for taking waterfowl, Wilson[+]'s snipe and coot.

(b) Fifteen percent of the Swan permits are reserved for youth hunters.

(c) Youth who apply for a swan permit will automatically be considered in the youth permit drawing based on their birth date.

(3) Group applications.

(a) Up to four people may apply together in a Group Application.

(b) Up to four youth may apply together in a Group Application.

(4) Waiting period does not apply.

**R657-62-23. Cougar.**

(1) Permit Applications

(a) A person must possess or obtain a valid hunting or combination license to apply for or obtain a cougar limited entry permit.

(b) A person may not apply for or obtain more than one cougar permit for the same year.

(c) Limited entry cougar permits are valid only for the limited entry management unit and for the specified season provided in the hunt tables of the [~~proclamation~~] guidebook of the Wildlife Board for taking cougar.

(d) Applicants may select up to three management unit choices when applying for limited entry cougar permits. Management unit choices must be listed in order of preference.

(e) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation shall be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(f) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(g) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-22.5, 23-19-11 and 23-20-20.

(2) Group applications are not accepted.

(3) Waiting periods.

(a) Any person who draws or purchases a limited entry cougar permit valid for the current season may not apply for a permit thereafter for a period of three seasons.

(b) Waiting periods are not incurred as a result of:

(i) purchasing cougar harvest objective permits[~~-~~]; or

(ii) obtaining a cougar wildlife expo permit, as provided in R657-55-6.

**R657-62-24. Sportsman.**

(1) Permit applications.

(a) One sportsman permit is offered to residents for each of the following species:

(i) desert bighorn (ram);

(ii) bison (hunter[~~-~~]'s choice);

(iii) buck deer;

(iv) bull elk;

(v) Rocky Mountain bighorn (ram);

(vi) [~~Rocky Mountain~~] mountain goat (hunter[~~-~~]'s choice);

(vii) bull moose;

(viii) buck pronghorn;

(ix) black bear;

(x) cougar; and

(xi) wild turkey.

(b) Bonus points shall not be awarded or utilized when applying for or obtaining sportsman permits.

(2) Group applications are not accepted.

(3) Waiting Periods[-]

(a) Any person who applies for or obtains a Sportsman Permit is subject to all waiting periods and exceptions as applicable to the species pursuant to [Rule]rule R657-41.

(b) Once-in-lifetime waiting periods[-]

(i) If you have obtained a once-in-a-lifetime permit through the sportsman drawing you are ineligible to apply for that once-in-a-lifetime species through the big game drawing.

(ii) If you have obtained a once-in-a-lifetime permit through the big game drawing you are ineligible to apply for that once-in-a-lifetime species through the sportsman drawing.

(c) Limited Entry waiting periods[-]

(i) Waiting periods do not apply to Sportsman deer, elk, pronghorn, bear or cougar.

(ii) Waiting period will not be incurred for receipt of a Sportsman deer, elk, pronghorn, bear or cougar.

#### **R657-62-25. Turkey.**

(1) Permit applications.

(a) A person must possess a valid hunting or combination license in order to apply for or obtain a wild turkey permit.

(b) Permit possession limitations are identified in R657-54. A person may obtain only one [~~limited entry or general~~]spring season and up to three fall season wild turkey[~~permit each year. A person may obtain wild turkey conservation permits in addition to obtaining one limited entry or spring wild turkey permit as well as a fall general season permit.~~] permits, subject to the exceptions identified in R657-54.

(c) Applicants may select up to five hunt choices when applying for limited entry turkey permits. Hunt unit choices must be listed in order of preference.

(d) A turkey permit allows a person, using any legal weapon as provided in Section R657-54-7, to take one [~~bearded~~]wild turkey within the area, sex and season specified on the permit.

(2) Group applications.

(a) Up to four people may apply together in a Group Application.

[~~—(b) Youth hunters who wish to participate in the youth drawing must not~~](b) Up to four youth may apply [as a group]together in a Group Application.

(3) Waiting period does not apply.

(4) Youth permits

(a) Up to 15 percent of the limited entry permits and fall general season permits are available to youth hunters.

(b) For purposes of this section [u]"youth[u]" means any person who is 17 years of age or younger on July 31.

(c) Youth who apply for a turkey permit will automatically be considered in the youth permit drawing based on their birth date.

(d) Bonus points shall be used when applying for youth turkey permits.

(e) Youth who are successful in obtaining a limited entry turkey permit but unsuccessful in harvesting a bird during the limited entry hunt season, may use the limited entry turkey permit to participate in the youth 3-day turkey hunt and the spring general season turkey hunt provided no more than one bird is harvested.

**KEY: wildlife, permits**

**Date of Enactment or Last Substantive Amendment: March 26, 2018**

**Notice of Continuation: April 14, 2014**

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





GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
Division Director

## MEMORANDUM

Date: April 16, 2018

To: Wildlife Board and Regional Advisory Council Members

From: Martin Bushman, Assistant Attorney General

**Subject: Eliminating Unnecessary Committees in Rule**

The Utah Division of Wildlife Resources recently surveyed its compliance with the Utah Open and Public Meetings Act across the many boards, councils, committees, and working groups it uses. The survey identified a couple committees that are arguably subject to the Act solely because they were created in administrative rule. None of them, however, were intended when created in rule to operate as public bodies in public forums like the Wildlife Board and RACs. As such, the Division recommends the following rule amendments:

**R657-3 CIT Rule** – The proposed amendments to this rule remove references to the Certification Review Committee and transfer the committee’s responsibilities to the division.

**R657-50 Error Remedy Rule** -- The proposed amendments to this rule remove references to the Error Committee and transfer the committee’s responsibilities to the division.

**R657-53 Amphibian/Reptile CIT Rule** -- The proposed amendments to this rule remove references to the Certification Review Committee and assign the committee’s responsibilities to the division.

**R657-56 Walk-in Access Rule** -- The proposed amendments to this rule remove references to the Walk-in Access Advisory Committee and assign the committee’s responsibilities to the division.

**R657-57 Variance Rule** -- The proposed amendments to this rule remove references to the Variance Committee and transfer the committee’s responsibilities to the division.



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

**R657-3. Collection, Importation, Transportation, and Possession of Animals.**

**R657-3-1. Purpose and Authority.**

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, propagation and possession of species of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46 and R657-52 through R657-60. Where a more specific provision has been adopted, that provision shall control.

