

R657. Natural Resources, Wildlife Resources.

R657-37. Cooperative Wildlife Management Units for Big Game or Turkey.

R657-37-1. Purpose and Authority.

(1) Under authority of Section 23A-7-102, this rule provides the standards and procedures applicable to Cooperative Wildlife Management Units organized for the hunting of big game or turkey.

(2) Cooperative Wildlife Management Units are established to:

- (a) increase wildlife resources;
- (b) provide income to landowners;
- (c) provide the general public access to private and public lands for hunting big game or turkey within a Cooperative Wildlife Management Unit;
- (d) create satisfying hunting opportunities;
- (e) provide adequate protection to landowners who open their lands for hunting; and
- (f) provide landowners an incentive to manage lands to protect and sustain wildlife habitat and benefit wildlife.

R657-37-2. Definitions.

(1) Terms used in this rule are defined in Sections 23A-1-~~101~~ and ~~101and~~ 23A-7-~~102~~ ~~101~~.

(2) In addition:

- (a) "CWMU" means Cooperative Wildlife Management Unit.
- (b) "CWMU agent" means a person appointed by a landowner association member to protect private property within the CWMU.
- (c) "General public" means all persons except landowner association members and their spouse or dependent children.

(d) "Geospatial file" refers to a digital file submission that accurately portrays information about the location and shape of geographic features, such as the interior and exterior boundaries of the CWMU. Acceptable formats include a zipped (compressed) Esri shapefile or .kml or .kmz file

(e) "CWMU Harvest Objective" means the minimum number of antlerless animals a CWMU needs to harvest in order to help contribute to achieving a unit wide species population objective

~~(f)~~ (d) "Landowner association" means a landowner or group of landowners of private land organized as a single entity for the purpose of applying for, becoming and operating a CWMU.

(g[e]) "Landowner association member" means:

- (i) an individual landowner or the managing members of a legal entity holding a fee interest in private property enrolled in a CWMU;
- (ii) a landowner association president;
- (iii) a landowner association operator; and
- (iv) employees, agents, and volunteers operating under the authority of or at the direction of a landowner association president or operator.

~~(h)~~ (f) "Landowner association operator" means a person designated by the landowner association to operate the CWMU and handle day-to-day interactions of the landowner association with the public.

~~(i)~~ (g) "Landowner association president" means a representative of the landowner association who is responsible for all internal operations of the landowner association and is ultimately responsible for the CWMU.

(j) "Trade lands" means private lands opened up for big game hunting to compensate for public land included in the CWMU.

~~(k)~~ (h) "Voucher" means a document issued by the division to a landowner association member, allowing a landowner association member to designate who may purchase a CWMU big game or turkey hunting permit from a division office.

R657-37-3. Requirements for the Establishment of a Cooperative Wildlife Management Unit.

(1) A CWMU may be established for the purposes of hunting one or more of the following:

- (a) mule deer;

- (b) elk;
- (c) moose;
- (d) pronghorn; and
- (e) turkey.

(2) The Wildlife Board may approve the issuance of a certificate of registration for a CWMU, provided:

- (a) the property is capable of independently maintaining the presence of the respective species and harboring them during the established hunting season;
- (b) the property is capable of accommodating the anticipated number of hunters and providing a reasonable hunting opportunity;
- (c) the property exhibits enforceable boundaries clearly identifiable to both the public and private hunters;
- (d) the CWMU contributes to meeting division wildlife management objectives;
- (e) as needed, the CWMU provides reasonable assistance to the division in minimizing and addressing damage to agricultural interests within and adjacent to the CWMU caused by wildlife; and
- (f) the CWMU meets the technical specifications provided in this rule.

(3) A CWMU shall satisfy the following criteria:

- (a) a CWMU for elk or moose must contain at least 10,000 contiguous acres;
- (b) a CWMU for deer, pronghorn, or turkey must contain at least 5,000 contiguous acres;
- ~~(c)~~ (b) the CWMU shall consist of private land to the extent practicable;
- ~~(d)~~ (e) only private lands may be included in calculating minimum acreage requirements;
- ~~(e)~~ (d) land parcels adjoining corner-to-corner may not be included for the purposes of meeting minimum contiguous acreage requirements; and

~~(f)~~ (e) all lands counting towards the minimum acreage requirements shall provide quality hunting opportunity and form a quality hunting unit. ~~;~~ ~~or~~

~~(4) If a~~ ~~(f) the~~ CWMU does not satisfy the criteria contained in Subsection (3) the CWMU can apply to be a CWMU if:

- (a) the CWMU meets 90% of the acreage requirements; and
- (b) the CWMU gives one extra permit each year to the public draw.
- (5) A CWMU currently operating below the required minimum acreage that was previously granted [must receive approval for] a variance for not meeting the minimum acreage requirement will continue to receive that acreage variance unless enrolled acreage is further reduced below the required minimum acreage. ~~[as described in R657-37-5(4).]~~

~~(6)~~ ~~(4)~~ A CWMU may include public land only if:

- (a) the public land is surrounded by private land or is otherwise publicly inaccessible;
- (b) the public land is necessary to establish an enforceable and identifiable hunt boundary; or
- (c) inclusion of the public land is necessary to achieve statewide and unit management objectives.
- ~~(7)~~ ~~(5)~~ A CWMU may not include:
 - (a) any lands comprising Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20;
 - (b) any lands already included in another active CWMU; or
 - (c) differing hunt boundaries for multiple species approved on a single CWMU.
- (6) The Wildlife Board may deny a CWMU that meets technical requirements of this rule but does not otherwise fulfill the purposes of the CWMU program.

