



RAC AGENDA – May 2023

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|-----|--|----------------------|
| 1. | Welcome, RAC Introductions and RAC Procedure - RAC Chair | |
| 2. | Approval of Agenda and Minutes - RAC Chair | ACTION |
| 3. | Wildlife Board Meeting Update - RAC Chair | INFORMATIONAL |
| 4. | Regional Update - DWR Regional Supervisor | INFORMATIONAL |
| 5. | Wild Turkey Plan Revision and Recommendations – R657-54 - Heather Talley, Upland Game Coordinator | ACTION |
| 6. | Upland Game Recommendations – R657-6 - Heather Talley, Upland Game Coordinator | ACTION |
| 7. | Waterfowl Rule and Swan Hunt Recommendations – R657-9 - Heather Talley, Upland Game Coordinator | ACTION |
| 8. | Live Game Birds Rule Amendments – R657-4 - Avery Cook, Upland Game Project Leader | ACTION |
| 9. | Collection, Importation and Possession Rule Amendments – R657-3 - Charles Lyons, Asst. Attorney General | ACTION |
| 10. | CWMU Variance Requests - Chad Wilson, Private Lands/Public Wildlife Coordinator | ACTION |
| 11. | Election of RAC Chair and Vice Chair - Regional Supervisors | ACTION |

Regional Presentations Only

- | | | |
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| SR | Translocation Management Plan: Strategy for Moving Displaced Desert Tortoises in the Upper Virgin River Recovery Unit Ann McLuckie, Wildlife Biologist | ACTION |
| SR | Parowan Front WMA HMP Stan Gurley, SR Farm Bill Biologist | INFORMATIONAL |

CR RAC – May 16th, 6:00 PM
Wildlife Resources Conference Room
1115 N. Main Street, Springville
<https://youtube.com/live/R1qaLNtGBK4>

NR RAC – May 17th, 6:00 PM
Weber County Commission Chambers
2380 Washington Blvd. Suite #240, Ogden
<https://youtube.com/live/exaBYGtPFSQ>

SR RAC – May 23rd, 6:00 PM
DNR Richfield City Complex
2031 Industrial Park Rd., Richfield
<https://youtube.com/live/oRky3GPtI8Q>

SER RAC – May 24th, 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River
<https://youtube.com/live/dlckvjuZD6l>

NER RAC – May 25th, 6:30 PM
Wildlife Resources NER Office
318 North Vernal Ave., Vernal
https://youtube.com/live/80_vfVTlz-0

Board Meeting – June 8th, 9:00 AM
Eccles Wildlife Education Center, Farmington
<https://youtube.com/live/eJBk4neaZal>



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

May 1, 2023

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Heather Talley

SUBJECT: 2023 Upland Game, Wild Turkey, and Waterfowl Recommendations

Summary of Recommended Changes:

Updated Wild Turkey Management Plan (see attached for complete plan)

- Feeding Policy
- Crash Response Plan
- Revision of Limited-Entry Boundaries
- Updated Release Sites

Wild Turkey Recommendation

- **R657-54-4: Authorized Weapons**
 - Allows the use of airguns for the take of turkeys in the fall
- **R657-69-7: Control Permit Vouchers for Turkey**
 - Allows three vouchers per individual; does not count toward fall permit allocation
- **R657-69-9: Removal of Turkeys from Commercial Poultry or Gamebird Facilities and Infection Zones**
 - Owners or operators of these facilities may apply for a COR to remove wild turkeys
- **R657-54-8: Live Decoys and Electronic Calls**
 - Prohibits robotic decoys, night vision devices and drones.
- **R657-54-10: Sitting or Roosting Turkeys**
 - Includes power poles and elevated structures
- **R657-54-19: Purchasing or Selling Wild Turkey Parts**
 - Language to align with other species' rules
- **R657-54-20: Season Dates, Bag and Possession Limits, and Areas Open**
 - Three permits (two beardless permits and one either-sex permit) offered in the fall



Upland Game Recommendation

- **R657-6-6: Authorized Weapons**
 - Air rifle recommendation
- **R657-6-20: Use of Dogs**
 - Prohibit dog training near sage-grouse and sharp-tailed grouse leks (March 1 – May 31)
- **R657-6-22: Live Decoys and Electronic Calls**
 - Prohibit night vision devices, drones and robotic decoys
- **R657-6-25: Purchasing or Selling Upland Game Parts**
 - Language to align with other species' rules
- **R657-6: Taking Upland Game**
 - General updates and housekeeping

Waterfowl Recommendations

- **R657-9-3: Stamp Requirement**
 - Allows electronic duck stamps
- **R657-9-28: Use of Dogs**
 - Clarifies the stipulations for dogs allowed at Farmington Bay
- **R657-9: Taking waterfowl, snipe and coot**
 - General updates and housekeeping

Swan Hunting Recommendations

- **R657-9-4. Permit Applications for Tundra Swan.**
 - Trumpeter swan take and possession will be illegal
 - Swan permits will be tundra-only
 - All swans must be checked in
- **R657-62-22. Tundra Swan.**
 - References tundra swans only as trumpeter take will be considered poaching.

2023 Utah Wild Turkey Management Plan



Utah Division of Wildlife Resources

Utah Department of Natural Resources

Requesting Approval by the Utah Wildlife Board
June 8, 2023

Contents

| | |
|--|----|
| UTAH TURKEY PLAN COMMITTEE | 4 |
| EXECUTIVE SUMMARY | 5 |
| INTRODUCTION | 6 |
| UTAH WILD TURKEY SUBSPECIES | 7 |
| Merriam's Turkey (Meleagris gallopavo merriami) | 7 |
| Rio Grande Turkey (Meleagris gallopavo intermedia) | 7 |
| Intermediate Subspecies | 7 |
| UTAH WILD TURKEY HISTORY | 8 |
| MANAGEMENT | 8 |
| Past Management | 8 |
| Current Management | 9 |
| Translocations and Introductions | 9 |
| Current Hunt Structure | 10 |
| Supplemental Feeding | 11 |
| HABITAT | 11 |
| Requirements | 11 |
| General | 11 |
| Nesting | 11 |
| Brood Rearing | 11 |
| Fall and Winter | 12 |
| Habitat Distribution Model | 13 |
| POPULATION | 13 |
| Historic Trends | 13 |
| Current Status | 13 |
| Future Projections | 13 |
| Limiting Factors | 13 |
| Predation | 14 |
| Estimated Population | 14 |

| | |
|--|----|
| Use and Demand | 15 |
| Harvest..... | 15 |
| Spring Harvest | 15 |
| Wildlife Watching | 16 |
| ECONOMICS | 16 |
| Turkey Related Economic Activity | 16 |
| Management Funding..... | 17 |
| ISSUES AND CONCERNS | 18 |
| CONCLUSIONS..... | 19 |
| WILD TURKEY MANAGEMENT DIRECTION..... | 20 |
| LITERATURE CITED..... | 25 |
| FIGURES | 26 |
| APPENDIX 1: Utah Wild Turkey Population Crash Response | 33 |

UTAH TURKEY PLAN COMMITTEE

Chuck Carpenter.....Utah National Wild Turkey Federation Biologist
Scott Dalebout Southern Region Sportsman
Al Eiden Pheasants Forever West Region Director
Merlin Esplin Southern Region Landowner
Nicki Frey.....Utah State University
Wade GarrettUtah Farm Bureau
Karl Hirst Utah Wildlife Board
Kent Johnson Southeastern Region Sportsman
Sean Kelly.....United States Forest Service
Tyler Orgill Northern Region Landowner
Chris Perkins..... Northeastern Region Sportsman
Waylon Pritchett.....Sportsmen for Fish and Wildlife
Clint Wirick..... United States Fish and Wildlife Services Partners Program
Angie Wonnacott.....Northern Region Sportsman
Lynn Worwood Utah National Wild Turkey Federation President

Division of Wildlife Resources Committee Members:

Matt Bartley.....Content Expert; Outreach
Avery Cook Upland Game Project Leader
Jessica Kinross Recorder
Nicole Nielson Facilitator
Jason Robinson Content Expert; Voting Member
Danny Summers Content Expert; Habitat
Heather Talley..... Upland Game Coordinator; Chair
Lindy Varney Content Expert; Licensing

EXECUTIVE SUMMARY

The purpose of this Utah Wild Turkey Management Plan (hereinafter; the Plan) is to maintain relevant and achievable goals, objectives, and strategies to direct the implementation of management practices to create, maintain, or improve wild turkey habitat and populations. Furthermore, the Plan provides transparency regarding wild turkey management, and explicates the efforts made to offer recreational hunting opportunities to coincide with Utah hunters' preferences as much as possible, while maintaining biological integrity, mitigating depredation and nuisance issues, and adapting to new circumstances.

Utah Code §23-14-1 grants the Utah Division of Wildlife Resources (DWR) management authority for wildlife within the state under the authority of the Wildlife Board to serve as the trustee and custodian of protected wildlife to protect, propagate, manage, conserve and distribute protected wildlife throughout the state. The implementation of the Plan will direct the management actions that the DWR will execute to enhance, maintain or establish wild turkey populations and habitat, as well as maintain recreational hunting opportunities.