(4) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R657-14, except as permitted by the Utah Department of Agriculture and Food.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

(6) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and the scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.

**R657-3-34. [~~Certification Review Committee~~] Division Responsibilities.**

(1) The division [~~shall establish a Certification Review Committee which shall~~], in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of animals; and

(ii) [~~appeals of certificates of registration; and~~][~~(iii)~~] requests for variances to this rule; and  
(b) making recommendations to the Wildlife Board.  
(2) [~~The committee shall consist of the following individuals:~~]  
[~~(a) the division director or the director's designee who shall represent the director's office and shall act as chair of the committee;~~]  
[~~(b) the chief of the Aquatic Section;~~]  
[~~(c) the chief of the Wildlife Section;~~]  
[~~(d) the chief of the Public Services Section;~~]  
[~~(e) the chief of the Law Enforcement Section;~~]  
[~~(f) the state veterinarian or his designee; and~~]  
[~~(g) a person designated by the Department of Health.~~][~~(3)~~]  
The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.

**R657-3-35. Request for Species Reclassification.**

(1) A person may request to change the classification of a species or subspecies of animal provided in this rule.

(2) A request for reclassification must be made to the [~~Certification Review Committee~~] division by submitting an application for reclassification.

(3)(a) The application shall include:

(i) the petitioner's name, address, and phone number;

(ii) the species or subspecies for which the application is made;

(iii) the name of all interested parties known by the petitioner;

(iv) the current classification of the species or subspecies;

(v) a statement of the facts and reasons forming the basis for the reclassification; and

(vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the applicant must provide any information requested by the [~~committee~~] division necessary to formulate a recommendation to the Wildlife Board.

(~~3~~4)(a) The [~~committee~~] division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The [~~committee~~] division shall send a copy of its recommendation to the applicant and other interested parties specified on the application.

(~~4~~5)(a) At the next available Wildlife Board meeting, the Wildlife Board shall:

(i) consider the [~~committee~~] division recommendation; and  
(ii) any information provided by the applicant or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-3-14.

([5]6) A change in species classification shall be made in accordance with Title [~~63G7~~] 63, Chapter [~~37~~] 46a, Administrative Rulemaking Act.

#### **R657-3-36. Request for Variance.**

(1) A person may request a variance to this rule for the collection, importation, propagation, or possession of an animal classified as prohibited under this rule by submitting a variance request to the [~~Certification Review Committee~~] division.

(2)(a) A variance request shall include the following:

(i) the name, address, and phone number of the person making the request;  
(ii) the species or subspecies of animal and associated activities for which the request is made; and  
(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the [~~committee~~] division necessary to formulate a recommendation to the Wildlife Board.

(3) The [~~committee~~] division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the [~~committee~~] division recommendation; and  
(b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-3-14.

(b) If the request applies to a broad class of persons and not to the unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

**R657-3-37. Appeal of Certificate of Registration Denial.**

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request [~~to the Certification Review Committee.~~] ~~[(2) The request must be made within 30 days after the date of the denial.]~~ consistent with R657-2. (2) The request must be made within 30 days after the date of the denial.

~~[(3) The request shall include:]~~

~~[(a) the name, address, and phone number of the applicant;]~~

~~[(b) the date the request is mailed;]~~

~~[(c) the species or subspecies of animals and the activity for which the application is made; and]~~

~~[(d) supporting facts and other evidence applicable to resolving the issue.]~~

~~[(4) The committee shall review the request within a reasonable time after it is received.]~~

~~[(5) Upon reviewing the application and the reasons for its denial, the committee may:]~~

~~[(a) overturn the denial and approve the application; or]~~

~~[(b) uphold the denial.]~~

~~[(6) The committee may overturn a denial if the denial is:]~~

~~[(a) based on insufficient information;]~~

~~[(b) inconsistent with prior actions of the division or the Wildlife Board;]~~

~~[(c) arbitrary or capricious; or]~~

~~[(d) contrary to law.]~~

~~[(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the applicant specifying the reasons for its decision.]~~

~~[(b) The notice shall include information on the procedures for seeking Wildlife Board review of that decision.]~~

~~[(8)(a) If the committee upholds the denial, the applicant may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.]~~

~~[(b) The request must include the information provided in Subsection (3).]~~

~~[(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.]~~

~~[(b) The Wildlife Board may:]~~

~~[(i) overturn the denial and approve the application; or]~~

~~[(ii) uphold the denial.]~~

~~[(c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.]~~

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment: March 9, 2016

Notice of Continuation: [~~February 27, 2018~~ March 5, 2013]

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14; 63G-7-101 et seq.

**R657. Natural Resources, Wildlife Resources.[]**

**R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession[-]**

**R657-53-1. Purpose and Authority[-]**

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Specific dates, species, areas, number of pre-authorized certificates of registration, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for amphibians and reptiles.

(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(6) This rule does not apply to division employees acting within the scope of their assigned duties.

**R657-53-17. [~~Certification Review Committee~~]Division Responsibilities.**

(1) The division[~~shall establish a Certification Review Committee which shall~~], in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of amphibians or reptiles; and

(ii[~~] appeals of certificates of registration; and~~][~~(iii)]~~) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(2[~~] The committee shall consist of the following individuals:~~]

~~[(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;]~~  
~~[(b) the chief of the Aquatic Section;]~~  
~~[(c) the chief of the Wildlife Section;]~~  
~~[(d) the chief of the Administrative Services Section;]~~  
~~[(e) the chief of the Law Enforcement Section;]~~  
~~[(f) the state veterinarian or his designee; and]~~  
~~[(g) a person designated by the Department of Health.]~~ [(3)]  
The division shall require a fee for the submission of a request provided in Section R657-53-18 and R657-53-19.

**R657-53-18. Request for Species Reclassification.**

(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.

(2) A request for reclassification must be made to the ~~[Certification Review Committee]~~division by submitting an application for reclassification.

(3)(a) The application shall include:

- (i) the petitioner's name, address, and phone number;
- (ii) the species or subspecies for which the application is made;
- (iii) the name of all interested parties known by the petitioner;
- (iv) the current classification of the species or subspecies;
- (v) a statement of the facts and reasons forming the basis for the reclassification; and
- (vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the ~~[committee]~~division necessary to formulate a recommendation to the Wildlife Board.