R657-37-4. Cooperative Wildlife Management Unit Management Plan.

(1)(a) ~~A~~ ~~The~~ landowner association shall manage the CWMU in compliance with a CWMU Management Plan approved by the division.

(b) The CWMU management plan shall be consistent with statewide and unit management objectives for the respective species hunted on the CWMU.

(c) CWMUs that occur within a general season unit may be managed for higher buck to doe ratios and older age class animals, consistent within a limited entry unit.

(2)(a) The CWMU Management Plan shall be completed as part of the certificate of registration application and renewal processes.

(b) If approved by the Wildlife Board, the CWMU management plan is incorporated into the CWMU's certificate of registration.

(c) Amendments to the CWMU Management Plan may be requested by the Wildlife Board, the division, or the CWMU landowner association operator or president, and may result in an amendment to the certificate of registration, consistent with Section R657-37-5.5.

(3)(a) The CWMU Management Plan must include:

(i) species management objectives for the CWMU that are consistent with statewide and unit management objectives for the respective big game or turkey management unit;

(ii) antlerless harvest objectives;

(iii) dates that the general public with buck or bull CWMU permits will be allowed to hunt;

(iv) a detailed explanation of how comparable hunting opportunities will be provided to both the private and public permit holders on the CWMU including an equal ability to use atvs/utvs, horses, track machines, or other means of transportation[as required in Section 23A-7-205];

(v) an explanation of the purpose for including public land within the CWMU boundaries, if public land is included;

(vi) an explanation of how the public is compensated by the CWMU when public land is included;

(vii) rules and guidelines used to regulate a permit holder's conduct as a guest on the CWMU;

(viii) submission of a digital geospatial boundary file~~County Recorder Plat Maps or equivalent maps~~ depicting parcel boundaries and ownership information for each parcel of real property included within the CWMU;

(A) parcel data should be sourced from the most recent County Recorders Plat records;

(B) if the CWMU requires tradelands, an additional geospatial file should be submitted[~~-(ix) two original 1:100,000 USGS maps~~] depicting each additional parcel of real property to be considered in trade for public land included with the CWMU boundary;

(ix) submission of a digital geospatial boundary file that accurately depicts an enforceable interior and exterior boundary of the [~~proposed~~]CWMU.

(A) any sections of the CWMU unit closed to hunting for both public and private hunters should be clearly identified and excluded from the mapped boundary;

(B) geospatial boundary files must be submitted to the division for approval at the time of initial application and again with any renewal or variance applications;

(x) strategies and methods that avoid, mitigate, and if necessary compensate for adverse impacts to adjacent landowners and lessees resulting from the operation of the CWMU;

(xi) strategies and methods that avoid, mitigate, and if necessary compensate for adverse impacts to agricultural lessees within and adjacent to the CWMU;

(xii) identification of areas within the CWMU that are closed to hunting by both public and private hunters;

(xiii) any request for reciprocal agreements.

(b) Noncontiguous lands can be added to the CWMU if:

(i) there are at least 640 contiguous acres;

(ii) it is owned by a landowner already in the CWMU; and

(iii) it is within four miles of the contiguous minimum acreage;

(c) A CWMU cannot incorporate noncontiguous lands containing any public land into the CWMU.

(d[~~-(b)~~) The division shall review each CWMU Management Plan and make recommendations to the Wildlife Board.

(4)(a) CWMU operators are required to complete a CWMU training session provided by the division on an annual basis.

(b) Failure to complete the CWMU training session may result in the CWMU operator being referred to the CWMU Advisory Committee described in Section R657-37-~~17~~¹⁵ or may result in administrative action taken against a certificate of registration as described in Section R657-37-~~15~~¹⁴.

R657-37-5. Application for Certificate of Registration~~;~~ ~~Variance Process~~.

(1) An application for a CWMU certificate of registration satisfying the acreage and parcel configuration requirements in R657-37-3 must be completed and returned to the regional division office where the proposed CWMU is located no later than August ~~10~~¹.

(2) The application must be accompanied by:

(a) the CWMU Management Plan, including all maps and a geospatial file of~~GIS shapefile in NAD 83 depicting~~ the CWMU boundary;

(b)(i) a petition containing the signature and acreage of each participating landowner agreeing to establish and operate the CWMU as provided in this rule and Title 23A, Chapter 7, Cooperative~~of the~~ Wildlife Management Units~~Resources Code~~; or

(ii) a copy of a legal contract or agreement identifying:

(A) the private land;

(B) the duration of the contract or agreement; and

(C) the names and signatures of landowners conveying the hunting rights to the CWMU landowner association;

(c) a signed waiver from each landowner or lessee holding agricultural interests within the boundaries of the proposed CWMU releasing all claims for any assistance pertaining to any~~those~~ lands that may otherwise be available from the division under R657-44 during the term of the certificate of registration;

(d) the name of the landowner association operator;

(e) the name of the landowner association president; and

(f) the nonrefundable handling fee.

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

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

~~(4) (4)(a) An application for a new CWMU that fails to meet the acreage or parcel configuration requirements in R657-37-3 must submit a written variance request to the division by February 1st prior to the annual August 1st application deadline.~~

~~(b) Upon receipt of a completed variance request, the division will forward the variance request to the CWMU Advisory Committee for review and recommendations.~~

~~(c) The division will review the variance request and make recommendations to the CWMU Advisory Committee.~~

~~(d) The CWMU Advisory Committee will consider the variance request and the division's recommendations and make recommendations to the Wildlife Board on the advisability of granting the CWMU application.~~

~~(5)~~ In analyzing an application for a CWMU, the Wildlife Board shall consider:

(a) the application materials;

(b) the division's recommendation; and

(c) any conviction of~~recommendation from the CWMU Advisory Committee regarding~~ a plea~~variance request; and~~

~~(d) any violation of the provisions~~ of no contest to, or a plea held in abeyance to a crime under Title 23A, the Wildlife Resources Act or a crime of moral turpitude~~Code~~ by the CWMU operator, president, or landowner association member that when considered with the functions and responsibilities of a CWMU operator bears a reasonable relationship to on whether the applicant's ability to responsibly operate a CWMU~~applicant should be approved to participate in the program~~.

