

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 auction to the highest bidder at fund-raising events;

(b) sportsman permits;

(c) Special Antelope Island State Park Conservation Permits to a conservation organization for 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.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and (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, subunit 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 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 and operated for the purpose of promoting the protection, preservation, and recreational hunting of one or more conservation permit species and has established tax exempt status under 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, 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 [for auction to the highest bidder at fund-raising events.]

(f) "Retained Revenue" means 60% of the revenue raised by a conservation organization from auctioning conservation permits that the organization retains for eligible projects, 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.

(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 for auction to the highest bidder at fund-raising events.]

(k)

(l) "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 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, 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 Sportsman permit holder and the Statewide conservation permit holder every year.

(l) "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, distribution, and long-term health;
(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; and

(d) the total number of public draw permits available by species on a unit, subunit, or hunt area.

(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~~] conservation 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 of public draw 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 public permits = 4 conservation permits, 45-54 public permits = 5 conservation permits, 55-64 public permits = 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~~] conservation permits available for the remaining conservation permit species, for any unit, sub-unit or hunt area, will be calculated based on the number of public draw 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 public 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 for which [~~multi-year~~] conservation 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 approved by the Wildlife Board in a separate process from approving 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 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.]~~

R657-41-4. Eligibility for Conservation Permits.

(1) Statewide and area conservation permits may be awarded to eligible conservation organizations for auction to the highest bidder at fund-raising events and through other authorized means of sale.

(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.]:

- (a) satisfy the definition of a qualifying conservation organization;
- (b) complete the application requirements in R657-41-5; and
- (c) remain in good standing during the previous three-year term of participation and not subject to any suspension or revocation proceeding under R657-41-13.

(3) Conservation organizations applying for [single-year] conservation permits may not[:]

[~~(a) bid~~] apply for or obtain conservation permits if any employee, agent, officer, or board of directors member of the conservation organization is an employee, agent, officer, or board of 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~~] also applying to participate in the program.

R657-41-5. Applying for Conservation Permits.

(1)(a) Applications to participate in the[~~multi-year~~] conservation permit program will be accepted on a three-year application cycle uniformly applicable to all conservation organizations.

(b) A conservation organization wishing to apply for[~~multi-year~~] conservation permits must submit a complete application to the division by August 15 of third year of the application cycle.

[~~(c) Conservation organizations wishing to apply for one year conservation permits must do so by August 15 annually.~~]

[~~(d)~~] Only one application per conservation organization may be submitted.

[~~(e)~~d] Multiple chapters of the same conservation organization may not apply individually.

[~~(f) 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) 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 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 will be raised from auctioning a permit;~~]
- [~~(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, administrative action under R657-41-13, disqualification from bidding for five years or more, or the filing of criminal charges; and~~]
- [~~(d)~~]
- (e) evidence that the application and bid has been approved by the board of directors or other necessary authority from the bidding conservation organization; and
- (e)f a certification from the applicant that they have not consulted with any other participating conservation organization regarding the conservation permits they intend to acquire.
- ([4]3) An application that is incomplete or completed incorrectly may be rejected.
- ([5]4) The application of a conservation organization for conservation permits may be denied by the division for:
- (a) failing to fully and accurately 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 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.
- ([6]5) Application denials may be appealed to the [~~division director~~] Division Director prior to the permit selection process described in R657-41-7.

R657-41-6. [~~Awarding Single Year~~] Approving New Conservation [Permits] Organizations for the Program.

- (1)[~~The division shall recommend the conservation organization to receive each single year~~](a) New applicants to the conservation permit [~~based on:~~] program shall follow the same three-year application cycle established in R657-41-5(1).
- [~~(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)~~]

(b) If multiple new conservation organizations submit valid applications during a single three-year application cycle:

(i) a maximum of two new organizations will be selected; and

(ii) [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) 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 the application for any given permit and assign it to or exchange 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, 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.]

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

[(a) division recommendation;

]

[(b) benefit to the species;]

[(c)]conservation organizations will be selected based upon an evaluation of their historical [contribution of the organization]contributions to [the]conservation [of wildlife]permit species in Utah[.]

(2)(a) Conservation organizations accepted into the conservation permit program for the first time will be awarded 0.5% in market share, as determined in R657-41-7.