This Plan will serve as the action plan for wild turkey management in Utah. Key issues that impact wild turkeys in Utah are identified, and will comprehensively guide the direction for upland game management during the next six years (2023-2029). If no major revisions are necessary at the end of the Plan's duration, the Plan may be extended in three-year increments, as approved by the Wildlife Board. This Plan incorporates management direction to the DWR via goals, objectives, strategies and tactics. The Plan will direct DWR's program prioritization and annual work plan development, and provide guidance in the creation of regulatory recommendations and allocation of resources. The Plan indicates five goals for the Plan to address:

- Maintain and Improve Wild Turkey Populations to Habitat or Social Carrying Capacity
- Minimize Human-Wild Turkey Conflicts
- Improve Wild Turkey Hunting Opportunities
- Enhance the Appreciation of Wild Turkeys in Utah
- Enhance Interagency Cooperation

INTRODUCTION

The wild turkey (*Meleagris gallopavo*) is the largest of Utah's game birds and is considered by many as a pinnacle species of upland game. Its appearance is very similar to the domestic dark or bronze turkey, but it has longer legs and a more slender, streamlined body. Tips of the tail feathers are white to light tan. Upper tail coverts may be tipped in white or tan. Breast feathers of the male are tipped with black while those of the female are tipped with white or buff (Dickson 1992).

Adult male turkeys are called toms or gobblers and adult female turkeys are called hens. One-year-old male turkeys are called jakes and one-year-old female turkeys are called jennies. Chicks up to four weeks of age are referred as poults, turkeys between four weeks of age and one year are considered juveniles.

Courtship activities begin in early spring, usually in March. Initiation of breeding behavior is regulated primarily by day length; but year-to-year variation in spring conditions can delay or advance breeding activities. The gobbling of the tom serves as a challenge to other males and attracts females to his territory. There are typically two peaks in courtship behavior — the first peak in gobbling occurs at the start of the breeding season, and the second happens a few weeks later, after most hens have begun incubation. Turkeys are polygamous; a mature tom will mate with as many hens as he can attract. Toms do not take part in nesting or parental activities (Dickson 1992).

Turkeys are ground nesters, with the nest made up of a shallow depression formed by simple scratching and the hen's presence on the nest. Nests are typically located next to cover such as a tree, large rock or fallen log and encompassing dense lateral cover for concealment. Hens lay an average of 10 to 11 eggs over the course of two weeks. Continuous incubation begins after the last egg is laid and lasts for an average of 28 days. Chicks hatch synchronously and are ready to leave the nest within 24 hours. In many studies, greater than 90% of hens attempted to nest each year. Adults are more likely to renest than juveniles, and the length of time spent incubating a failed nest influences the likelihood of renesting. Hens that spend more time on a nest that fails are less likely to renest (Dickson 1992).

After hatching, poults quickly increase body mass and size. Their growth requires a protein-rich diet consisting primarily of insects and forbs (flowering plants). In their first week of life, a poult's diet is roughly 80 percent insects with the required proportion declining as they age. Therefore, the availability of insects is imperative for survival of poults. Poults are dependent upon the hen for protection, and roost on the ground for the first two weeks of life. After the second week of life, poults develop the ability to fly and begin roosting in trees (Dickson 1992).

Jakes seldom breed unless there is an absence of mature toms in the flock. A portion of the yearling hens will mate and nest their first year.

Mast-producing plants such as pine nuts and acorns are important food sources. A variety of grasses, weed seeds, and green, leafy vegetation are also eaten by turkeys. Sedges are important year-round food items where available. Large quantities of insects, particularly grasshoppers, are consumed during the summer.

UTAH WILD TURKEY SUBSPECIES

Merriam's Turkey (*Meleagris gallopavo merriami*)

Males reach a length of 48 inches and females 36 inches. The average weight of an adult male averages 18 pounds and females average 10.5 pounds.

The Merriam's turkey is typically a mountain bird found in mature stands of ponderosa pine mixed with aspen, grassy meadows, and Gambel's oak grading into pinyon pine and juniper. Typical summer habitat consists of large stands of ponderosa pine beginning at about 7,000 feet in elevation up to the spruce/fir zone as high as 11,000 feet. Winter habitat consisting of ponderosa pine flats and individual ponderosa trees which extend down into the pinyon/juniper forests, is usually below 7,000 feet. Merriam's turkeys can travel up to 40 miles between summer and winter ranges.

Important turkey areas such as winter roosts, breeding territories, and brooding areas are usually associated with mature ponderosa pine trees and wet meadows. Large pines are critical for roosting and as escape cover from predators such as coyotes and eagles.

Rio Grande Turkey (*Meleagris gallopavo intermedia*)

The Rio Grande turkey is similar in size and appearance to the other subspecies of wild turkey. Adult males average 17 to 21 pounds, while adult females average eight to 11 pounds. Rios can be distinguished from the other subspecies by the coloration of the tips of the tail feathers, coloration of the upper tail coverts (feathers of the lower back, covering the base of the tail feathers), and the barring in the primary wing feathers. In the Rio Grande turkey, these feather tips are buff or tan, in contrast with the white tips of the Merriam's subspecies.

The Rio Grande turkey (Rio) is found in cottonwood river bottoms often associated with Gambel's oak and green leafy plants. The Rio exhibits seasonal movements between winter roosting areas and nesting areas of up to 10 miles; Rio's seasonal movements are considerably shorter than Merriam's. The Rio Grande and the Merriam's turkey are similar in appearance; however differences in habitat requirements are important for proper management and successful translocations.

Intermediate Subspecies

Since 2008, wild turkey in Utah have been managed at the species, rather than the subspecies level. Subspecies are still recognized for habitat and transplantation purposes; however, Merriam's and Rio Grande subspecies have interbred and adapted to local conditions. These intermediate subspecies are not easily categorized as Merriam's or Rio Grande due to overlapping morphological and behavioral characteristics. They are sometimes referred to as Merrios. They are found in a range of otherwise unoccupied habitat intermediate between the higher elevation Merriam's conifer habitats and lower elevation river bottom Rio habitats.

Dr. Nicki Frey, professor at Utah State University, conducted a study on Rio Grande turkeys in the Escalante area of southeastern Utah. Upon the conclusion of the study, some of the discoveries include: Rio Grande turkeys behave differently and utilize higher elevation habitat in

Utah compared to other states, they have large home ranges (27 square kilometers), utilize mountains for nesting habitat, and the males and females use different areas in the winter and summer months. This study was published in 2020; see the full results here: <https://escholarship.org/uc/item/5mq4673m>

UTAH WILD TURKEY HISTORY

Wild turkeys are not known to have existed in Utah during early European settlement. However, historical and archeological (pictographs, petroglyphs, turkey feather blankets, turkey bones) evidence clearly indicates that wild turkeys, probably the Merriam's subspecies, co-existed with Native Americans in Utah (Newbold et al. 2012).

Since the 1920s, three subspecies of wild turkey have been introduced into Utah with varying degrees of success: eastern, Merriam's and Rio Grande. The earliest translocations were done by interested sportsmen and landowners with the help of the State Fish and Game Department. The first birds stocked were the eastern wild turkey obtained from farm-raised stock. These translocations were unsuccessful.

In the 1950s, what was then the Utah Department of Fish and Game stocked Merriam's wild turkeys obtained from Colorado and Arizona. These translocations established turkeys in Grand, Garfield, Kane, Iron and Washington counties. Subsequently, turkeys from these populations have been trapped and relocated within the state. Additional turkeys obtained from Arizona, Colorado and South Dakota have also been used to supplement and establish Utah turkey populations.

Rio Grande turkeys were obtained from Texas beginning in 1984 and were released near the Pine Valley Mountains in Washington County. These birds did not establish well initially. Additional translocations were planned for 1985, but Rio Grande turkeys being trapped in Texas were diagnosed with Mycoplasma (a well-known avian disease). Consequently, transplanting was postponed until 1989 when the disease issue was rectified.

Beginning in 1989, the UDWR began an aggressive wild turkey trapping and transplanting program using mostly Rio Grande turkeys and occasionally Merriam's turkeys from Arizona, Colorado, Kansas, Oklahoma, South Dakota, Texas and Wyoming.

MANAGEMENT

Past Management

Past management of the wild turkey in Utah has focused on identifying suitable release sites for the varied subspecies and releasing birds into those areas in an effort to establish self-sustaining populations. The DWR released small numbers of turkeys sporadically from 1925 through 1982, typically less than 30 birds per year and often less than 10 birds annually. In 1984, the DWR increased transplant efforts moving over 200 turkeys that year. Turkey translocations remained relatively stable until the early 2000s when over 1,000 turkeys were transplanted each year. Since 2005, turkey transplant numbers have fluctuated around 500

turkeys each year, and has increased to over one thousand birds translocated annually within the state in recent years.

The first spring turkey hunts took place in 1967. The season was closed for a year in 1970, then resumed in 1971 and continues to present. There was a fall hunt as early as 1963 that continued until 1972, discontinued for two years, then resumed from 1974 to 1984. Fall harvest management seasons began again in 2013 on a limited basis to reduce nuisance populations.

From 2001 to 2006, the DWR conducted various combinations of turkey brood and winter flock surveys. These population surveys were discontinued as they did not provide adequate data that could be used to manage the wild turkey.