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

(a) authorize the issuance of a certificate of registration allowing the landowner association to operate a CWMU; or

(b) deny the application and provide the landowner association with reasons for the decision.

(7) A certificate of registration is issued on a three-year basis and shall expire on January 31.

(8) The CWMU application and the management plan agreement are binding upon the landowner association members and all successors in interest to the CWMU property or the hunting rights thereon as it pertains to allowing public permit holders reasonable access to all CWMU property during the applicable hunting seasons for purposes of filling the permit.

R657-37-5.5. Amendment to a Certificate of Registration; Termination of Certificate of Registration.

(1)(a) Amendments to a certificate of registration can take place between June 1 and Aug 10 and
a[~~—(1)(a) A~~] CWMU must notify the division in writing regarding any requested change in:

(i) permit numbers or allocation;

(ii) season dates;

(iii) landowner association membership;

(iv) acreage of the CWMU;

(v) operator;

(vi) the CWMU Management Plan; or

(vii) any other matter related to the management and operation of the CWMU not originally included in the certificate of registration.

(b) Written notification of a requested change must be submitted to the appropriate regional division office where the CWMU is located.

(c) The division must be notified of all changes in landowner association membership, acreage, and operator within 30 days of such changes occurring.

(d) The CWMU must provide the division with the written release identified in Subsection R657-37-5(2)(c) from new agricultural lessees within the boundaries of the proposed CWMU that are not participating members of the landowner association within 30 days of any changes occurring.

(e) Changes in the CWMU described in Subsection R657-37-5.5(1)(a) require an amendment to the certificate of registration.

(2) Requests to amend buck and bull permit numbers, permit allocation, or season dates:

(a) may be initiated by the CWMU or the division;

(b) are due on August 10[+] of the year prior to when hunting is to occur, unless requested changes are in response to an ecological event or condition occurring after the August 1 deadline and beyond the control of the CWMU;

(c) shall be forwarded to the Regional Advisory Councils and Wildlife Board for consideration; and

(d) upon approval by the Wildlife Board, an amendment to the original certificate of registration shall be issued in writing.

(3) Requests to amend antlerless permit numbers or season dates:

(a) may be initiated by the CWMU or the division;

(b) must be submitted to the division by the last day of February;

(c) shall be forwarded to the Regional Advisory Councils and Wildlife Board for consideration; and

(d) upon approval by the Wildlife Board, an amendment to the original certificate of registration may be issued in writing.

(4)(a) If acreage totals in the CWMU decrease by more than 33% over the term of the certificate of registration, the certificate of registration shall:

(i) remain effective for the hunting season beginning in that calendar year; and

(ii) following completion of that hunting season, the certificate of registration shall terminate.

(b) A CWMU whose certificate of registration is terminated under this section may reapply consistent with Section R657-37-5.

(c) If a reduction in acreage occurs on a CWMU that does not trigger the 33% threshold identified in Subsection~~[subsection]~~4(a) and the resulting acreage total is below the standard totals generally required by Section R657-37-3:

(i) the certificate of registration will remain effective for the current hunt year; or

(ii) if the CWMU is not within 90% of acreage requirement~~[will be reported to the CWMU Advisory Committee for a variance request using the process described]~~ in Subsection R657-37-~~5~~4(i); and

~~_____ (iii) the Wildlife Board shall make a determination regarding variance approval and amendment of]~~
the certificate of registration shall terminate.

(5)(a) All other requests for amendments shall be reviewed by the division.

(b) If the division recommends approval of the amendment, the division will submit that recommendation to the director.

(c) Upon approval by the director, an amendment to the original certificate of registration shall be issued in writing.

R657-37-6. Renewal of a Certificate of Registration.

(1)(a) At the end of a certificate of registration term, the certificate of registration may be renewed, consistent with this section.

(b) A certificate of registration terminated pursuant to Section R657-37-5.5 or Section R657-37-~~15~~14 is not eligible for renewal, but may reapply consistent with Section R657-37-5.

(2) An application for renewal of a certificate of registration must be completed ~~[and returned to the regional division office where the CWMU is established]~~ no later than August 10~~[+]~~ of the year preceding the expiration of the certificate of registration term.

(3)(a) The renewal application must identify all changes from the previous certificate of registration and CWMU Management Plan.

~~_____ (b) A CWMU renewal application that, due to its acreage totals or parcel configuration would otherwise require variance approval, may proceed without completing the variance process, provided:~~

~~_____ (i) the CWMU legally possessed a CWMU certificate of registration during the previous year that allowed for corner to corner land parcels or noncontiguous land parcels;~~

~~_____ (ii) the CWMU's renewal application does not add additional corner to corner or noncontiguous parcels from the previously approved CWMU certificate of registration; and~~

~~_____ (iii) the CWMU renewal application at a minimum maintains the equivalent acreage totals and configuration from its previously approved certificate of registration.~~

~~_____ (e)]~~ A CWMU renewal application that includes a request for modified season dates is not required to obtain an additional variance upon renewal if those dates are identical to what was previously approved in their current certificate of registration.