(b) Market share awarded to new applicants will be drawn from each participating conservation organizations' market share in proportion to that organization's total market share.

(c) Newly accepted conservation organizations shall participate in the first three-year term on a probationary status.

(d) [previous performance of the]During their probationary term, a conservation organization must:

(i) sell all conservation permits each year at a hunt-related banquet or through an online auction with prior division approval;[and]

[(e) overall viability and integrity of the]

(ii) diligently advertise and market each permit opportunity;

(iii) maintain a minimum of 75% or the originally awarded market share at the end of the three-year term; and

(iv) complete all mandatory reporting for auditing purposes.

(e) The division may deny an application from a conservation organization based upon their failure to meet the probationary requirements.

(f) Application denials may be appealed to the Division Director prior to the permit selection process described in R657-41-7.

(3)(a) A conservation organization that was once a program participant, but left the program while in good standing, may be reinstated during the three-year permitting cycle immediately following their departure from the program with the full market share the conservation permit organization had at the time they left the program.

(b) A conservation organization reentering the program under the provisions of (3)(a):

(i) will receive market share drawn from each participating 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.~~]in proportion to that organization's market share; and

(ii) may reenter the program regardless of the number of applications accepted from new conservation organizations under R657-41-1(b).

R657-41-7[~~–~~]. Awarding [~~Multi-Year~~]Conservation Permits.

(1)(a) 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.

(b) Conservation organizations may not consult or coordinate with other conservation organizations regarding which conservation permits they intend to acquire prior to the permit selection process.

(2) [~~Multi-year permits~~]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 credit amount for 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 calculate the market total for the permit draft by summing all credit amounts from available conservation 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;

(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~~ conservation 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 market total ~~annual value of all multi-year permits~~.

(8)(a) If substantial changes to a hunt boundary or season date of a conservation permit occur during its three-year term, the division may cancel the permit for the remainder of the three-year term and assign an average sales price using prices from prior years within its three-year term.

(8)b) If minor changes to a hunt boundary or season date of a conservation permit occur during its three-year term, the division may:

(i) cancel the permit for the remainder of the three-year term and assign a sales price under Section (8)(a); or

(ii) allow the conservation organization to sell the permit for the remainder of the three-year term.

(9) 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 10% will be subtracted from their total market share;

(ii) the group with the highest remaining market share will be assigned the second position and 10% 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]10) At least 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 establishing the selection order and the selection meeting, groups may trade or assign selection positions, but once the selection meeting begins 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 credit amount above their remaining credits.

(14)[~~Upon completion of the selection process, but prior to the Wildlife Board meeting where the final assignment of permits is 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]15) Conservation organizations may not trade or transfer [multi-year] permits to other organizations once assigned by the Wildlife Board.

([17]16) Conservation organizations failing to comply with the reporting requirements in any given year during the [multi-year] period may lose the [multi-year] conservation permits for the balance of the [multi-year] award period.

([18]17) If a conservation organization is unable to complete the terms of auctioning or otherwise selling 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) Conservation organizations receiving the opportunity to distribute permits must ensure the permit opportunities are marketed, auctioned, and distributed by lawful means.

(b) Conservation permit vouchers may not be purchased or redeemed by officers, agents, directors or employees of a conservation permit organization unless:

(i) the voucher was sold at an in-person banquet or fundraiser hosted by the conservation organization;

(ii) the sale was administered by an auctioneer; and

(iii) the sales process was administered in a manner so as to secure fair market value for the voucher.

(3)(a) The conservation organization must:

(i) obtain the following information at the time of sale:

(A) full name of the successful bidder;

(B) date 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) identify the individual who is authorized to redeem the conservation permit voucher and submit it to the division prior to the individual attempting to redeeming the voucher.

(b) The division will not issue a conservation permit unless required information about the winning bidder and authorized recipient of the voucher is first received by the division.

(c)(i) an absentee bidder may only use an agent or representative to bid on a conservation permit opportunity on their behalf if authorized by the conservation organization.

(ii) A winning bid offered by an agent or representative on behalf of an absentee bidder legally obligates the absentee bidder to satisfy the bid obligation submitted by the representative.