As turkey populations have increased throughout Utah there has been more opportunity for turkeys to come into contact with residents and agricultural operations, generating nuisance and depredations complaints. The majority of human-turkey conflicts were first reported in the southern part of the state where turkey populations initially increased significantly. Managers in the Southern and Southeastern regions responded to complaints by moving and hazing turkeys away from problem areas. Subsequent population increases in the Northern and Central regions led to an increase in nuisance reports as turkeys began to heavily use a few populated areas during winter months. In 2013, House Bill 342 was passed directing the DWR to respond to and begin mitigation of turkey-caused material damage within 72 hours of notification, as well as directing the Wildlife Board to reestablish a fall hunt to reduce and disperse nuisance populations.

Current Management

Translocations and Introductions

Utah biologists have learned a great deal about wild turkey management since the first wild turkey release in 1925. Today, biologists are able to translocate different subspecies of wild turkey into the appropriate corresponding habitat. The DWR has transplanted the Merriam's turkey into mountain habitat of southern Utah, and the Rio Grande turkey into bottomland habitats throughout the rest of the state. The DWR also aggressively pursues trapping and relocating wild turkey from existing Utah populations to supplement and establish new populations throughout the state. The DWR supplements existing populations as necessary to maintain genetic diversity and to perpetuate populations.

The DWR works cooperatively with the U.S. Forest Service, U.S. Bureau of Land Management, National Wild Turkey Federation, Sportsmen for Fish and Wildlife, other wildlife agencies and sportsmen's organizations, county and city governments and private landowners to transplant wild turkeys, protect and enhance turkey habitat, and to promote the unique aspects of turkey hunting and viewing opportunities.

Translocations fall into two broad categories of translocations: 1) Translocations targeted at nuisance or depredating populations intended to remove the problem birds and relocate them to an area where they will not be involved in human-wildlife conflict. 2) Translocations intended to introduce a new population or augment an established population. The two categories are not completely separate; nuisance populations can be used to establish new populations. However, the primary driver for the action will have influence on the rigor needed in evaluating recipient habitat and monitoring recipient populations. The DWR adheres to the following guidelines while conducting translocations:

In-state translocation release sites should be evaluated before being added to the release site list for:

1. Basic habitat suitability
 - a. Roost trees present
 - b. Proximity to nesting habitat
 - c. Winter food availability
2. Proximity to commercial poultry and gamebird production facilities
3. Proximity to other agricultural operations
4. Proximity to residential areas
5. Public access to translocated birds, especially during spring hunting seasons.

If wild turkeys are being captured specifically for establish new populations, or if wild turkey are being brought in from out of state a more rigorous evaluation of habitat, and more detailed monitoring plans are needed following Appendix II in the 2022 Utah Upland Game Management Plan.

Current Hunt Structure

As of 2023, there are two primary seasons in Utah, a limited entry season and a general season. In addition a relatively small number of tags are distributed during the fall in areas with high levels of nuisance and/or depredation complaints. Utah's limited entry season begins mid-April and extends roughly two weeks into late April. In 2022, 1,699 limited-entry permits were distributed throughout Utah based on population levels in each region. Limited- entry turkey permits offer higher success rates and a limited number of hunters, and are valid only in the region specified on the permit. Fifteen percent of limited-entry permits are reserved for hunters 17 years of age or younger, the youth limited-entry season dates are the same as the limited-entry season.

The general (over the counter) hunt takes place from late April to the end of May, with an unlimited number of turkey permits available. General season permits are valid statewide. A three-day youth-only general hunt takes place after the limited entry and immediately before the opening of the general season. There is also an additional opportunity for hunters with disabilities. There were 7,632 general-season permits purchased in 2022. The total harvest for limited-entry and general seasons was 2,668. Each hunter may purchase either one limited-entry or one general-season permit per year. Limited-entry and general-season permits allow for the harvest of one bearded turkey, regardless of subspecies, as Utah stopped managing at the subspecies level in 2008

There were an additional 41 conservation permits available for partner organization fundraising. Another 10 permits were available for Cooperative Wildlife Management Unit (CWMU) hunts in 2023, and seven expo permits were offered in 2023. Wild turkey poaching reported reward permits are available in addition to limited-entry permits. The number of poaching reported reward permits is capped at 5 percent of limited-entry permits issued the previous year. Up to an additional 20 percent of the allocated limited-entry permits are available for landowners; permits not allocated to landowners are added to the pool of limited-entry permits and issued through the limited-entry drawing.

In 2024, there will be spring limited-entry, youth-only, and general-season permits offered, as well as fall general-season management harvest permits. Each year, hunt structures will be detailed in the DWRs Upland Game and Turkey Guidebook to reflect current regulations.

Supplemental Feeding

Regular supplemental feeding is not part of DWR's routine management for turkey. It is important to manage populations under natural conditions and by natural forage. Ongoing winter feeding is discouraged because it can allow populations to increase to levels above the habitat's carrying capacity, concentrates birds in areas surrounding feeding sites which increases risks of disease transmission, and can be prohibitively expensive. However, during periods of critical stress, feeding may be warranted to relieve stress during short-term emergencies. A feeding policy has been developed in 2023, and has already been utilized. The guidance provided by this policy includes a description of triggers that warrant feeding, the duration of feeding, the circumstances in which feeding should be avoided, and more details that document each feeding event.

HABITAT

Requirements

General

Suitable habitat includes three key ingredients: trees, forbs and grass. Regardless of the type of environment, this combination must exist for turkeys to thrive. Trees provide food, daytime loafing and escape cover, and—most importantly—nighttime roost sites. Grasses and forbs provide food for adults and are especially important to poults as an environment in which they can efficiently forage for insects.

The annual home range of wild turkeys varies from 370 to 1,360 acres and contains a mixture of cover types.

Nesting

The characteristic most common to habitat immediately surrounding the nest of the wild turkey is lateral cover. Lateral cover obscures horizontal vision. Ideal nesting cover types are those with well-developed herbaceous or woody vegetation at zero to three feet above the ground. Overhead cover at the nest site from between 50 to 90 percent at a height of 0.5 to 3.4 yards seems preferred as well.

When establishing a nest, wild turkey hens prefer sites that are mesic (having moderate soil moisture). Whether the mesic site condition provides an important microclimate for the hen and eggs, or is simply correlated with greater development of lateral vegetation, is unclear.

Close proximity to adequate brood rearing cover is an important criterion in the hen turkey's selection of the nest site.

Brood Rearing

During the first eight weeks after hatching, there are three essential components of brood rearing habitat. First, poults need an environment that produces an abundance of insects.

Second, poults need habitat in which they can frequently and efficiently forage throughout the day. Third, poults need an area that provides enough cover to hide, but allows the adult hen unobstructed vision for protection from predators.

Therefore, the fundamental component of brood rearing habitat is herbaceous vegetation interspersed with trees. Herbaceous vegetation is key because it provides an ideal foraging environment for poults. Insect abundance is usually greater in open fields than in forest habitats — particularly when the fields are not mowed or grazed.

Moreover, the height of vegetation is another essential feature. Herbaceous vegetation that is 12 to 28 inches in height allows adult hens to see predators at long distances while providing an avenue for the hen and poults to hide.

Turkey broods are seldom found far from trees. Trees may be vital resources for two reasons. First, microclimate is critical to heat regulation in young poults. Cold and wet conditions are significant factors to poult death. Trees provide shelter from rain and shade from heat. Trees also provide escape cover for poults that can fly at the age of 10 to 12 days. The pattern for brood rearing habitat is that of a park-like environment. Complete ground cover of forbs and grasses with average heights of 20 inches, and 10 to 50 percent overhead or nearby tree cover is necessary. Weekly home ranges for wild turkey poults average less than 75 acres, and total summer home ranges are about 250 acres.

Fall and Winter

Wild turkeys seek two imperative habitat ingredients in the fall and winter —food and roosting cover. Vegetation that turkeys utilize during the fall and winter is highly varied. Turkeys increase their use of forested cover during the fall and winter and decrease their use of open areas. Mast (pine nuts, acorns, berries) is the primary food source during fall and winter. Habitat value increases with higher proportions of mast-producing species in the forest and their degree of maturity.

In mountainous environments, spring seeps are an important source of fall and winter food. Seeps provide invertebrates, mast and green vegetation. Because such water does not freeze, it provides a microclimate that allows foraging throughout the winter.

Where agriculture is prominent, a mix of cropland and forest cover provides good turkey habitat. Turkeys make extensive use of grain crops where they are available. Corn, compared with acorns, is higher in protein, lower in fats, and similar in carbohydrates.

The second characteristic paramount to winter habitat is roosting cover. The essential feature of roost cover is a horizontal spreading structure 30 to 100 feet above the ground. In areas where winter temperatures are frequently below freezing, winter roosts tend to be in locations where they are protected from prevailing winds. Roost trees on northeast-facing slopes and that allow turkeys to roost above cold-air drainages are integral to turkey survival in regions of cold winter weather.

Optimal winter conditions are found on south-facing slopes with less than 20 percent gradient and where seeps are spread out; each covering more than 18 square yards. In areas where snow cover of six inches or more persists for two to 16 weeks, the wild turkey may need additional habitat resources.