(4) The renewal application must be accompanied by:

(a) the CWMU Management Plan as described in Subsection~~[Section]~~ R657-37-4(3); ~~[and]~~

(b) all maps as described in Subsection~~[Section]~~ R657-37-4(3) if the CWMU boundaries have changed; ~~[and]~~

(c)(i) a petition containing the signature and acreage of each participating landowner agreeing to establish and operate the CWMU as provided in this rule and Title 23A, Chapter 7, Cooperative~~[-of the]~~ Wildlife Management Units~~[Resources Code]~~; or

(ii) a copy of a legal contract or agreement identifying:

(A) the private land;

(B) the duration of the contract or agreement; and

(C) the names and signatures of landowners conveying the hunting rights to the CWMU agent or landowner association operator;

(d) a signed waiver from each landowner or lessee holding agricultural interests within the boundaries of the proposed CWMU releasing all claims for any assistance pertaining to any~~[those]~~ lands that may otherwise be available from the division under Rule R657-44 during the term of the certificate of registration;

- (e) the name of the designated landowner association operator; and
- (f) the nonrefundable handling fee.
- (6) The division may reject any application that is incomplete or completed incorrectly.
- (7) The division shall consider:
 - (a) the contents of the renewal application;
 - (b) the past performance by a CWMU in fulfilling management responsibilities identified in the CWMU Management Plan;
 - (c) hunter satisfaction ratings; and
 - (d) any conviction of, a plea of no contest to, or a plea held in abeyance to a crime under Title 23A, the Wildlife Resources Act or a crime of moral turpitude~~[violation]~~ by the CWMU operator, ~~[CWMU]~~ president, or ~~[any-]~~landowner association member that when considered with the functions~~[of Title 23A, Wildlife Resources Code, this rule, stipulations contained in the certificate of registration]~~ and responsibilities of a CWMU operator bears a reasonable relationship to the applicant's ability to responsibly operate a CWMU~~[all other relevant information provided from any source related to participation in the CWMU program]~~.
- (8) After evaluating a complete renewal application, the division shall:
 - (a) recommend approving renewal of the certificate of registration and forward the permit recommendations to the Regional Advisory Councils and Wildlife Board; or
 - (b) recommend denying the renewal certificate of registration and state the reasons for denial in writing to the applicant; and
 - (c) forward the application, reason for denial and recommendation to the Regional Advisory Councils and Wildlife Board.
- (9) Upon receiving the division's recommendation as provided in Subsections (7) and (8), the Wildlife Board may consider:
 - (a) the contents of the renewal application;
 - (b) the past performance by a CWMU in fulfilling management responsibilities identified in the CWMU Management Plan;
 - (c) hunter satisfaction ratings;
 - (d) any conviction of, a plea of no contest to, or a plea held in abeyance to a crime under Title 23A, the Wildlife Resources Act or a crime of moral turpitude~~[violation]~~ by the CWMU operator, ~~[CWMU]~~ president, or ~~[any-]~~landowner association member that when considered with~~[of Title 23A, Wildlife Resources Code, this rule, stipulations contained in the certificate of registration and all other relevant information provided from any source related to the applicant's participation in]~~ the functions and responsibilities of a CWMU operator bears a reasonable relationship to the applicant's ability to responsibly operate a CWMU~~[program]~~;
 - (e) any probationary status or recommendation provided by the CWMU Advisory Committee if the landowner association has been referred to the CWMU Advisory Committee during the term of the certificate of registration; and
 - (f) the recommendations of the division and Regional Advisory Councils.
- (10) A certificate of registration approved for renewal is authorized for three years and shall expire on January 31, providing the certificate of registration is not revoked, suspended, or terminated prior to the expiration date.

R657-37-7. Operation by Landowner Association.

- (1)(a) A CWMU must be operated by a landowner association who is represented by a president or a landowner association operator.
- (b) A landowner association president or landowner association operator may appoint CWMU agents to protect private property within the CWMU; however, the landowner association president, or landowner association operator must assume ultimate responsibility for the operation of the CWMU.
- (2)(a) A landowner association ~~[president or landowner association operator may enter into reciprocal agreements with other landowner association presidents or landowner association operators to~~

~~allow hunters who have obtained a CWMU permit to hunt within each other's CWMUs as provided in Subsection R657 37 4(3)(a)(xii).~~

~~(b) Reciprocal hunting agreements may be approved only to:~~

~~(i) raise funds to address joint habitat improvement projects;~~

~~(ii) address emergency situations limiting hunting opportunity on a CWMU;~~

~~(iii) raise funds to aid in essential management practices for the benefit of CWMU species, including obtaining age or species population data as recommended by regional division personnel and approved by the division's wildlife section chief;~~

~~(iv) be used with unused vouchers as provided in Subsection R657 37 9(12)(a); or~~

~~(v) be used to achieve antlerless harvest objectives for big game populations that may migrate across different CWMUs.~~

~~(e) If a person is authorized to hunt in one or more CWMUs as provided in Subsection (a), written permission from the landowner association member or landowner association operator and written authorization from the division must be in the person's possession while hunting.~~

~~(d) The division may identify an individual to administer and coordinate reciprocal agreements and each expenditure of funds generated therefrom.~~

~~(e) The division must provide written approval prior to any expenditure of funds generated from reciprocal agreement permits.~~

~~(f) The administrator of the reciprocal agreement program must provide an annual accounting of proceeds generated from reciprocal agreement permits and how those funds were spent or administered.~~

~~(3)(a) A landowner association member or landowner association operator must provide general public CWMU permittees a minimum of:~~

~~(i) five full days, each of which beginning 30 minutes before shooting hours, to be in the area the public permittee wants, to hunt with their buck, bull or turkey permits; and~~