(4)(a) The ~~[committee]~~division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The ~~[committee]~~division shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

(5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

- (i) consider the ~~[committee]~~division recommendation; and
- (ii) any information provided by the petitioner or other interested parties.

(b) The Wildlife Board shall approve or deny the request



for reclassification based on the issuance criteria provided in Section R657-53-11(1).

(6) A change in species classification shall be made in accordance with Title 63G, Chapter 4, Administrative Rulemaking Act.

(7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

#### **R657-53-19. Request for Variance.**

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the [~~Certification Review Committee~~]division.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the [~~committee~~]division necessary to formulate a recommendation to the Wildlife Board.

(3) The [~~committee~~]division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the [~~committee~~]division recommendation; and

(b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of

registration which shall be signed by the person making the request.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

**R657-53-20. Appeal of Certificate of Registration Denial.**

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the ~~[Certification Review Committee.]~~ consistent with R657-2.

(2) The request must be made within 30 days after the date of the denial.

- ~~[(3) The request shall include:]~~
- ~~[(a) the name, address, and phone number of the petitioner;]~~
- ~~[(b) the date the request was mailed;]~~
- ~~[(c) the species or subspecies of the amphibian or reptile and the activity for which the application was made; and]~~
- ~~[(d) supporting facts and other evidence applicable to resolving the issue.]~~
- ~~[(4) The committee shall review the request within a reasonable time after it is received.]~~
- ~~[(5) Upon reviewing the application and the reasons for its denial, the committee may:]~~
- ~~[(a) overturn the denial and approve the application; or]~~
- ~~[(b) uphold the denial.]~~
- ~~[(6) The committee may overturn a denial if the denial was:]~~
- ~~[(a) based on insufficient information;]~~
- ~~[(b) inconsistent with prior action of the division or the Wildlife Board;]~~
- ~~[(c) arbitrary or capricious; or]~~
- ~~[(d) contrary to law.]~~
- ~~[(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.]~~
- ~~[(b) The notice shall include information that a person may seek Wildlife Board review of that decision.]~~
- ~~[(8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.]~~
- ~~[(b) The request must include the information provided in Subsection (3).]~~
- ~~[(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.]~~
- ~~[(b) The Wildlife Board may:]~~
- ~~[(i) overturn the denial and approve the application; or]~~

~~[(ii) uphold the denial.]~~

~~[(c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.]~~

~~[(10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.]~~

KEY: wildlife, import restrictions, [~~amphibians,~~  
~~reptiles~~]amphibian, reptile

Date of Enactment or Last Substantive Amendment: May 10, 2010

Notice of Continuation: May 30, 2013

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14

**R657. Natural Resources, Wildlife Resources.]**

**R657-50. Error Remedy.**

**R657-50-1. Purpose and Authority.**

(1) Under the authority of Sections 23-14-19, 23-19-1, and 23-19-38 this rule is established to provide guidelines for identifying and resolving errors involving:

- (a) rejection of a wildlife document application;
- (b) denial of a wildlife document;
- (c) incorrect issuance of a wildlife document;
- (d) applying for or receiving a wildlife document;
- (e) eligibility to apply for or receive a wildlife document; or
- (f) loss or forfeiture of bonus points.

(2) This rule provides standards and procedures in the identification and resolution of division errors, third party errors and applicant errors.

(3) Nothing in this Section shall be construed, however, as authorizing the Division to remedy or otherwise alter wildlife document ineligibility resulting from a judicial or administrative order suspending wildlife document privileges.

**R657-50-2. Policy.**

(1)(a) The division receives hundreds of thousands of applications and issues tens of thousands of wildlife documents each year through a variety of distribution methods, including:

- (i) drawings;
- (ii) over-the-counter sales;
- (iii) license agent sales; and
- (iv) online sales.

(b) The application procedures and eligibility requirements for wildlife documents are set forth in Utah Code, Title 23, and Utah Administrative Code Rules, Title R657.

(c) The public must comply with the procedures and requirements set forth in the statutes and rules identified in Subsection (1)(b).

(d) The division recognizes, however, that errors may be made by the division and other parties in eligibility, requesting, processing and issuing wildlife documents, including forfeiture of bonus points. Therefore, procedures are needed for evaluation, identification and resolution of errors.

(2)(a) The division may notify petitioners of rejection status for wildlife document applications completed incorrectly as provided under the applicable application correction procedures set forth in the respective statutes and rules identified in Subsection (1)(b).

(b) The division may use the data on file to correct rejection status applications. Ultimately, however, it is the

responsibility of the applicant to provide all necessary information as required on the application.

(3)(a) Consistent with the requirements in this rule, the division may mitigate division, third party, and applicant errors when issuing wildlife documents or determining bonus points by:

- (i) extending a deadline;
- (ii) issuing a refund consistent with Sections 23-19-38 and 23-19-38.2;
- (iii) issuing the correct wildlife document;
- (iv) authorizing an incorrectly issued wildlife document;
- (v) restoring forfeited bonus or preference points; or
- (vi) accepting the surrender of a wildlife document and restoring applicable bonus or preference points as authorized in R657-42-4.

(b) Any mitigation efforts shall be subject to the division's determination that the applicant shall not receive an unfair benefit from the mitigation.

(c) The division may not mitigate errors caused in whole or part by the applicant's knowing and willful violation of statute, rule or proclamation.

(d) This rule applies only to errors adversely ~~effecting~~ affecting an applicant that cannot be remedied through compliance with existing processes and procedures set in statute, rule or proclamation.

(e) The division may refund any fee collected in error.

### **R657-50-3. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2, and the applicable rules as provided in Section R657-50-1(b).

(2) In addition:

(a) "Applicant" means the person directly impacted by an error adversely affecting the opportunity to obtain or use a wildlife document.

(b)(i) "Applicant error" means the applicant inadvertently or negligently fails to comply with the procedures and requirements to become eligible for, apply for, or obtain a wildlife document.

(ii) "Applicant error" includes the negligent acts and omissions committed by an individual or entity acting in the applicant's behalf.

(iii) "Applicant error" does not include knowing and willful noncompliance with division procedures and requirements by the applicant or any individual or entity acting in his or her behalf.

(c) "Application" means a request made by the applicant to receive a wildlife document whether through a drawing, license agent, division employee, or online application.