Habitat Distribution Model

The DWR strives to develop a predictive habitat distribution model; by utilizing known locations of turkeys and habitat characteristics to highlight areas similar to what turkeys are already using. Field observations will improve this model — knowing where turkeys are not located is just as important as knowing where they are. To create this model, three main components are necessary: occurrence points (such as GPS locations or sightings from other locality data), accurate and species-relevant predictors (such as slope, elevation, vegetation types, etc.), and a clear research goal so the model will function for the intended purpose. This model will benefit turkey management in several ways; to be able to better determine placement and method of habitat treatments, predict distribution, to predict critical seasonal habitats for turkeys, etc. One example of how this could benefit turkey management is if critical habitats are identified, a process could be developed to mitigate environmental changes to those areas. The data provided by this model will help guide a plethora of decisions to improve future turkey management.

POPULATION

Historic Trends

No detailed habitat inventories have been conducted to assess historic trends in turkey habitat throughout Utah. However, harvest statistics providing an index of population levels — these are available in Utah's Upland Game Annual Reports available on the UDWR website at: <https://wildlife.utah.gov/upland-reports.html> . Utah's harvest statistics provide information on overall harvest, effort, hunters afield, hunter success, satisfaction, and perceived crowding to inform management decisions.

Current Status

Currently in Utah, there are 14 million acres of occupied wild turkey habitat (Figure 2). The 2023 occupied habitat map was developed by DWR biologists based on observed wild turkeys, with input from various sources including state and federal biologists, private landowners, hunters, and others.

Future Projections

Aggressive logging of ponderosa pine forests in southern Utah and continued loss of riparian habitats throughout Utah could potentially impact turkey habitat. However, funding is available for wild turkey projects to maintain and enhance habitat. See Table 1 for project information.

Limiting Factors

Annual weather conditions have the greatest impact on Utah's wild turkey populations. Periods of sustained cold temperatures and substantial snow depths can lead to starvation by increasing caloric demand while reducing food availability. Persistent, cold, wet spring weather decrease poult survival and recruitment into the population. Diseases can also impact wild turkey populations, but there has never been a documented population level disease problem in Utah's wild turkey. However, highly pathogenic avian influenza (HPAI) has caused mortality in wildlife in Utah early in 2022. While there are no confirmed cases of HPAI in wild turkeys in Utah, the DWR is scrupulously monitoring outbreaks and updates are available on the DWR website: <https://wildlife.utah.gov/avian-influenza>. Additionally, the DWR website provides guidance for

domestic poultry or gamebird facilities in the event that wild turkeys are in or near those facilities.

Predation

Predators in localized areas could potentially affect population size, but impacts of predators on wild turkey have not been studied in Utah. However, increased predation on other upland game bird nests, chicks, or adults is typically caused by insufficient habitat, or habitat fragmentation. Fragmentation can also result in elevated predation rates if predators have increased access to native habitats, or game birds are forced to move through unfamiliar or exposed habitats (Schroeder and Baydack 2001, Vander Haegen et al. 2002).

Predator bounty programs are often suggested as a way to improve upland game populations, however they have been shown to be ineffective and costly having little influence on predator population trends since at least the mid 1900's (Bennitt 1948, Douglas and Stebler 1946). Predator control programs may be effective in small areas where high level of control can be maintained to protect imperiled populations, improve translocation success or on select wildlife management areas (Côté and Sutherland 1997, Frey et al. 2003, Dinkins et al. 2016, Conover and Roberts 2017). Expanding, manipulating, or otherwise managing habitats will generally be the most efficient practice to manage the influence of predators on upland game populations.

However, the DWR is supportive of many existing programs that mitigate predator abundance. Landowner Associations, independent landowners, counties, and others offer bounties to kill predators such as coyotes, raccoons and foxes, which keep sportsmen interested in predator hunting and trapping. The DWR does currently operate a coyote bounty program for mule deer, and implements bobcat harvest seasons, and cougars can be taken with just a hunting or combination license year-round, with no bag limit²³⁰. The DWR also has a contract with Wildlife Services to remove mammalian predators and ravens for sage-grouse, which likely benefits turkeys as well. Moreover, predators such as striped skunks, raccoons, red foxes, and coyotes are not controlled wildlife — they can be taken year-round without a license.

Estimated Population

Currently, the DWR does not conduct population inventories of wild turkeys, but does receive data that can be used to assess population levels from annual harvest surveys, along with biologist observations from the field, and input from landowners and sportsmen. Formal population surveys in the form of late summer brood counts and winter flock counts were attempted from 2001 to 2006, but did not prove to be cost effective or improve the quality of management. Based on the assumption that 10 percent of Utah's wild turkey population is harvested each spring, the current Utah population is roughly estimated at 20,000 - 30,000 wild turkeys statewide. Populations have proven successful in many regions of the state and will likely continue producing excess individuals that can be transplanted throughout the state to increase population distribution and abundance. Nuisance and depredation will be mitigated through a combination of translocations, hunts, winter habitat improvement, and outreach efforts.

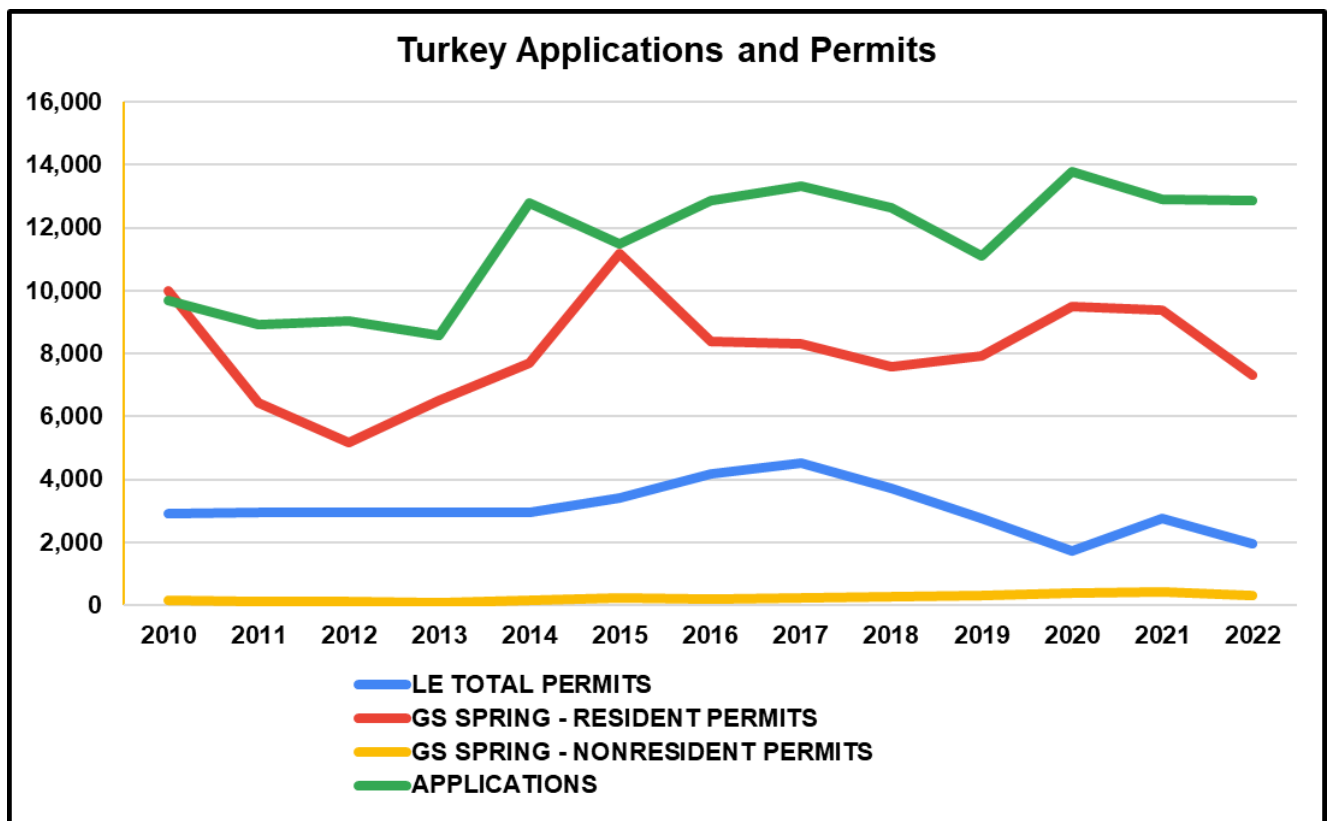
Use and Demand

Harvest

Spring Harvest

The traditional Utah turkey harvest takes place in the spring during April and May — exact season dates are available in the current year’s Upland Game and Turkey Guidebook. An annual harvest survey is used to assess three triggers utilized in the spring hunt management: hunter success, satisfaction, and perceived crowding. The DWR aims to keep hunter success above 20 percent, hunter satisfaction above a subjective rating of two out of five, and perceived crowding equal to or below a subjective rating of four out of five. Permit numbers are adjusted to depending on the value of these triggers. If a trigger is met, a committee meeting will be initiated to discuss next steps. Though these metrics are also calculated during the fall management harvest to obtain a long-term data set, they are not considered triggers since those metrics do not determine whether the fall management harvest is necessary and would not initiate a meeting or discussion. Whenever possible, the DWR prioritizes translocations over fall harvest. Each year the DWR compiles an Upland Game Annual Report that includes information on wild turkey hunting, harvest, and yearly regulations. These annual reports can be found on the UDWR website at: <https://wildlife.utah.gov/upland-reports.html>.