~~(ii) three full days, each of which beginning 30 minutes before shooting hours, to be in the area the public permittee wants [— (ii) three days] to hunt with antlerless permits.~~

~~(b) Sunday hunt days may not be included in minimum hunt days except by mutual agreement of the permittee and the operator.~~

~~(c) General public CWMU permittees shall be allowed to hunt the entire CWMU during their established season dates, unless areas are deemed closed to both public and private hunters and described in the CWMU Management Plan as closed.~~

~~(d) A person who has obtained a CWMU permit may hunt only in the CWMU for which the permit is issued, except as provided under Subsection (2).~~

~~(4)(a) Each landowner association member or landowner association operator must:~~

~~(i) clearly post each boundary of the CWMU at all corners, streams~~[corner, fishing stream]~~ crossing property lines, roads, gates~~[road, gate]~~, and rights~~[right]~~-of-way entering the land with signs that are a minimum of 8 1/2 by 11 inches on a bright yellow background with black lettering, and that contain the language provided in Subsection (b); and~~

~~(ii) if a CWMU uses public land for the purpose of making a definable boundary for the CWMU then that boundary shall be posted every three hundred yards.~~

~~(b) Only persons with a valid CWMU permit for the CWMU may hunt moose, deer, elk, pronghorn or turkey within the boundaries of the CWMU.~~

~~(c) The general public may use accessible public land portions of the CWMU for legal purposes, other than hunting big game or turkey for which the CWMU is authorized.~~

~~(5) A landowner association member or landowner association operator must provide a written copy of its guidelines used to regulate a permit holder's conduct as a guest on the CWMU to each permit holder.~~

~~(6)(a) A CWMU and the division shall cooperatively address the needs of landowners who are negatively impacted by big game animals or turkeys associated with the CWMU.~~

~~(b) The CWMU and the division shall cooperatively seek methods to prevent or mitigate agricultural depredation caused by big game animals or turkeys associated with the CWMU.~~

(7) A landowner association member may not harass or haze wildlife in an effort to retain animals on the CWMU or herd animals onto the CWMU unless:

(a) the division determines that such actions are necessary to mitigate agricultural damage on neighboring lands;

(b) the CWMU is fulfilling their obligations described in their CWMU Management Plan regarding agricultural damage to neighboring landowners; and

(c) the division provides prior written authorization approving the actions of the CWMU.

(8) A landowner association member may not receive depredation payments from the Division if any land owned by a landowner association member is enrolled in a CWMU regardless of species.

R657-37-8. Cooperative Wildlife Management Unit Agents.

(1) A landowner association member may appoint a CWMU agent to monitor access and protect the private property of the CWMU.

(2) Each CWMU agent must wear or have in possession a form of identification prescribed by the Wildlife Board which indicates the agent is a CWMU agent.

(3) A CWMU agent may refuse entry to or remove from a CWMU any person who:

(a) does not possess a valid CWMU permit;

(b) endangers or has endangered human safety;

(c) damages or has damaged property within a CWMU;

(d) fails or has failed to comply with reasonable rules of a landowner association; or

(e) does not have the legal right to be on lands within a CWMU.

(4) A CWMU agent may not refuse entry to the general public onto any public land within the boundaries of a CWMU that is otherwise accessible to the public for purposes other than hunting big game or turkey for which the CWMU is authorized.

(5) In performing the functions described in this section, a CWMU agent must comply with the relevant laws of this state.

R657-37-9. Permit Allocation.

(1) The division shall issue CWMU permits for hunting big game or turkey to permittees:

(a) qualifying through a drawing conducted for the general public as defined in Subsection R657-37-2(2)(c); or

(b) named by the landowner association member or landowner association operator.

(2) CWMU landowners, presidents, operators, and their spouses and dependent children cannot apply for CWMU permits specific to their CWMU that are offered in the public drawing.

(3) A landowner association member or landowner association operator shall be issued vouchers that may be used to purchase hunting permits from division offices.

(4)(a) The Wildlife Board may establish the maximum number of permits that may be issued per acre, ~~except~~~~excepted~~ as provided in Subsection 4(b).

(b) In accordance with ~~Section~~~~Subsection~~ 23A-7-204, ~~(5)~~, a CWMU unit shall issue one buck deer permit or less per every 320 acres to be eligible to receive buck deer permits.

(c) The division and the landowner association operator must, in accordance with Subsection (4), determine:

(i) the total number of permits to be issued for the CWMU; and

(ii) the number of permits that may be offered by the landowner association to the general public as defined in Subsection R657-37-2(2)(c).

(d) In determining the total number of permits allocated under Subsection (4)(a), the division will consider:

(i) acreage and habitat conditions on the CWMU;

(ii) management objectives of the CWMU and surrounding wildlife management units;

(iii) classification and survey data;

(iv) depredation and nuisance conflicts; and

(v) other factors that may influence hunt quality and the division's ability to meet wildlife management objectives.

(e) A CWMU may only offer a management buck permit for a public hunter if that CWMU lies entirely within a wildlife management unit that also offers management buck hunts.

(5) The Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportion of public lands to private lands within the CWMU.

(a) Trade lands may be used to provide additional hunting opportunities to the general public.

(b) Proposed trade lands will be evaluated by a division biologist and another division employee to verify comparable habitat and equity compared to the public land in the CWMU.

(c) Proposed trade lands will be presented to the CWMU advisory committee before they are included in the CWMU and at each renewal.

(d) The CWMU advisory committee's recommendation will be presented to the Wildlife Board.

(e) Trade lands will be made open for big game hunting and for no other purposes.