(d)(i) "Division error" means the division or its agent:

(A) provides erroneous information to the applicant, which the applicant relies upon to his or her detriment in obtaining, or attempting to obtain a wildlife document;

(B) fails to provide information to the applicant required by law, policy, practice, or circumstance that directly leads to the applicant's ineligibility, inability, or failure to apply for or receive a wildlife document;

(C) erroneously rejects a properly completed and accurate wildlife document application;

(D) incorrectly issues a wildlife document;

(E) incorrectly denies issuing a wildlife document; or

(F) experiences a computer, online, or other electronic systems failure that prevents an applicant from applying for or obtaining a wildlife document.

(ii) "Division error" does not include any error made by the division or its agents acting in reliance upon inaccurate or false information provided by the applicant or any other individual acting in the applicant's behalf.

~~(e) "Error Committee" means a committee established by the Director consisting of the Wildlife Chief, Administrative Services Chief, Licensing Coordinator, and Rules Coordinator, or their designees.~~ [(f)] "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) landowner association or its designated operator as provided in Rule R657-37.

[(g)]f) "Landowner association operator error" means a landowner association operator whose error or mistake results in an incorrect voucher redemption.

[(h)]g) "Rejection status" means the application will not be considered for a wildlife document due to:

(i) an applicant error on the application;

(ii) the application lacking required information; or

(iii) the applicant does not meet a specific requirement.

[(i)]h) "Third party error" means the applicant is prepared and capable of or has satisfied the procedures and requirements for obtaining a wildlife document, but the opportunity is lost due to an error by computer service, internet provider, mail carrier services or financial institutions.

([j]i) "Voucher" means a document issued by the division to a landowner association member or landowner association operator, to designate who may purchase a CWMU big game hunting permit or a limited entry landowner permit from a division office.

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

#### **R657-50-4. Division Error Procedures.**

(1) A division error, which results in the rejection or incorrect processing of an application to obtain a wildlife document through a drawing, may be handled as provided in Subsections (a) through (d).

(a) If the drawing has not been held, the division may extend the application deadline and evaluate the application as though filed timely.

(b) If the drawing is over and the wildlife document applied for is available, the division may issue the wildlife document.

(c) If the drawing is over and the wildlife document applied for is not available, the division must follow the procedures set forth in Subsection (7).

(d) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(2) A division error, which results in an application denial for wildlife documents other than those issued through a drawing, may be resolved by extending the application deadline and evaluating the application as though filed timely.

(3) A division error, which results in an impermissible surrender or exchange of a wildlife document may be resolved by extending the deadline necessary to validate the surrender or exchange, provided:

(a) the applicant has not participated in the activity authorized by the surrendered wildlife document; and

(b) the applicant shall be substantially prejudiced if relief under this section is not granted.

(4) A division error, which results in the improper denial of a wildlife document, may be resolved as provided in Subsections (a) through (b).

(a) If the wildlife document erroneously denied is available, the division may issue the wildlife document.

(b) If the wildlife document erroneously denied is not available, the division must follow the procedures set forth in Subsection (7).

(5) A division error, which results in the erroneous issuance of a wildlife document may be resolved as provided in Subsections (a) through (b).

(a) If the wildlife document requested by the applicant prior to or at the time of the error is currently available, the division may issue the wildlife document.

(b) If the wildlife document requested by the applicant prior to or at the time of the error is currently not available, the division must follow the procedures set forth in Subsection (7).

(6) A division error, which directly results in the applicant's loss of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period.

(7) Procedures for issuing wildlife documents otherwise unavailable for distribution are as follows:

(a) If the applicant would have received a wildlife document absent an error, or if the applicant received a wildlife document because of an error, the division shall determine if an additional wildlife document beyond the applicable quota may be issued without detriment to the particular wildlife species in a specific hunt area.

(i) If issuing the additional wildlife document is not detrimental to the species in the hunt area, the division may issue the wildlife document, except as provided in Subsection (A).

(A) Only the Wildlife Board may approve issuing an additional permit for a once-in-a-lifetime hunt.

(B) Additional CWMU permits may not be issued.

(ii) If a wildlife document cannot be issued, the applicant may be placed at the top of the alternate drawing list.

(iii) If a wildlife document is not issued under Subsection (i) or (ii), the division may issue a bonus point or preference point, whichever is applicable.

(iv) If a bonus point or preference point does not apply, the division may issue a refund of the wildlife document and handling fee.

(b) If the applicant would not have received a wildlife document in a drawing, absent an error, the division may issue a bonus point or preference point, where applicable.

(c) If the wildlife document was applied for through a division drawing and the hunting season for that wildlife document is over, the division may:

(i) issue a bonus point or preference point for which the application was submitted, where applicable; or



(ii) issue a refund of the wildlife document and handling fee where bonus points or preference points do not apply.

**R657-50-5. Third Party Errors.**

(1) The division shall not be held responsible for third party errors, including those of a computer service, internet provider, financial institution or postal service, however, the division may mitigate a third party error as provided under this section.

(2)(a) The applicant must:

(i) provide proof to the satisfaction of the division that the error was due to a third party; and

(ii) provide written documentation from the third party verifying the error.

(3) Third party errors which result in failure to apply, rejection, or incorrect processing of an application to obtain a wildlife document through a drawing may be handled as provided in Subsections (a) through (c).

(a) If the error is brought to the division's attention prior to the drawing and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the application may be included in the drawing as though filed timely.

(b) If the error is brought to the division's attention after the drawing or there is not sufficient time to complete the processing of the application before the drawing, and the applicant's application is rejected because of the error, or the applicant otherwise fails to obtain the wildlife document applied for, the division may issue a bonus point or preference point for the hunt applied for, where applicable.

(c) A refund of handling fees shall not be made for third party errors.

(4) A third party error, which results in failure to apply, rejection, or incorrect processing of an application for a wildlife document issued outside the drawing process, may be handled by extending the application deadline and evaluating the application as though filed timely.

(5) An application deadline extension under this section may not be granted unless the applicant pays the prescribed application late fee.

(6) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(7) A third party error, which directly results in the applicant's loss of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period.

**R657-50-6. Landowner Association Operator Errors.**

(1)(a) The division shall not be held responsible for landowner association operator errors, however, the division may mitigate a landowner association operator error as provided under this section.

(b) The applicant must provide proof to the satisfaction of the division that the error was due to a landowner association operator.