Figure 1. Total Utah wild turkey permit sales and applications 2010 to 2022. Unlimited over the counter permits were available starting in 2010. Three fall permits per hunter were available starting in 2018.



Fall Harvest

A fall management harvest season was offered for the Merriam's subspecies from 1964 to 1985. No fall hunting season occurred in Utah from 1985 to 2012. In 2013, a limited fall depredation hunt was offered in the Northern Region to help alleviate wild turkey nuisance situations in Box Elder and Cache counties; 43 wild turkeys were harvested. Since then, the fall management harvest boundaries and permit numbers have fluctuated over time. A fall permit calculator is utilized with input from regional biologists to recommend permit numbers each year for the fall season. See Figures 5, 6, 7, and 8 for fall turkey permit numbers and harvest per region. Note that the Northeastern Region does not implement fall harvest management seasons. A graph depicting the number of turkey complaints per region per year will be added as an appendix.

Wildlife Watching

The wild turkey's distribution throughout Utah provides opportunity for wildlife enthusiasts to view, study, and photograph this distinctive bird. No data has been collected to assess interest in wild turkey viewing.

ECONOMICS

Turkey Related Economic Activity

A 2003 study prepared by Southwick Associates for the National Wild Turkey Federation found that over 2.2 million U.S. hunters spent \$1.8 billion on turkey hunting related expenses during the 2003 season. On average each hunter spent \$784 on expenses relating to turkey harvest including \$207 for travel-related goods, \$80 for vehicles, \$76 for firearms, and donated \$105 for habitat improvement through conservation organizations or other channels.

In 2011, Utah had 193,000 hunters spending an estimated \$499 million on hunting related expenses averaging \$2,334 per hunter. Out of the total hunters in Utah, 63,000 hunted small game, spending an average of \$557 specifically on small game hunting on an annual basis. Average expenditures for wildlife viewing in Utah averaged \$727 per person, with 410,000 people participating annually for a total of \$585 million in expenditures (US Dept. of Interior 2011).

Utah turkey permit sales peaked in 2009, with 13,947 permits issued. Demand outstripped supply with 20,371 applications for the 10,600 limited entry permits issued in 2009. In 2010, unlimited over the counter permit sales were implemented, and permit numbers were relatively stable compared to 2009, with 13,241 permits sold. In recent years, the total number of limited-entry permits have slightly decreased to accommodate drought conditions. The general season permits have remained relatively constant — an increase was noted during the pandemic in 2020 as over 1,500 permits purchased during the general season, but this is still within the usual fluctuation of general-season permit sales. In 2022, 10,127 hunters hunted wild turkey in the spring, and 3,517 hunters hunted wild turkey in the fall 2021-2022 season. Since there are no updated estimates from Southwick Associates, multiplying the aforementioned average that each hunter spends on turkey hunting by the spring turkey hunters is \$12,679,004, which does not account for inflation.

Since the introduction of over-the-counter permit sales in 2010, applications for limited-entry permits have decreased by almost 50 percent; from 20,371 applications for the 2009 limited-

entry season to 12,904 applications for the 2022 limited entry season. However, demand for limited entry permits is still greater than available opportunity. In 2022, there were 12,904 applications for 1,952 permits (see Figure 1 for more detail on demand relative to opportunity).

Management Funding

Funding for wild turkey habitat projects is available from a number of sources. The Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) of 1937 generates funds from excise taxes on firearms, ammunition and archery equipment. These funds are available to use with state matching funds. Federal Pittman-Robertson funds may provide funding for turkey management and habitat projects.

The Wildlife Habitat Account is a restricted account within the Utah General Fund directed by Utah Code 23-19-43. The habitat account is funded by the sale of licenses, permits, stamps, and certificates of registration. Each year up to \$230,000 or 10 percent (whichever is greater) of the Wildlife Habitat Account is allocated to upland game projects for habitat acquisition and improvement, predator control, increasing public access to private land and other upland game related purposes. Habitat funds are made available through the director of the Division of Wildlife. The Habitat Council reviews and recommends proposed projects to the director, and the projects are tracked through the Utah's Watershed Restoration Initiative administrative framework.

Funding for acquiring pen-raised birds for transplanting and releasing in Utah is provided by Utah Code 23-19-24. The code dictates that up to 50 cents of each hunting license fee may be directed to the upland game program to acquire pen-raised birds and to capture and transplant upland game species. These funds are separate and distinct from the funds in the Wildlife Habitat Account. In addition, wild turkey conservation permits, obtained and sold by 501(c)(3) conservation organizations, generate funds that can be used on turkey management and habitat projects.

ISSUES AND CONCERNS

| High Priority: Urgent and Important | |
|--|---|
| Issue | Concern |
| Human-wild turkey conflicts in urban and agricultural settings | High number of complaints of turkey nuisance and depredation in urban and agricultural settings |
| | Lack of formal guidance with prioritized options and identified resources |
| Insufficient winter habitat | Starvation during severe weather |
| | Winter overutilization of urban and agricultural areas |
| Response to sudden population declines/crashes | Population declines will lead to extirpation of populations without intervention |
| | Intervention will not be effective without implementation of a population crash response plan prepared in advance of adverse events to guide division actions and identify needed resources |
| Maintain interagency management cooperation | Emergency feeding will be limited to state and private lands unless otherwise authorized by the land management agency |
| | Population expansion efforts will be less effective on federal lands without interagency cooperation |
| Lack of sufficient funding to implement strategies identified in this plan | Nuisance and depredation will receive disproportionate resources |
| Maintain DWR wild turkey management flexibility | New methods of mitigating human-wild turkey conflicts will be developed and used with sufficient plan flexibility |
| | DWR staff will be able to implement management practices based on the best available science |
| Disease transmission from within and from outside Utah, including to and from commercial turkeys. (Note: Disease is a low priority because there is no Utah record of disease transmission between wild and commercial turkeys.) | Economic impacts to commercial turkey producers |
| | Disease related decline of wild turkey populations |

| Medium Priority: Less Urgent and Important | |
|--|---|
| Issue | Concern |
| Insufficient access to hunting and viewing opportunities | Lack of opportunity limits interest, hunter recruitment, and hunter retention |
| Insufficient outreach and education | Lack of knowledge on where and how to hunt can limit recruitment and retention |
| | Lack of value given to wild turkey by the public |
| | Increased nuisance and depredation complaints resulting from lack of knowledge of factors leading to undesirable concentrations of wild turkey and methods to mitigate nuisance |
| | Lack of knowledge of potential benefits of wild turkey to agriculture |
| Lack of western population research | Lack of regional information on wild turkey ecology may be impeding the best possible management |
| Low quality and quantity of breeding and summer habitat | Population growth will be limited |
| | Hunting and viewing opportunity will be limited |

| Low Priority: Not Urgent but Important | |
|--|--|
| Issue | Concern |
| Excessive corvid (crow, raven, magpie) predation | Limited population growth, or population decline |
| Lack of population monitoring to detect and respond to population declines | Local populations will decline or be extirpated before the population crash response plan can be implemented |

CONCLUSIONS

Archeological evidence indicates that the wild turkey is native to Utah. Two distinct subspecies of wild turkey are found in Utah — Merriam's and Rio Grande, with intermediate subspecies filling ecological niches between distinct subspecies. Ponderosa pine habitats are most important for the Merriam's subspecies while cottonwood riparian habitats are most important for Rio Grande subspecies of wild turkeys.

Throughout Utah, there is still habitat capable of supporting wild turkey that is currently unoccupied, providing ample opportunity for populations to be expanded both in numbers and distribution. This will offer additional hunting and viewing opportunity.

Wild turkey range has been successfully expanded in Utah. Subsequently, available spring hunting permits have risen substantially from 1,016 in 2000, when the last management plan was published — see Figure 1 for permit numbers versus applications submitted. There are a limited number of locally overabundant populations resulting in nuisance and limited depredation issues, which are alleviated by the depredation program and the fall management harvest.

Turkey hunting is becoming one of the most popular hunting sports in the United States. This is the result of the multiple states' efforts to establish new wild turkey populations and increase

existing ones. The efforts made in this plan will help ensure healthy turkey populations for future generations to enjoy.