(f) Trade lands must be posted as trade lands open to the public for big game hunting.

(g) Distance from the CWMU should be considered when recommending trade lands.

(h) CWMUs will ensure the DWR trade lands map is accurate.

(i) Trade lands will have clear boundaries.

(j) Justifications for the trade lands will be published before CWMU Advisory Committee

Meetings and RAC meetings.

(k) Trade lands cannot be used to get additional landowner permits based on species.

(l) Trade lands must be owned by a landowner in the CWMU.

(6)(a) Big game permits may be allocated using an option from:

(i) Table 1 for moose and pronghorn; or

(ii) Table 2 for elk and deer.

(b)(i) Over the term of the certificate of registration, and at all times during [~~the~~]its term, at least 40% of the total permits for bull moose and buck pronghorn and at least 60% of the antlerless moose and antlerless pronghorn permits will be allocated to the public and distributed via the public drawing.

(ii) Notwithstanding Subsection (b)(i) and Tables 1 and 2, if the proportion of permits allocated to the public over consecutive certificate of registration terms substantially deviates from that identified in Subsection (b)(i), the Wildlife Board may approve a modified permit distribution scheme that fairly allocates public and private permits.

(c) At least one buck deer or bull elk permit or at least 10% of the bucks or bulls permits, whichever is greater, must be made available to the general public through the big game drawing process.

(d) If a CWMU is under acreage but greater than 90% of the acreage required, and is formed after July 1, 2024 the CWMU will give an additional permit for each species to the public draw.

(e) [~~d~~] Permits shall not be issued for spike bull elk.

(f[e]) Turkey permits shall be allocated in a ratio of 50% to the CWMU and 50% to the general public, with the public receiving the extra permit when there is an odd number of total permits.

Table 1 Moose and Pronghorn		
Cooperative Wildlife Management Unit's Share	Bucks/Bulls	Does/Antlerless
Option 1	60%	40%
Public's Share	Bucks/Bulls	Does/Antlerless
Option 1	40%	60%

Table 2

Elk and Deer		
Cooperative Wildlife Management Unit's share	Bucks/Bulls	Antlerless
Option 1	90%	0%
Option 2	85%	25%
Option 3	80%	40%
Option 4	75%	50[50+] %
Public's Share		
Option 1	10%	100%
Option 2	15%	75%
Option 3	20%	60%
Option4	25%	50%

(7)(a) The landowner association member or landowner association operator must meet antlerless harvest objectives established in the CWMU management plan under Subsection R657-37-4(3)(a)(ii).

(b) Failure to meet antlerless harvest objectives based on a three-year average may result in discipline under Section R657-37-15[14].

(8)(a) A landowner association member or landowner association operator must provide access free of charge to any person who has received a CWMU permit through the general public big game or turkey drawings and at least one companion, except as provided in Section 23A-7-209.

(b) If the CWMU does not provide guiding services, the CWMU will provide access free of charge to the amount of people that can legally fit into the permit holder's vehicle, provided the guests stay at a distance where visual and verbal communication are maintained with the permit holder.

(9) If the division and the landowner association member disagree on the number of permits to be issued, the number of permits allocated, or the method of take, the Wildlife Board shall make the determination based on the biological needs of the big game or turkey populations, including available forage, depredation, and other mitigating factors.

(10) A CWMU permit entitles the holder to hunt the species and sex of big game or turkey specified on the permit and only in accordance with the certificate of registration and the rules and proclamations of the Wildlife Board.

(11) Vouchers for antlerless permits may be designated by a landowner association member to any eligible person as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game, and Rule R657-42.

~~[(12)(a) If a landowner association has a CWMU voucher that is not redeemed during the previous year, a landowner association may donate that voucher to a 501(c)(3) tax exempt organization, provided the following conditions are satisfied:~~

~~(i) the voucher donation is approved by the director before transfer;~~

~~(ii) the voucher is donated for a charitable cause, and the landowner association does not receive compensation or consideration of any kind other than tax benefit; and~~

~~(iii) the recipient of the voucher is identified before obtaining the director's approval for the donation.~~

~~(b) A CWMU voucher approved for donation under this section may be extended no more than one year.~~

~~(c) The division must be notified in writing and the donation completed before August 1st the year the CWMU voucher is to be redeemed.~~

~~(d) Vouchers may be used in reciprocal hunting agreements in accordance with Subsection R657-7(2)(b).]~~

(13)(a) A complete list of the current CWMUs, and number of big game or turkey permits available for public drawing shall be published in the respective proclamations of the Wildlife Board for taking big game or turkey.

(b) The division reserves the ~~exclusive~~ right to list approved CWMUs in the proclamations of the Wildlife Board for taking big game or turkey. The division may unilaterally decline to list a CWMU in the proclamation where the unit is under investigation for wildlife violations, a portion of the property comprising the CWMU is transferred to a new owner, or any other condition or circumstance that calls into question the CWMUs ability or willingness to allow a meaningful hunting opportunity to the public permit holders that would otherwise draw out on the public permits.

(c) CWMUs will ensure the information on the hunt planner is accurate by March 1 before the opening of the public draw.

R657-37-10. CWMU's on units exceeding population objectives.

(1) If a wildlife management unit is over objective by 10% or more over a continuous three year period, the division may recommend that CWMUs on that unit participate in the following strategies:

(a) antlerless elk hunters will have the ability to purchase one additional antlerless permit. This additional permit would be issued in addition to the previously approved base number of antlerless permits on the CWMU;

(b) public and private buck/bull hunters of any species will have the ability to purchase an antlerless permit. These antlerless permits would be issued in addition to the previously approved base number of antlerless permits;

(c) CWMUs will be encouraged to participate in the antlerless reciprocal permit program;

(d) the division may call a depredation hunt using public hunters;

(e) the division may issue private vouchers to the CWMU operator, which cannot be sold, to use if it is not feasible to call a public hunt; and

(f) call an emergency hunt at the end of the season.