(c) If the applicant cannot prove to the satisfaction of the division that the error was due to a landowner association operator, the division will take no mitigating action.

(2) A landowner association operator error, which results in the incorrect processing of a voucher to obtain a wildlife document, may be mitigated as provided in Rule R657-42-11(3).

**R657-50-7. Applicant Errors.**

(1) The division shall not be held responsible for applicant errors. However, the division may mitigate an applicant error as provided under this section.

(2)(a) The applicant must:

(i) provide proof to the satisfaction of the division that the error was due to a negligent act or omission of the applicant or a person or entity acting in the applicant[+]’s behalf; and

(ii) provide written documentation from the person or entity, where applicable, acknowledging and verifying the error.

(3) Applicant errors which result in failure to apply, rejection, or incorrect processing of an application for a wildlife document through a drawing may be handled as provided in Subsections (a) and (b).

(a) If the error is brought to the division’s attention prior to the drawing and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the application may be included in the drawing as though filed timely.

(b) If the error is brought to the division’s attention after the drawing or there is not sufficient time to complete the processing of the application before the drawing, and the applicant[+]’s application is rejected because of the error, or the applicant otherwise fails to obtain the wildlife document applied for, the division may issue a bonus point or preference point for the hunt applied for, where applicable.

(4) An applicant error, which results in failure to apply, rejection, or incorrect processing of an application for a wildlife document issued outside the drawing process, may be

handled by extending the application deadline and evaluating the application as though filed timely.

(5) An application deadline extension under this section may not be granted unless the applicant pays the prescribed application late fee.

(6) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(7) An applicant error which directly results in the applicant's failure to earn a bonus point, loss or forfeiture of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period, provided the request for relief is submitted to the division within 180 days of the deadline for filing an application that resulted in failing to earn or forfeiting a bonus point or the imposition of a waiting period.

#### **R657-50-8. Limitations.**

An error may be reviewed at any time, but a wildlife document may not be issued or exchanged after the season closure for the activity authorized by the particular wildlife document.

#### **R657-50-9. [~~Error Committee~~] Division.**

(1) The [~~error committee shall~~] division may:

(i) review complaints of errors on applications, vouchers, wildlife documents, and fees;

(ii) determine facts;

(iii) apply the provisions of this rule; and

(iv) recommend resolutions to the Director[+]'s Office or Wildlife Board.

(2) Any relief granted [~~and decisions~~] or decision made pursuant to this rule shall be reviewed and approved by the [~~Error Committee and is subject to review by the~~] division Director/designee.

**KEY: wildlife, permits**

**Date of Enactment or Last Substantive Amendment: October 22, 2009**

**Notice of Continuation: March 13, 2017**

**Authorizing, and Implemented or Interpreted Law: 23-14-19; 23-19-1; 23-19-38**

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

**R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access.**

**R657-56-1. Purpose and Authority.**

Under the authority of Sections 23-14-3(2), 23-14-18, and 23-14-19, this rule provides the procedures, standards, and requirements to administer a Walk-In Access program in the State of Utah designed to compensate private landowners for leasing private property for the purpose of allowing free public access for wildlife dependent recreation.

**R657-56-2. Definitions.**

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

(2) In addition:

(a) "Base rate fee" is the minimum payment that a landowner is eligible for excluding all bonus payments.

(b) "Contiguous" means parcels of real property that share a common property line and are otherwise connected as a single mass, excluding parcels that adjoin only at corners.

(c) "Landowner association" means a landowner or group of landowners of private land organized as a single entity for the purpose of applying for and becoming a WIA property.

(d) "Landowner association chair" means an individual designated by a landowner association as their representative.

(e) "Landowner association member" means an individual landowner participating in the landowner association.

(f) "Private landowner" means any individual, partnership, corporation, or association that possesses the legal right on private property to grant a recreational lease.

(g) "Recreational lease activities" mean wildlife dependent recreation limited to fishing, hunting or trapping as provided in the wildlife dependent recreational lease agreement.

(h) "WIA" means walk-in access.

**R657-56-3. Walk-In Access Landowner Enrollment Procedures.**

(1) A private landowner with eligible property may participate in the WIA program provided they submit an application to the appropriate division office by June 30, with the following information:

(a) evidence of property ownership, or if leasing the private property a copy of the lease agreement; and

(b) county recorder plat maps or equivalent maps, dated by receipt of purchase within 30 days of the initial or renewal enrollment deadline, depicting boundaries and ownership of all property enrolled in the WIA.

(c) the private landowner's signature.

(3) two or more landowners with contiguous properties may join together to form a landowner association provided the combined properties meet the minimum requirements in R657-56-5.

(4) Application forms are available at the appropriate division office.

**R657-56-4. Walk-In Access Recreational Lease Agreement.**

(1) The division and private landowner shall prepare and agree to the terms in a WIA recreational lease agreement by July 1.

(2) Terms in the WIA recreational lease agreement shall include private landowner and division responsibilities, including the provisions in Sections R657-56-8 and R657-56-9, and compensation necessary to provide free public access for wildlife dependent recreational activities on private property.

(3) The amount of compensation paid to the private landowner participating in the WIA program shall be determined by:

(a) the type of wildlife dependent recreational lease activity allowed on the private property;

(b) the duration of the recreational lease agreement; and

(c) the number of acres of private land or pond, or miles of stream or river available for free public walk-in access.

(4) Upon mutual agreement, the division may provide habitat improvement, materials, or labor on the WIA property in lieu of all or part of the monetary compensation otherwise due for free public walk-in access.

(a) If habitat improvement, materials, and/or labor are provided by the division then the duration of the agreement shall be determined upon mutual agreement and based on the divisions cost estimate for the project.

**R657-56-5. Walk-In Access Program Requirements.**

(1) Private property enrolled in the WIA program must provide suitable habitat that can support the wildlife dependent recreational lease activity described in the WIA recreational lease agreement, and:

(a) contain no less than an 80 acre contiguous block of land for hunting or trapping;

(b) contain no less than a 40 acre contiguous block of wetland or riparian land for hunting or trapping;

(c) contain a minimum of .25 miles of stream or river;

(d) contain a minimum 5 acres of pond;

(e) the property provides an access corridor to comparable tracts of isolated public land or fishing waters open to free wildlife dependent recreational activities.