WILD TURKEY MANAGEMENT DIRECTION

| Management Goal: Maintain and Improve Wild Turkey Populations to Habitat or Social Carrying Capacity. | |
|---|--|
| Objectives | Strategies |
| Stabilize populations that are declining outside of natural population fluctuations; especially through catastrophic events (i.e. following fires, severe winters, etc.). | Utilize Population Crash Response Plan |
| | Supplement declining populations with additional wild turkeys when adequate habitat is available |
| | Conduct habitat projects to address limiting factors |
| | Utilize a wild turkey feeding policy for UDWR |
| | Identify and secure funding sources |
| | Control predator populations in targeted areas when warranted. |
| Enhance wild turkey habitat — quality and quantity — by 100,000 acres statewide by 2029. | Map priority treatment areas/critical wild turkey habitats |
| | Identify population limiting habitats (e.g. winter habitat) |
| | Identify and secure funding sources. |
| | Conduct habitat improvement projects in limiting habitat(s) and maximize the benefits to turkeys within all WRI projects that incorporate turkey habitat |
| | Increase outreach to our agency and non-agency partners, regional habitat biologists and wildlife biologists to increase number of and quality of WRI projects, as well as comments on those projects. |
| Continue to establish and maintain wild turkey populations in suitable unoccupied and suitable occupied habitat and monitor success. | Utilize translocation guidelines and add as an appendix to the plan |
| | Deploy as many GPS transmitters as possible to gather translocation data. Incorporate into Migration Initiative |
| | Prioritize intrastate translocations over interstate efforts |
| | Conduct more research on Merriam's specifically via GPS transmitters |
| | Prioritize translocations within Utah over interstate translocations |
| | Focus interstate translocations into Utah on Merriam's subspecies, with secondary focus on Rio Grande subspecies |
| | Translocate birds from areas where populations are in excess of social or biological carrying capacity following the Wildlife Board approved wild turkey transplant list |

| | |
|--|-------------------------------------|
| | Identify and secure funding sources |
|--|-------------------------------------|

| Management Goal: Minimize Human-Turkey Conflicts | |
|---|--|
| Objectives | Strategies |
| Respond to and mitigate material damage complaints | Develop a baseline of complaint numbers based on complaints per region per 100 estimated wild turkeys (population estimated assuming a 10% harvest) |
| | Improve outreach and education |
| | Increase involvement and personal contact between landowners and NGOs to reach mutually beneficial conservation solutions <ul style="list-style-type: none"> Publicize NGO contact information in outreach efforts as appropriate |
| | Develop DWR wild turkey management pamphlet <ul style="list-style-type: none"> Respond to complaints as required by law Develop guidelines and framework for dealing with wild turkeys causing material damage Outreach section should partner with USU Extension and Farm Bureau to create this document Should outline: benefits of turkeys, available tools/contact information, advertise Farm Bill and NRCS programs, reason for fall management harvest Working with external partners on a unified message to increase credibility |
| | Work to enact local wild turkey feeding ordinances in chronic complaint areas where appropriate <ul style="list-style-type: none"> Encourage NGOs to work with county commissioners; Division encourages municipalities to adopt feeding bans |
| | Improve habitat to draw wild turkey populations away from conflict areas. |
| | Translocate complaint wild turkeys as per the approved transplant map |
| | Continue a targeted fall wild turkey harvest management season |
| | Formalized assistance agreements with National Wild Turkey Federation and/or Sportsmen for Fish and Wildlife and other NGOs <ul style="list-style-type: none"> Identify and secure funding sources |
| | Respond to and educate complainants of chronic nuisance issues |
| Improve outreach and education | |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Create and utilize a landowner satisfaction survey for those who participate in the depredation program • Outreach section will create a targeted email for fall turkey permit holders to educate them about fall harvest <ul style="list-style-type: none"> ○ Explain how habitat projects are funded ○ Advertise the success of turkeys in Utah to Utah hunters and the general public ○ Explore more mentoring programs with multiple NGOs ○ Educate the public regarding youth hunting opportunities and that fall harvest is a management tool, not designed for opportunity ○ Explain why hen harvest is integral to the success of the fall management harvest • Other outreach education regarding the plan will include: <ul style="list-style-type: none"> ○ Podcast ○ Blog post ○ News release explaining fall vs. spring hunting structure ○ Create an infographic ○ Include locavore movement information |
| | <p>Work to enact local wild turkey feeding ordinances in chronic complaint areas where appropriate Encourage NGOs to work with county commissioners; Division will be supportive if municipalities recommend feeding bans</p> <ul style="list-style-type: none"> • Improve habitat to draw wild turkey populations away from conflict areas. |
| | <p>Translocate complaint turkeys as per the approved transplant map</p> |
| | <p>Continue a targeted fall wild turkey harvest management season</p> |
| | <p>Identify and secure funding sources</p> |

| Management Goal: Improve Wild Turkey Hunting Opportunities | |
|---|--|
| Objectives | Strategies |
| Maintain and ncrease the amount of accessible hunting areas throughout the state | Identify areas with wild turkey habitat that are not currently accessible for public hunting |
| | Identify and secure funding sources |
| | Secure public access (Walk-In Access (WIA), Easements, etc.) though agreements with landowners or management agencies |
| Increase the number of turkey hunters by 10 percent in the state by 2029 | Provide optimized season timing and length: need research to determine peak breeding and nesting dates for turkeys in Utah to better inform season dates |
| | Continue to utilize outreach efforts to maximize hunter interest |
| | Need survey methodology for a population estimate |
| Educate hunters (manage expectations, how to view the fall management harvest, how to hunt effectively, etc.) | Continue to offer turkey hunting workshops, seminars and other Wildlife Recreation Program events in person and online <ul style="list-style-type: none"> • Work with conservation groups, and other partners to host these events |
| | Work with NGOs to develop a mentoring program |
| | Continue the regional hunting forecasts |
| | Increase turkey distribution and numbers throughout the state |
| | Continue implementing a system for regional permit allocation for the LE and fall seasons |
| | Continue to provide and educate the public about existing youth opportunities |
| | Continue to produce content (and partner with NGOs as appropriate) on Instagram, Facebook, Twitter, YouTube, DWR blog, podcasts, informational quizzes and videos, news releases, newsletters, newspaper, radio, state fair presence, television interviews, public meetings, expos, and orientation courses |

| Management Goal: Enhance the Appreciation of Wild Turkeys in Utah | |
|---|---|
| Objectives | Strategies |
| Increase targeted distribution of educational materials and presentations on the benefits of wild turkeys | Develop or otherwise make available presentations to offer to agricultural communities and other groups on the benefits of wild turkeys |
| Increase the number of participants at wild turkey events by 10% by 2029 | Develop a baseline of events and participant numbers |
| | Increase support and partnerships with conservation organizations |

| | |
|---------------------------------|---|
| | Increase availability of turkey educational resources from UDWR and conservation organizations, and improve ease of use of the UDWR wild turkey web pages. |
| | Establish more viewing events and educational opportunities (around Thanksgiving, translocations involving schools, local governments, spring strut, etc.) <ul style="list-style-type: none"> • Involve Future Farmers of America (FFA), Scouts, 4H and other youth groups • Involve local government leaders |
| Enhance Interagency Cooperation | Increase communication with other agencies regarding turkey updates at regional interagency meetings |
| | Coordinate between UDWR regional and Salt Lake Office staff prior to interagency meetings |
| | Complete MOU with federal agencies and NGOs at the state level and update as needed |
| | Work cooperatively to provide access to federal lands (e.g. open gates, easements, roads, etc.) |

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FIGURES

Figure 2. Occupied Wild Turkey Habitat Map, Utah 2023. Shaded area (blue) represents occupied turkey habitat.