(iii) For the purposes of this rule, an absentee bidder is considered the successful bidder when the winning bid is offered by their agent or representative.

(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[-]; and

([A]y) [For purposes of Subsection (iv), "profiting" does not include a reasonable fee] the successful bidder separates all fees for guiding services [provided in conjunction] from any transaction associated with assigning 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 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 opportunity consistent with the requirements in Section R657-41-9;
- (iv) the conservation organization and the holder of the permit opportunity execute an affidavit verifying neither is profiting from transferring the right to the permit; and
- (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), neither the conservation organization, successful bidder, successful bidder's assignee, nor the holder of a conservation permit voucher may offer for sale, sell, or transfer the rights to that designation to any other person.

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

- (a) two elk permits may be obtained, provided one or both are antlerless permits; and
- (b) turkey.
- (c) A person may obtain both a desert bighorn ram permit and rocky mountain bighorn ram conservation permit in a single year.

(8) 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 auctioned or distributed by August 15, annually.
- (2) Within 30 days of the last event, but no later than August 15 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.
- (3)(a) Conservation permits shall not be issued 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 August 15 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), 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 August 15 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 by the August 15 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 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 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 (i) through (xii).

(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) For direct purchases, the division may require conservation organizations to engage in a competitive bid process or otherwise document benefits to a conservation permit species as a prerequisite to division approval.

(v) 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.

(vi) Funds committed to approved, division projects will be transferred to the division within 60 days of being invoiced by the division.

(vii) If the division-approved

project to which funds are committed is completed under 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 but will be made available for the group to use on other approved projects during the current or subsequent year.

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

(ix) Retained revenue under this subsection must be placed in a federally insured account. All interest revenue earned thereon must be accounted for and used consistent with the requirements of this subsection.

(x) 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.

(xi) Retained revenue must be completely expended on approved eligible projects or transferred to the division by August 15, two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to expend or transfer to the division retained revenue by the August 15 deadline will disqualify the conservation organization from obtaining any future conservation permits until the unspent retained revenue is expended on an approved eligible project or transferred to the division.

(xii) 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) 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 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 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 the provisions of Title 23, Wildlife Resources Code, and the rules and 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 obtains a conservation or sportsman permit is subject to 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 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 and the Division of Parks and Recreation, through their respective policy boards, will enter into a cooperative agreement for 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 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 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 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 the permits are marketed and distributed by lawful means.

(4)(a) When auctioning the Special Antelope Island State Park Conservation Permits, the conservation organization must:

- (i) obtain the following information:
 - (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; and

(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) identify the individual who is authorized to redeem the conservation permit voucher and submit it to the division prior to the individual attempting to redeeming the voucher.

(b) The division will not issue a Special Antelope Island State Park Conservation Permit unless information on the winning bidder and authorized recipient of the voucher is first received by the division.

(c)(i) an absentee bidder may only use an agent or representative to bid on a conservation permit opportunity on their behalf if authorized by the conservation organization.

(ii) A winning bid offered by an agent or representative on behalf of an absentee bidder legally obligates the absentee bidder to satisfy the bid obligation submitted by the representative.

(iii) For the purposes of this rule, an absentee bidder is considered the successful bidder when the winning bid is offered by their agent or representative.

(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.

(b) If a person assigned a Special Antelope Island State Park Conservation Permit 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, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the 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 all proceeds generated from the re-designated permit, as provided in Subsection (9);
- (iv) the conservation organization and the holder of the permit opportunity execute an affidavit verifying neither is profiting from transferring the right to the permit; and

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

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

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

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

(c) the funds due to the division.

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

(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 (9)(b).

(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 August 15 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code.

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

(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.

(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.

(10)(a) Except as otherwise provided under Subsections (5) and (6), neither the conservation organization, successful bidder, successful bidder's assignee, nor the holder of a Special Antelope Island State Park Conservation Permit voucher may offer for sale, sell, or transfer the rights to that designation to any other person.

(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.

(1) The division or the Wildlife Board may suspend or revoke a conservation organization's participation in the Conservation Permit Program if a principal or agent of a participating conservation organization:

(a) violated any provision of this rule or a provision of the Utah Criminal Code cited

herein; 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 participating conservation organization bears a reasonable relationship to their participation in the program.

(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.

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