(2) Fulfilling a "harvest objective" requirement for CWMUs in over objective units;

(a) the division will set a harvest objective of antlerless animals that need to be harvested annually;

(b) if the prescribed hunts fail to meet the desired harvest, additional harvest will take place in February after public hunts are over;

(c) CWMUs are responsible for the additional harvest, making up the difference between what was harvested during the season and the harvest objective;

(d) all meat shall be donated to food banks with CWMUs paying for at least 50% of the processing costs; and

(e) CWMUs operating under the "harvest objective" requirement shall report to the CWMU advisory committee annually on additional efforts made to help the public hunters successfully harvest, examples if additional effort include but are not limited to;

(i) extra days above the minimum,

(ii) guided hunts

(3) CWMUs in an over objective unit will report to the CWMU advisory committee to present a plan of how they will help the unit get back to objective.

R657-37-11. Permit Cost.

(1) The fee for permits allocated to any CWMU is the same as the applicable:

(a) limited entry permit fee for elk and pronghorn;

(b) general season, limited entry or premium limited entry permit fee for deer or turkey; and

(c) once-in-a-lifetime permit fee for moose.

R657-37-12[11]. Possession of Permits and License by Hunters - Restrictions.

(1) A person may not hunt in a CWMU without having in his possession:

- (a) a valid CWMU permit; and
- (b) the necessary hunting licenses, permits, and tags.
- (2) A CWMU permit:
 - (a) entitles the holder to hunt only on the CWMU specified on the permit pursuant to the rules of the Wildlife Board and does not entitle the holder to hunt on any other public or private land, except as provided under Section~~[Subsection]~~ R657-37-18;~~[7(2)(a);]~~ and
 - (b) constitutes written permission for trespass as required under Section 23A-5-317.
 - (3) Prior to hunting on a CWMU each permittee must:
 - (a) contact the relevant landowner association member or landowner association operator and request the CWMU rules and requirements; and
 - (b) make arrangements with the landowner association member or landowner association operator for the hunt.
- (4) CWMUs will provide one day for public hunters to access and get oriented with the CWMU prior to their hunt.

R657-37-13~~[12]~~. Season Lengths.

- (1) A landowner association member or landowner association operator may arrange for permittees to hunt on the CWMU during the following dates:
 - (a) an archery buck deer season may be established beginning with the opening of the general archery deer season through August 31 and during the 61 consecutive day buck deer season;
 - (b) an archery bull elk season may be established beginning with the opening of the general archery elk season through October 31 and during a bull elk season variance;
 - (c) an archery buck pronghorn season may be established beginning with the opening of the statewide limited entry archery buck pronghorn season through October 31;
 - (d) general season bull elk, buck pronghorn, and moose seasons may be established September 1 through October 31, unless a season variance is approved;
 - (e)(i) general buck deer seasons may be established for no longer than 61 consecutive days from September 1 through November 10;
 - (ii) a landowner association member or landowner association operator that provides less than one buck deer permit per every 640 acres may select the following season dates:
 - (A) beginning September 1 and ending on October 31; or
 - (B) beginning on September 11 and ending on November 10.
 - (iii) A landowner association or landowner operator that provides more than one buck deer permit per every 640 acres may only have season dates beginning September 1 and ending October 31.
 - (iv) A CWMU that elects for season dates extending into November under Subsection (1)(e)(ii)(B) must allow all public hunters the option to hunt 5 full days in November;
- (f) muzzleloader bull elk seasons may be established September 1 through October 31 annually, and during a bull elk season variance;
- (g) antlerless elk seasons may be established August 1 through January 31;
- (h) antlerless deer seasons may be established August 1 through December 31;
- (i) doe pronghorn seasons may be established August 1 through October 31; and
- (j) turkey seasons may be established the second Saturday in April through May 31.
- (2)(a) The Wildlife Board may authorize bull elk hunting season variances only if the CWMU landowner association member or landowner association operator clearly demonstrates that November hunting is necessary on the CWMU, and if the Wildlife Board has received a recommendation from the CWMU advisory committee supportive of the variance.
 - (b) If a bull elk hunting season variance is authorized, the public hunters must be provided an~~[comparable hunting]~~ opportunity to hunt 5 full days during the extension~~[as private hunters]~~.
- (3) Notwithstanding the season length provisions in this section, any season described in Subsection (1) that begins on a Sunday will begin the Saturday before.

R657-37-~~14~~¹³. Rights-of-Way.

A landowner association member may not restrict established public access to public land enclosed by the CWMU.

R657-37-~~15~~¹⁴. Violations and Suspension.

(1) The Wildlife Board may refuse to issue, renew, or amend a certificate of registration to an applicant, or may revoke, restrict, place on probation, change permits or allocations or otherwise act upon a certificate of registration where the landowner association member has:

(a) violated any provision of this rule, Title 23A, the Wildlife Resources Act~~[Code]~~, the certificate of registration, or the CWMU Management Plan; or

(b) 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 CWMU operator bears a reasonable relationship to the operator's or applicant's ability to safely and responsibly operate a CWMU.

(2) The division may suspend a CWMU's certificate of registration to participate in the CWMU program under Section 23A-4-1106 and Rule R657-26 if a principal or agent of a participating CWMU:

(a) violated any provision of this rule, Title 23A, the Wildlife Resources Act, the certificate of registration, or the CWMU Management Plan; or

(b) 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 CWMU operator bears a reasonable relationship to the operator's or applicant's ability to responsibly operate a CWMU

R657-37-16. Agency Action and Administrative Appeals.