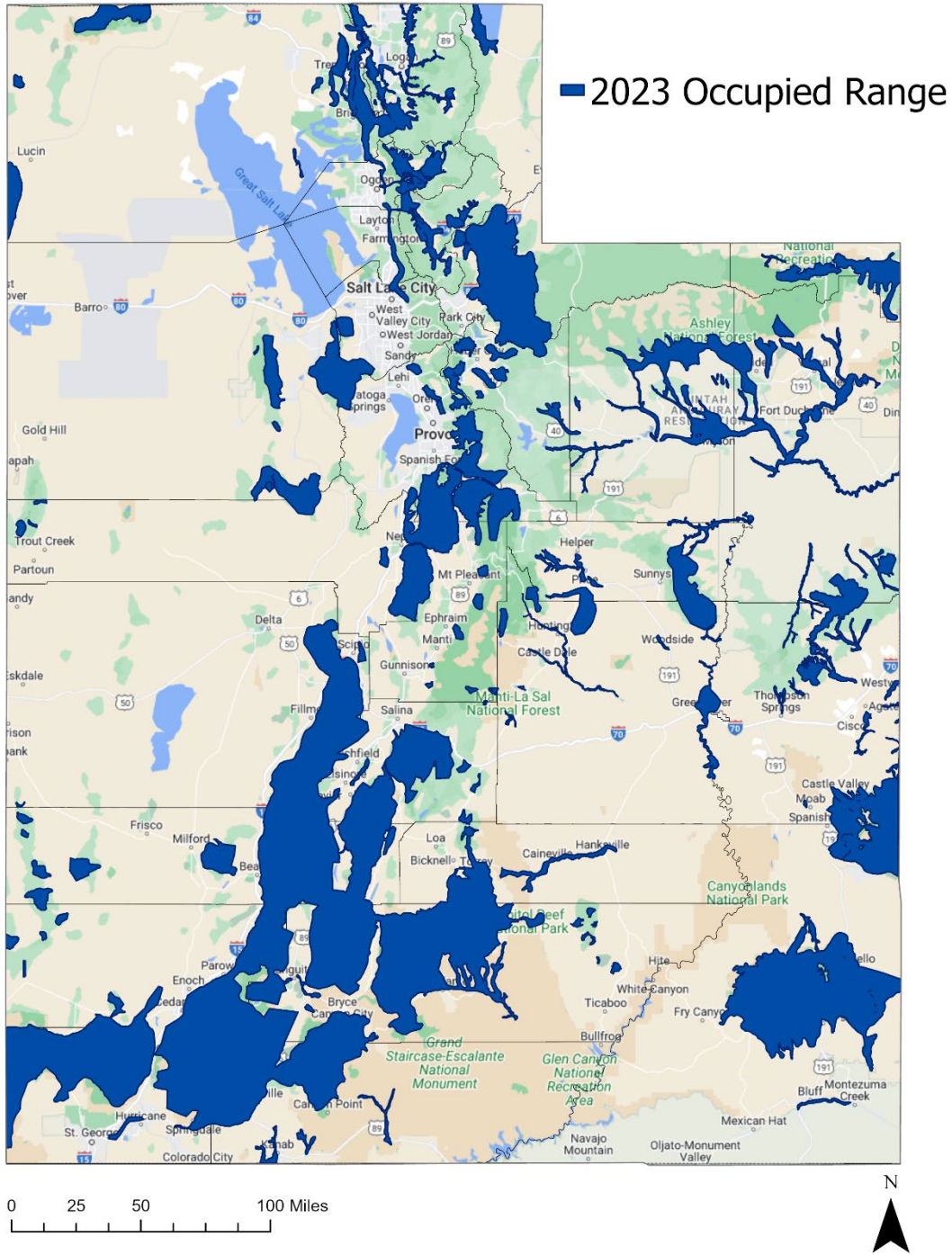


Figure 3. Occupied Wild Turkey Range: 1995-2023

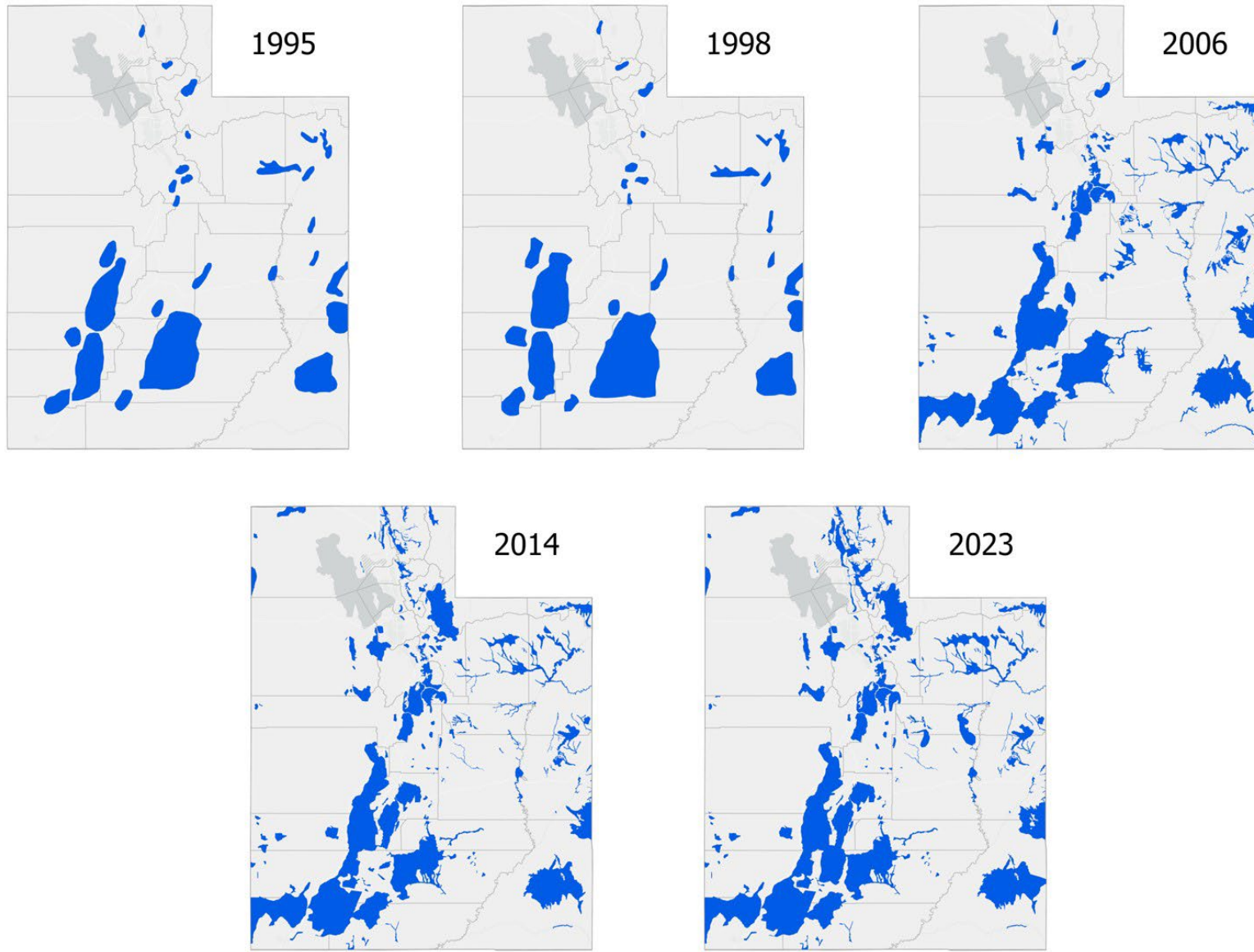


Figure 4. New and Existing Release Sites (2023-2028)