(2) If two or more landowners are joining private property to form a landowner association for the WIA program the property must:

(a) contain no less than a 320 acre contiguous block of land for hunting or trapping;

(b) contain no less than a 160 acre contiguous block of wetland or riparian land for hunting or trapping;

(c) contain a minimum of 1 mile of stream or river.

(3) No land parcel may be included in more than one

WIA.

(4)(a) Division personnel shall evaluate proposed WIA property to determine if the property provides suitable wildlife or fish populations and habitat for the designated recreational lease activity.

(b) The property must be capable of independently maintaining the respective species and harboring them during the period of the designated recreational lease.

(c) If the property is approved for the designated wildlife dependent recreational lease activity, the division and private landowner may enter into the WIA recreational lease agreement as provided in Section R657-56-4

#### **R657-56-7. Walk-In Access Compensation.**

(1) The amount of compensation payment to a landowner is determined by the acreage or miles of stream used for the WIA program and the type of recreational activity allowed on the private property.

(a) Payments to a landowner association will be issued to the WIA landowner chair who will be responsible for disbursement of funds to other participating landowners.

(b) The landowner association will receive a base rate fee for the qualifying property and activity in addition to a bonus of 25% of the base rate.

(2) A bonus fee will be added to the base rate fee when a private landowner enrolls private property in the recreational lease agreement for additional consecutive years as follows:

(a) five percent will be added for two years; or

(b) ten percent will be added for three years; or

(c) fifteen percent will be added for four years; or

(d) twenty percent will be added for five years.

(3) Upon mutual agreement, the division may provide habitat improvement, materials, or labor on the WIA property in lieu of all or part of the monetary compensation otherwise due for free public walk-in access.

(a) Employees of the division will provide evaluation of the property for habitat improvement.

(b) A habitat project proposal must be completed, reviewed, and approved through the divisions Habitat Council, Blue Ribbon Fisheries Council, or the Watershed Restoration Initiative.

(c) The division and the private landowner will agree to the duration of the agreement based on the estimated value of the habitat project as determined by the division.

**R657-56-8. Walk-In Access Program Landowner Responsibilities.**

(1) Each private landowner enrolled in the WIA program must provide:

(a) free public walk-in access for wildlife dependent recreational lease activities as provided in the recreational lease agreement; and

(b) private land with suitable habitat that can support the recreational lease activity; or

(c) an access corridor to comparable tracts of isolated public land open to free public access for wildlife dependent recreational activities.

(2) Each private landowner must indicate the type of landowner authorization required for the public to use the WIA for wildlife dependent recreational activities as follows:

(a) WIA authorization is the only requirement to access the property;

(b) registration at a WIA site is required prior to accessing the property; or

(c) contacting the landowner is required prior to accessing the property.

(3) The private landowner must transfer to the division, the recreational lease of their property for the wildlife dependent recreational lease activities designated in the WIA recreational lease agreement.

**R657-56-9. Walk-In Access Program Division Responsibilities.**

The division shall provide:

(1) evaluations of habitat, wildlife or fish on the proposed WIA property as provided in Section R657-56-5;

(2) WIA recreational lease agreement forms;

(3) WIA authorization program;

(4) WIA registration forms and boxes when applicable;

(5) maps, requirements, and signs for enrolled WIA property as provided in the recreational lease agreement; and

(6) law enforcement during applicable wildlife dependent recreational activities;

and

(7) compensation payments to landowners following successful completion of the terms of the WIA recreational lease agreement.

**R657-56-10. Termination of Walk-In Access Recreational Lease Agreement.**

(1) The WIA recreational lease agreement may be:

(a) terminated for any reason by either party upon 30 days written notice; or

(b) amended at any time upon written agreement by the landowner and the division.

(2) If a WIA recreational lease agreement is terminated as provided in Subsection (1)(a), prior to the ending date specified in the recreational lease agreement, the compensation fee shall be prorated based upon the recreational lease activity provided and the number of days that access was provided.

(3) Restriction of public use by the landowner of the private property enrolled in the WIA program in violation of the recreational lease agreement may void all or a portion of the WIA recreational lease agreement.

(4) Any change in private land ownership of enrolled WIA property may terminate the WIA recreational lease agreement.

(5) Misrepresentation of enrolled private property in the WIA program shall terminate the WIA recreational lease agreement.

(6) If a habitat project is provided by the division and the landowner terminates the contract prior to the agreed term, the landowner will be required to reimburse the division the value of the project, which shall be prorated based on termination date.

**R657-56-11. Liability Protection for Walk-In Access Private Landowner.**

Landowner liability may be limited when free public access is allowed on private property enrolled in the WIA program for the purpose of any recreational lease activities as provided in Title 57, Chapter 14 of the Utah Code.

**R657-56-12. Licenses, Permits and Seasons.**

(1) Any person accessing WIA private lands for wildlife dependent recreational activities must obtain and possess the required valid license or permit for the recreational lease activity, and must adhere to the respective rules and proclamations established by the Wildlife Board.

(2)(a) If enrolled WIA property requires prior private landowner authorization or any other requirement as provided in



the recreational lease agreement, any person entering enrolled WIA private lands for wildlife dependent recreation must comply with said requirements.

(b) The division shall provide to the public maps of approved and enrolled WIA locations and requirements as determined in the recreational lease agreement.

**R657-56-13. Walk-in Access Authorization Program (WIAA).**

(1) Any person 14 years of age and older must obtain an annual Walk-in Access Authorization registration number to access properties enrolled in the Walk-in Access Program and may be required, while in the field, to prove they have registered.

(2) WIA authorization numbers will be valid from January 1 to December 31 for the year that they are obtained.

(3) To obtain an WIA authorization number, a person must call the telephone number published on-line or on signs available at WIA access points and provide the following information:

- (a) combination, fishing, or hunting license number;
- (b) license code or type;
- (c) name;
- (d) address;
- (e) phone number;
- (f) birth date; and
- (g) information about their use of Walk-in Access areas.

**R657-56-14. Right to Deny Access.**

The division or the private landowner reserves the right to deny a person access to the WIA property described in the recreational lease agreement for causes related to, but not limited to, intoxication, damage to WIA property, violations of conditions provided in the recreational lease agreement, failure to obtain a WIA authorization number, or any wildlife violation committed on WIA property.

