

R657. Natural Resources, Wildlife Resources.

R657-43. Landowner Permits.

R657-43-1. Purpose and Authority.

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

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

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

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

(3) The Landowner permit programs are intended to:

(a) provide an incentive for private landowners to manage their lands as quality habitat for public wildlife;

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

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

(d) increase big game hunting opportunities;

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

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

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

(h) allocate hunting opportunities in a manner that fluctuates in proportion to variations in public draw permit numbers.

R657-43-2. Definitions.

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

(2) In addition:

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

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

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

(d) "Eligible Property" means:

(i) Private Land that provides habitat for deer, elk or pronghorn as determined by the division;

- (ii) Private Land that is not used in the operation of a Cooperative Wildlife Management Unit;
- (iii) Private Land that is not used in the operation of an elk farm or elk hunting park;
- (iv) Private Land in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Sections 59-2-503 and 59-2-504; and
- (v) Private Land having one or more of the following attributes:
 - (A) for the purpose of receiving general buck deer permits, a minimum of one hundred (100) acres of Private Land that is Cropland, or a minimum of six hundred forty (640) acres of other Private Land that is owned or leased by one Landowner or leased by one landowner within the general season unit hunt boundary or;
 - (B) for the purposes of receiving a Limited Entry Landowner Permit Voucher, Private Land owned or leased by members of a Landowner Association that is within a limited entry unit.
- (e) "Governing Documents" mean the legal documents executed by a Legal Entity Owners that govern the formation, operation, management, rules, duties, responsibilities, decision making and dissolution of such Legal Entity.
- (f) "Immediate Family" means a Landowner's, a Lessee's, or a Legal Entity Owner's spouse, children, sons-in-law, daughters-in-law, father, mother, father-in-law, mother-in-law, brothers, sisters, brothers-in-law, sisters-in-law, stepchildren, and grandchildren.
- (g) "Landowner" means, for the purposes of this rule, any person or Legal Entity which:
 - (i) owns Private Land in Utah as evidenced by such deeds vesting title in such Landowner;
 - (ii) is the purchaser of Private Land pursuant to a recorded contract of sale; or
 - (iii) is a Lessee of Private Land, being any person or legal entity with a written lease whose terms permit the lessee to be in actual physical control of such Private Land..
- (h) "Landowner Association" means a Legal Entity created by Landowners who own Eligible Property within a limited entry unit, which Legal Entity is organized for the purpose of working with the division as outlined in this rule.
- (i) "Legal Entity" means an entity such as a corporation, partnership, limited liability company, or trust that is duly organized under the laws of the State of Utah and/or otherwise qualified to do business within the State of Utah.
- ~~(j)~~ (j) "Legal Entity Owner" means a person or other Legal Entity which has ownership in a Legal Entity, such as a shareholder of a corporation, a member of a limited liability company, a partner in a partnership, or trustee or beneficiary of a trust.
- ~~(k)~~ (k) "Permit" means a hunting authorization purchased from the division by a person who is the holder of a Voucher, pursuant to the terms and authorizations contained in such Voucher.
- ~~(n)~~ (n) "Private Land" means, for the purposes of this rule, any real property owned or leased by a Landowner, excluding:
 - (i) land owned by the state or federal government;
 - (ii) land owned by a county or municipality;
 - (iii) land owned by an Indian tribe;
 - (iv) land enrolled in a Cooperative Wildlife Management Unit under R657-37; and
 - (v) land where public access for big game hunting has been secured.

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

([p]n) "Voucher" means an authorization issued by the division to a Landowner that entitles such Landowner or its permitted transferees (if allowed pursuant to this rule) to purchase a Permit from the division.

R657-43-3. General Season Landowner Permits – Availability and Eligibility.

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

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

- (a) own the minimum quantity of Eligible Property in the proper general season unit boundaries as identified in this rule;
- (b) be able to lawfully obtain and use a hunting license and big game permit;
- (c) submit a complete application by the deadline
- (d) participate in the General Season Landowner Permit drawing; and
- (e) pay necessary fees.

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

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

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

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

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

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

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

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

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

R657-43-4. General Landowner Buck Deer Permits – Applications, Drawing, and Permit Use.

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

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

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

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

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

(i) multiple individual persons owning the Eligible Property;

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

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

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

(a) total acres of Eligible Property within the respective general season unit hunt boundary area;

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

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

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

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

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

(b) When submitting the Draw Application, the Applicant will select the season and weapon type.

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

R657-43-5. Limited Entry Landowner Permits – Availability and Eligibility.