(1) Notwithstanding Section R657-37-15, the procedures and rules governing agency~~[—(2) The procedures and rules governing any adverse]~~ action taken by the division or the Wildlife Board against a certificate of registration or an application for certificate of registration are set forth in Rule R657-2.

(2) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.

(3) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this Section.

R657-37-~~17~~¹⁵. Cooperative Wildlife Management Unit Advisory Committee.

(1) A CWMU Advisory Committee shall be created consisting of seven~~[eight]~~ members nominated by the director and approved by the Wildlife Board.

(2) The committee shall include:

- (a) two sportsmen representatives;
- (b) two CWMU representatives;
- (c) one agricultural representative;
- (d) one at-large public representative; and
- ~~(e) one elected official; and~~

~~(f) one Regional Advisory Council chairperson or Regional Advisory Council member.~~

(3) The committee shall be chaired by the Wildlife Section Chief, who is~~[shall be]~~ a non-voting member.

(4) The committee shall:

- (a) hear complaints dealing with fair and equitable treatment of hunters on CWMUs;
- (b) review the operation of the CWMU program;
- (c) review failure to meet antlerless objectives;

(i) if the CWMU does not meet the 3-year minimum;

(ii) harvest or harvest fewer cows than bulls;

(iii) are unlikely to meet the 3-year harvest;

_____ (iv) do not maintain the same or better antlerless harvest percentage as comparable surrounding units.

_____ (d) hear complaints from adjacent landowners;

_____ (e) review variance requests for elk season date extensions; and

~~_____ (e) review changes in acreage totals for CWMUs that are under standard minimum acreage or parcel configuration requirements and evaluate the appropriateness of their continued participation in the program; and]~~

_____ (f) make advisory recommendations to the director and Wildlife Board on the matters listed in this Subsection ~~[in Subsections (a), (b), (c), (d), and (e)].~~

(5)(a) The committee may recommend to the director and Wildlife Board:

_____ (i) different hunt dates;

_____ (ii) a change in permit splits (must be ~~[- after hearing evidence of complaints or violations, place]~~ a split listed above);

_____ (iii) a change in operator;

_____ (iv) ~~[CWMU on]~~ probation; and-

_____ (v) termination of a certificate of registration.

_____ (b) A CWMU placed in ~~in~~ upon ~~upon~~ probationary status must provide the CWMU Advisory Committee a plan of corrective action to address concerns regarding operation of the CWMU, and report annually to the Advisory Committee during the probationary period regarding their progress in addressing such concerns.

_____ (c) The division shall report the recommendations of the CWMU Advisory Committee ~~[shall report]~~ to the Wildlife Board prior to the ~~[any CWMU that remains on probation during a certificate of registration]~~ renewal deadline ~~[process]~~.

_____ (6) The Wildlife Section Chief shall determine the agenda, ~~[and]~~ time, and location of the CWMU Advisory Committee meetings.

_____ (7) The director shall set staggered terms for ~~[of]~~ appointment of CWMU Advisory Committee members to ensure ~~[such that there is]~~ rotating representation and that all committee members' terms shall expire after four years.

_____ (8) Meetings will be advertised similar to Regional Advisory Council meetings and there will be a venue for public comment.

R657-37-18. Reciprocal Program

_____ (1)(a) A landowner association president or landowner association operator may enter into reciprocal agreements with other landowner association presidents or landowner association operators to allow hunters who have obtained a CWMU permit to hunt within each other's CWMUs as provided in Subsection R657-37-4(3)(a)(xiii).

_____ (b) Reciprocal hunting agreements may be approved only to:

_____ (i) raise funds to address joint habitat improvement projects;

_____ (ii) address emergency situations limiting hunting opportunity on a CWMU;

_____ (iii) raise funds to aid in essential management practices for the benefit of CWMU species, including obtaining age or species population data as recommended by regional division personnel and approved by the division's wildlife section chief;

_____ (iv) be used with unused vouchers as provided in Subsection R657-37-9(18)(2); or

_____ (v) be used to achieve antlerless harvest objectives for big game populations that may migrate across different CWMUs.

_____ (c) If a person is authorized to hunt in one or more CWMUs as provided in Subsection (a), written permission from the landowner association member or landowner association operator and written authorization from the division must be in the person's possession while hunting.

_____ (d) The division may identify an individual to administer and coordinate reciprocal agreements and each expenditure of funds generated therefrom.

(e) The division must provide written approval prior to any expenditure of funds generated from reciprocal agreement permits.

(f) The administrator of the reciprocal agreement program must provide an annual accounting of proceeds generated from reciprocal agreement permits and how those funds were spent or administered.

(2)(a) If a landowner association has a CWMU voucher that is not redeemed during the previous year, a landowner association may donate that voucher to a 501(c)(3) tax exempt organization, provided the following conditions are satisfied:

(i) the voucher donation is approved by the director before transfer;

(ii) the voucher is donated for a charitable cause;

(iii) the landowner association does not receive compensation or consideration of any kind other than tax benefit; and

(iv) the recipient of the voucher is identified before obtaining the director's approval for the donation.

(b) A CWMU voucher approved for donation under this Section may be extended no more than one year.

(c) The division must be notified in writing and the donation completed before August 1st the year the CWMU voucher is to be redeemed.

(d) Vouchers may be used in reciprocal hunting agreements in accordance with Subsection R657-18-(1)(a).

KEY: wildlife, cooperative wildlife management unit

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