**R657-56-15. Prohibited Activities.**

(1) It is unlawful for any person to access WIA property in violation of the recreational lease agreement, or refuse to leave WIA property when requested by the landowner, a division representative, or a peace officer.

(2) Any person accessing WIA property in violation of Subsection (1) may further be subject to criminal trespass prosecution as provided in Sections 23-20-14 and 76-6-206.

~~[R657-56-16. Walk-In Access Advisory Committee.]~~

~~[ (1) A WIA Advisory Committee shall be created consisting of five members nominated by the five division regional supervisors, and approved by the Director. ]~~

~~[ (2) The committee shall include: ]~~

~~[ (a) two sportsmen representatives; ]~~

~~[ (b) two agricultural representatives; ]~~

~~[ (c) one elected official; and ]~~

~~[ (d) the division's Wildlife Section Chief, or designee. ]~~

~~[ (3) The committee shall be chaired by the Wildlife Section Chief, or designee, who shall be a non voting member. ]~~

~~[ (4) The committee will: ]~~

~~[ (a) hear complaints dealing with fair and equitable treatment of anglers, hunters, or trappers on enrolled WIA property; ]~~

~~[ (b) hear complaints dealing with fair and equitable treatment of WIA private landowners; and ]~~

~~[ (c) make advisory recommendations to the Director. ]~~

~~[ (5) The Wildlife Section Chief shall determine the agenda, time, and location of the WIA Advisory Committee meetings. ]~~

~~[ (6) The director may mitigate or resolve issues dealing with complaints. ]~~

~~[ (7) Members of the advisory Committee shall serve a term of four years, except members may be appointed for a term of two years to ensure that the term of office are staggered. ]~~

~~[ (a) The Wildlife Section Chief is not subject to a term limitation. ]~~

**KEY:** wildlife, private landowners, public access

**Date of Enactment or Last Substantive Amendment:** October 24, 2011

**Notice of Continuation:** October 5, 2015

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**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.

**R657-57-2. Definitions.**

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

(2) In addition:

(a) "CWMU" means cooperative wildlife management unit, as defined in Section 23-23-2;

(b) "Event or condition" means a circumstance in a person's life beyond their control that precludes or substantially limits their ability to obtain or use a wildlife document;

(c) "Harvesting" means, for purposes of this rule, killing an animal;

(d) "Hunt day" means spending any time in the field hunting the permitted animal species in a single day, during lawful hunting hours, and within the prescribed season;

(e) "Immediate family member" means a person's spouse, child, stepchild, grandchild, brother, sister, parent, stepparent, grandparent, mother-in-law, or father-in-law;

(f)(i) "Limited entry hunt" means any hunt identified in the proclamations and guidebooks of the Wildlife Board as:

(A) a premium limited entry or limited entry hunt; and

(B) that awards a bonus point to unsuccessful permit applicants pursuant to R657-62-8.

(ii) "Limited entry hunt" further includes antlerless moose hunts and CWMU hunts available to the public through a Division administered drawing.

(g) "Once-in-a-lifetime hunt" means any hunt for which a wildlife document is issued to take a bull moose, bighorn sheep, bison, or mountain goat.

(h) "Substantially precluded" means participating in no more than one hunt day during the prescribed hunting season because of a qualifying event or condition set forth in R657-57-6.

(i) "Variance" means remedial relief granted by the Division or Wildlife Board to restore a person's opportunity to obtain or use a wildlife document which is completely lost or substantially impaired because of an intervening event or condition; and

(j) "Wildlife document" means any license, permit, tag, certificate of registration, or wildlife permit voucher issued by the Division.

**R657-57-3. Division Variance Authority.**

(1) The Division may issue variances to qualified individuals, subject to the standards, limitations, requirements, and procedures in this rule.

**R657-57-4. Division Variance Authority Scope.**

(1)(a) The Division may grant a season extension variance extending the hunting season on an applicant's wildlife document to the same or substantially similar hunt in the following year, provided:

(i) the variance request involves a wildlife document for a:

- (A) once-in-a-lifetime hunt under R657-5;
- (B) conservation permit hunt under R657-41;
- (C) limited entry landowner permit hunt under R657-43;
- (D) poaching-reported reward permit hunt under R657-5; or
- (E) CWMU hunt obtained through the operator or landowner under R657-37-9.

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and

(iii) the season extension occurs the following year and is restricted to the same species, gender, unit, weapon type, and season as the original wildlife document;

(iv) any changes in unit descriptions and season dates in the extension year are applied; and

(v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) Any waiting period associated with a wildlife document for which a season extension variance is granted begins on the date the original wildlife document is obtained.

(2)(a) The Division may grant a variance by restoring forfeited bonus points and waiving an incurred waiting period, provided:

(i) the variance request involves a wildlife document for a:

(A) limited entry hunt or once-in-a-lifetime hunt; or  
(B) any other hunt that triggers a waiting period to participate in a Division administered drawing;  
(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and  
(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and  
(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and  
(iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) The Division may not restore a bonus point on a wildlife document that did not cause a bonus point forfeiture.

(3)(a) The Division may grant a variance by restoring forfeited preference points, provided:

(i) the variance request involves a wildlife document obtained through a Division administered drawing and for which preference points are awarded to unsuccessful applicants and forfeited by successful applicants;

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and

(iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(4)(a) The Division may grant a variance by awarding a bonus or preference point to a person who filed an untimely wildlife document application in a Division administered drawing, provided:

(i) the variance request involves a wildlife document for any hunt identified in Subsections (2)(a)(i) or (3)(a)(i);

(ii) the applicant was significantly impaired from filing a timely application in a Division administered drawing because of a qualifying event or condition set forth in R657-57-6;

(iii) the untimely application was rejected and a bonus or preference point was not awarded for the selected species;

(iv) the applicant would have been eligible to receive the bonus or preference point had the application been timely filed; and

(v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(5) A Division administered drawing for purposes of subsection (2) does not include a drawing conducted at a wildlife exposition pursuant to R657-55.

(6) The Division may not refund wildlife document fees, except as authorized in Sections 23-19-38, 23-19-38.2 and R657-42-5.

**R657-57-5. Group Applications.**

(1) Except as provided in Subsection (2), all members of a group successful in obtaining a wildlife document pursuant to R657-62-7 are eligible to receive the same variance relief granted by the Division to any single member of the group under R657-57-4(2) or (3).