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

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

(b) form a Landowner Association;

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

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

(2) The division will establish the number of limited entry permits available under the program on an annual basis by:

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

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

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

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

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

(a) elect a president;

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

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

(ii) establish membership qualifications;

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

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

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

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

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

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

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

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

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

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

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

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

(a) Private Lands enrolled in a Cooperative Wildlife Management Unit are not eligible to participate in a Landowner Association under this rule;

(b) public and state lands are not eligible to be included in a Landowner Association;
(c) only Private Lands that qualify as Eligible Property will be considered for Limited Entry Landowner Permits;

(d) only one (1) Landowner Association, per species, may be formed for each limited entry unit; and

(e) a Landowner or Landowner Association may not restrict legally established passage through Private Land to access public lands for the purpose of hunting.

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

(a) Option 1.

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

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

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

(b) Option 2.

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

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

(iii) an equivalent number of public hunters to the number of Vouchers reduced by twenty percent (20%), rounded up to the nearest whole number shall be provided complete access to hunt all Landowner Association's Private Lands at no charge for the species and during the season dates identified on the limited entry permit.

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

(c) Vouchers are not valid for:

(i) multi-season hunting opportunities; or

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

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

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

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

(b) The Landowner Association must provide a written copy of its guidelines used to regulate a permit holder's conduct as a guest on the Landowner Association land.

These guidelines will go through the RAC and Wildlife Board process to ensure they are fair and reasonable.

(7) Performance metrics will be established by the division to determine if the purposes of the program are being met.

R657-43-6. Limited Entry Permits – Application.

(1) Applications for a limited entry Landowner Association certificate of registration are available at division offices and on the division website.

(2) Applications must include:

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

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

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

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

(e) a non-refundable handling fee.

(3) The division may aid the Landowner Association in preparing the application, but the division is not responsible for errors in the application or a failure to properly or completely submit an application.

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

(5) The division shall review the application and determine its completeness and formulate a recommendation.

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

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

(6) After evaluating the application, the Wildlife Board shall consider:

(a) the contents of the application;

(b) the division's recommendation; and

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

(7) Upon receiving the application and recommendation from the division, the Wildlife Board may:

(a) authorize the issuance of a three-year certificate of registration allowing the Landowner Association to operate; or

(b) deny or partially deny the application and provide the Landowner Association with reasons for the decision.

(8)(a) The certificate of registration for a Landowner Association must be renewed every three (3) years through the process outlined in this rule.

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

- (i) the Landowner Association's fulfillment of public access requirements during the term of the prior certificate of registration;
- (ii) the Landowner Association's fulfillment of antlerless harvest access and success, if a condition of its prior certificate of registration;
- (iii) the contents of its renewal application; and
- (iv) a recommendation provided by the division.

(~~8~~9) The Wildlife Board may deny a certificate of registration application or renewal application if:

- (a) the Landowner Association has failed to supply the necessary documentation specified in the paragraph above;
- (b) a member of the Landowner Association has been convicted of a wildlife violation;
- (c) the president of the Landowner Association has engaged in conduct that results in the conviction of, a plea of no contest to, or a plea held in abeyance to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a Landowner Association president bears a reasonable relationship to their ability to responsibly operate a Landowner Association;
- (d) the Landowner Association has failed to abide by the terms of their Governing Documents in a manner that undermines the purposes of the program; or
- (e) the Landowner Association's president or its designee fails to complete mandatory annual training.

(~~9~~10)(a) An applicant may appeal a denial of an application, renewal application, or request for certificate of registration amendment by submitting an appeal to the division Director.

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

(~~10~~11) If a Landowner Association violates any provision of this rule, Title 23 of the Utah Code, or any other proclamation or guidebook by the Wildlife Board, the Division may suspend or revoke the Landowner Association certificate of registration pursuant to R657-26.

(~~11~~12)(a) The division shall annually review the permit types, numbers, and seasons authorized by a certificate of registration issued under this section and implement modifications for the following hunt season.

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

(~~12~~13)(a) A Landowner Association may petition to amend a certificate of registration upon submitting a written request to the regional division office where the Landowner Association's Private Land is located.

(b) A Landowner Association shall submit an application to amend their certificate of registration for changes in:

- (i) the Landowner Association's Governing Documents;
- (ii) acreage;

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

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

(iii) Private Land ownership; or

(iv) any other matter related to the management and operation of the Landowner Association not originally included in the certificate of registration.

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

(~~13~~14)(a) Upon approval of the certificate of registration, Vouchers may be issued and redeemed to purchase Limited Entry Landowner Permits from division offices.

(b) The fee for any Limited Entry Landowner Permit is the same as the cost of similar limited entry buck deer, bull elk, or buck pronghorn limited entry permits.

(c) A Landowner receiving a Voucher for a Limited Entry Landowner Permit may sell or otherwise transfer such Voucher to any legal hunter so long as that person possesses or obtains a Utah hunting or combination license.

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

(e) Nothing in this rule permits the take of more than one (1) buck deer, one (1) bull elk, or one (1) buck pronghorn during any one year.

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