(2) Group members are not eligible to receive a refund of the wildlife document fee unless otherwise authorized by Sections 23-19-38, 23-19-38.2, and R657-42-5.

**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; or

(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.

**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; 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 (2)(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.

(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.

**R657-57-8. Division [~~Variance Committee~~].**

~~[(1) The Division shall establish a variance committee consisting of the Wildlife Chief, Administrative Services Chief, Licensing Coordinator, and Rules Coordinator, or their designees, which shall:]~~ (1) The Division will:

(a) review variance applications submitted [~~to the Division~~] pursuant to this rule;

(b) determine facts relative to variance requests;



- (c) apply the provisions of this rule to relevant facts;  
and
  - (d) grant or deny variance requests in accordance with this rule.
- (2) Any variance request granted or denied shall be reviewed and approved by the Division director/designee before notice of decision is provided to the variance request applicant.

**R657-57-9. Variance Denial.**

(1) The [~~variance committee and~~]Division [~~director~~] shall deny a variance request where the applicant:

- (a) fails to satisfy the variance criteria set forth in this rule;
- (b) is under a judicial or administrative order suspending his/her Utah hunting privileges for the species at the time:
  - (i) the variance request is filed or at any time during ~~a~~an extension season; or
  - (ii) the wildlife document application period expired for a bonus or preference point variance;
- (c) was legally ineligible to receive or use the wildlife document for which a season extension variance is sought;
- (d) is legally ineligible to hunt during the extension season;
- (e) is legally ineligible to use the weapon type authorized by the wildlife document during the original hunting season or the extension season;
- (f) provides false or misleading information on a material fact in the variance request application; or
- (g) provides false or misleading information on a material fact in a previous variance request application.

(2) The Division may deny a variance request when it is contrary to sound public policy, wildlife management objectives, Division policies and interests, or the interests sought to be served by this rule.

**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.

(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 [~~order~~] 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.

#### **R657-57-11. Wildlife Board Variance Authority.**

(1) Except as provided otherwise in this rule, the Wildlife Board may grant a variance to any regulation promulgated in Title R657 of the Administrative Code or in proclamation concerning the acquisition or use of a wildlife document, provided the event or condition justifying the variance:

(a) is not the result of the applicant's willful misconduct or gross negligent acts or omissions;

(b) substantially precludes the applicant from participating in the activity authorized by the wildlife document; or

(c) completely or significantly impairs the applicant from filing a timely application in a Division administered drawing; and

(d) is of a nature that it deprives opportunity from the applicant in a substantially more severe manner than other similarly situated individuals.

(2) The Wildlife Board is limited to considering only those variance applications on which the Division has issued a letter indicating the variance relief sought is beyond its legal authority to grant.

(3) The Wildlife Board shall consider the Division's recommendation on a variance request.

(4) The Wildlife Board may grant a variance that extends a wildlife document season no more than one year into the future.

(5) The Wildlife Board may award a bonus or preference point pursuant to a variance request only when the applicant would have received such a point had the event or condition not intervened.

(6) The Wildlife Board may not grant a variance:

(a) where the request is filed with the Division beyond the 120 day deadline established in R657-57-7(1);

(b) where the applicant is not substantially precluded from participating in the prescribed wildlife activity;

(c) for a season extension on any hunt not identified in R657-57-4(1)(a)(i) as eligible for a season extension;

(d) where the applicant was successful in harvesting an animal for which the wildlife document was issued; or

(e) in direct conflict with any provision of the Wildlife Code or elsewhere in statute.

(7) The Wildlife Board may not refund wildlife document fees, except as authorized in Sections 23-19-38 and 23-19-38.2.

#### **R657-57-12. Variance Guidelines.**

(1) The Wildlife Board may use the following guidelines in considering and deciding variance appeals and requests submitted pursuant to this rule:

(a) monetary cost of the wildlife document;

(b) degree of difficulty in obtaining the original wildlife document;

(c) future opportunity to obtain the same or similar wildlife document;

(d) extent of lost opportunity;

(e) time actually engaged in the activity authorized by the wildlife document relative to the overall season length;

(f) time available to engage in the activity authorized by the wildlife document prior to the event or condition precluding further activity;

(g) impact on wildlife management objectives;

(h) degree of difficulty in tracking and monitoring season extensions into the future;

(i) applicant's fault or contribution in failing to mitigate the degree of lost opportunity;

(j) nature of the event or condition contrasted against the advisability of attempting to insure optimal opportunity;

(k) objective of a variance is to restore lost opportunity, not provide increased opportunity; and

(1) consistency with previous variance request decisions.

(2) Nothing herein shall be construed as limiting or prohibiting the Wildlife Board from considering additional factors in its discussions and deliberations concerning variance appeals and requests.

#### **R657-57-13. Wildlife Board Variance Denial.**

(1) The Wildlife Board shall deny a variance appeal or request where the applicant:

(a) fails to satisfy the variance criteria set forth in this rule;

(b) is under a judicial or administrative order suspending his/her wildlife document privileges at the time the variance request is filed or at any time while the variance would be in effect;

(c) was legally ineligible to apply for, obtain, or use the original wildlife document for which a variance is sought;

(d) is legally ineligible to engage in the activity proposed for authorization in a variance;

(e) is legally ineligible to use the weapon type or implement authorized by a wildlife document during the original season or the proposed substitute season;

(f) provides false or misleading information on a material fact in the variance request application or the appeal; or

(g) provides false or misleading information on a material fact in a previous variance request application or appeal.

(2) The Wildlife Board may deny a variance appeal or request when it is contrary to sound public policy, wildlife management objectives, Division policies and interests, or the interests sought to be served by this rule.

#### **R657-57-14. Fraud, Deceit, or Misrepresentation.**

Any variance obtained under this rule by fraud, deceit or misrepresentation is void.

**R657-57-15. Finality of Decision.**

(1) The decision of the Wildlife Board on any variance appeal or request under this rule constitutes final agency action and is not subject to:

- (a) further administrative review; or
- (b) judicial review under Title 63G, Chapter 4 of the Utah Code, Utah Administrative Procedures Act.

(2) The variance relief authorized in this rule is discretionary and neither a right nor entitlement in form or substance. The Division and Wildlife Board shall exercise sole discretion in determining whether relief will be granted and to what extent.

**KEY: wildlife, permits**

**Date of Enactment or Last Substantive Amendment:** March 16, 2015

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