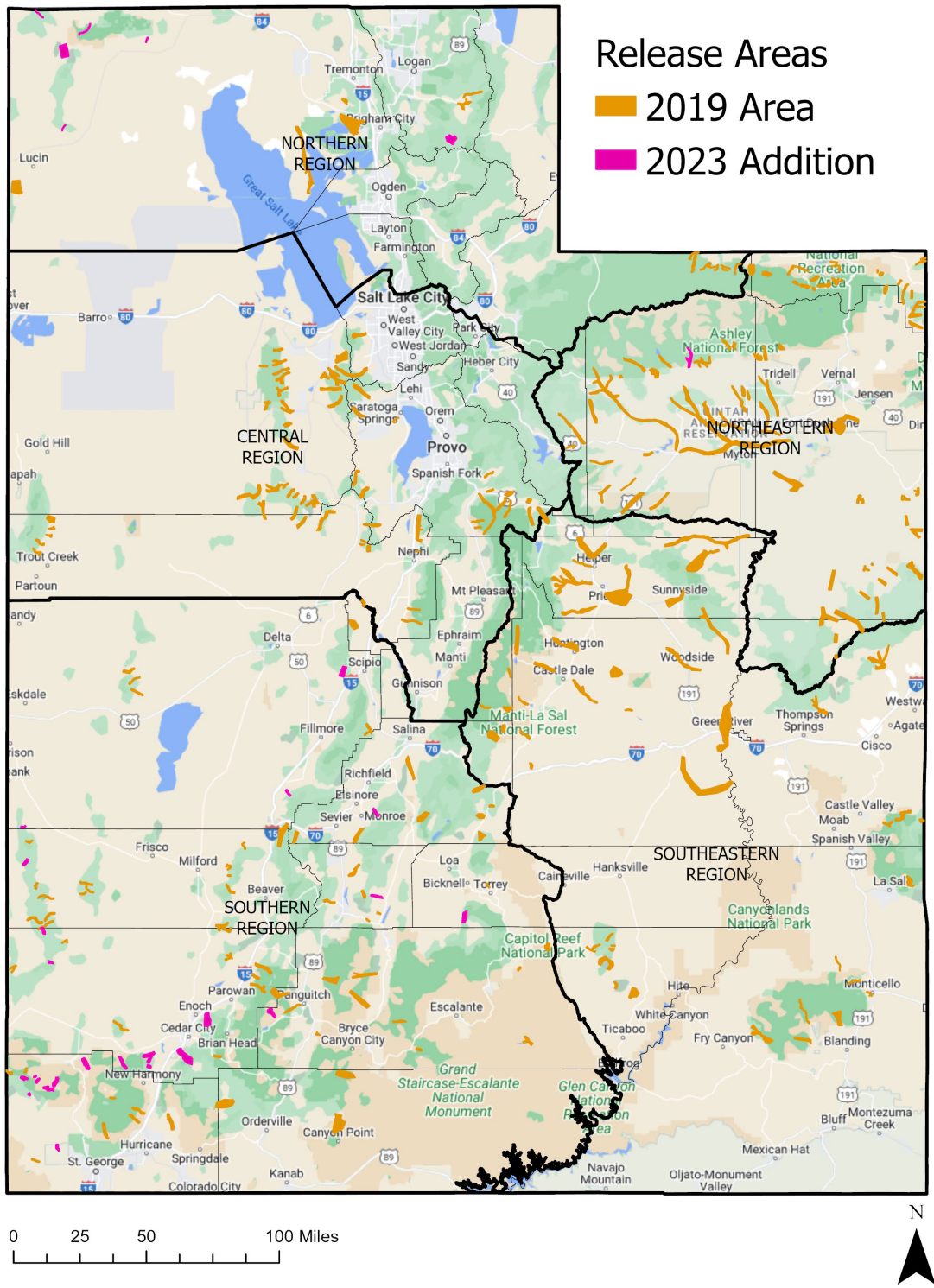


Figure 5. Northern Region Fall Turkey Permits and Harvest

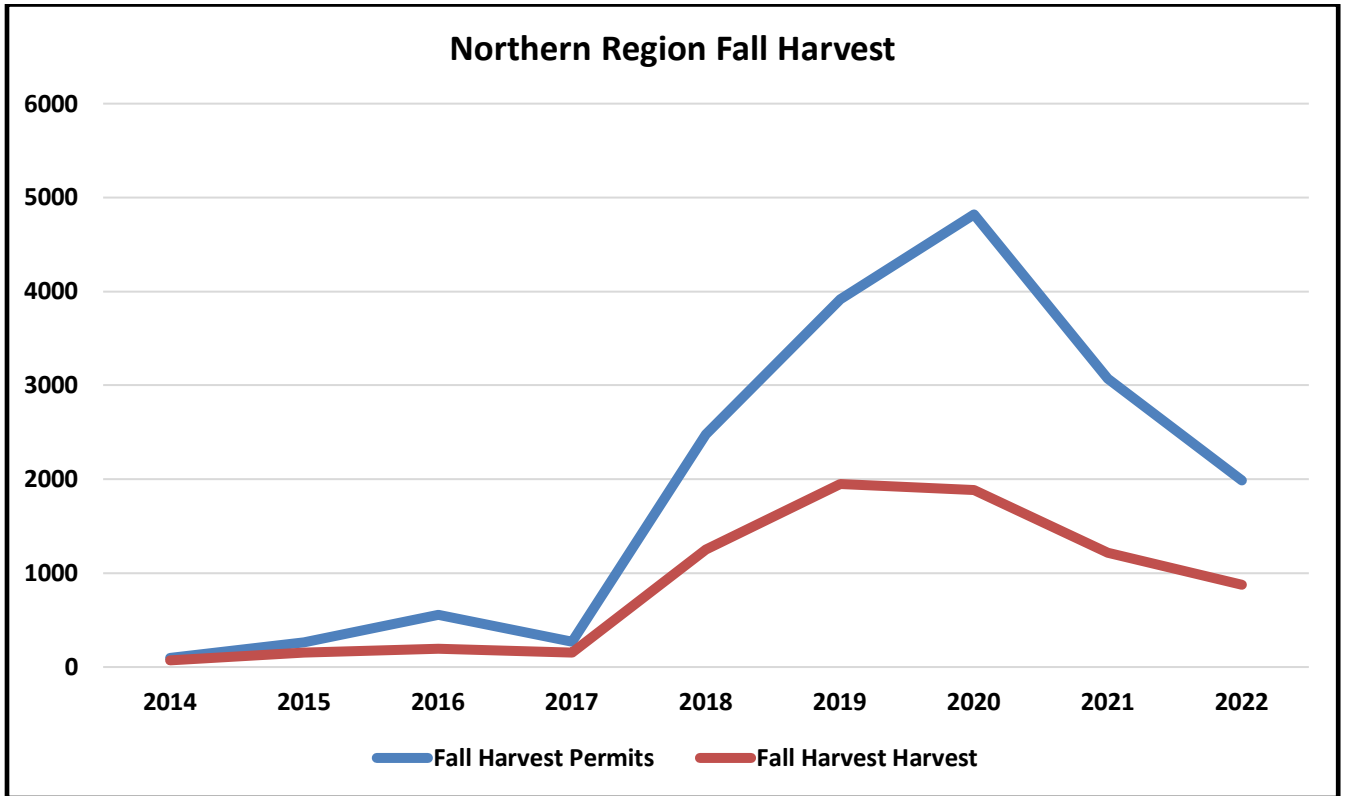


Figure 6. Central Region Fall Turkey Permits and Harvest

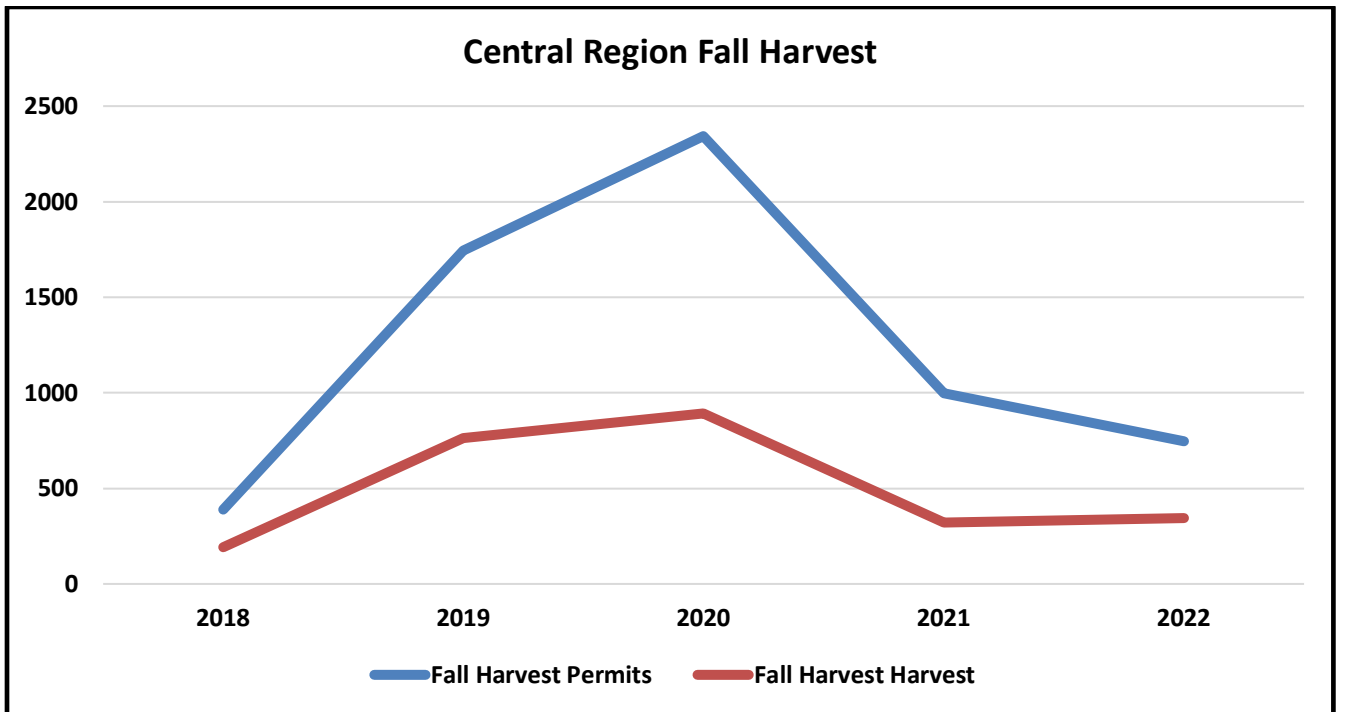


Figure 7. Southern Region Fall Turkey Permits and Harvest

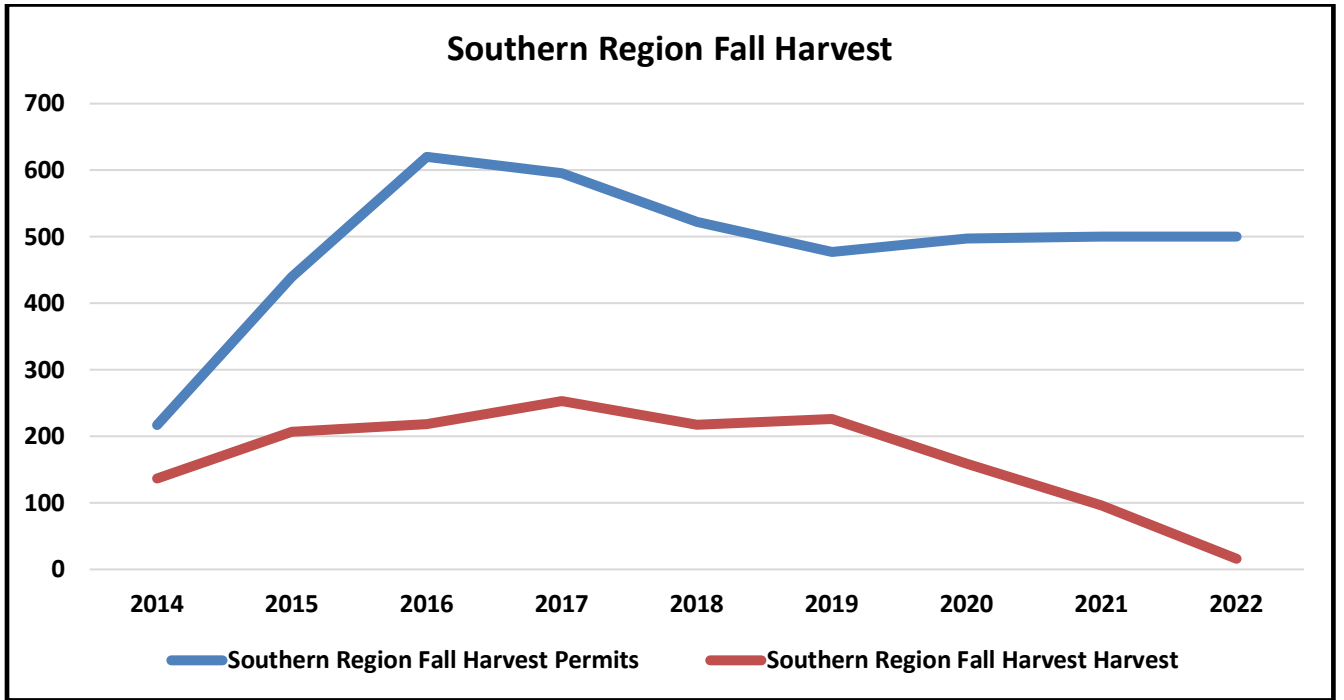


Figure 8. Southeastern Region Fall Turkey Permits and Harvest

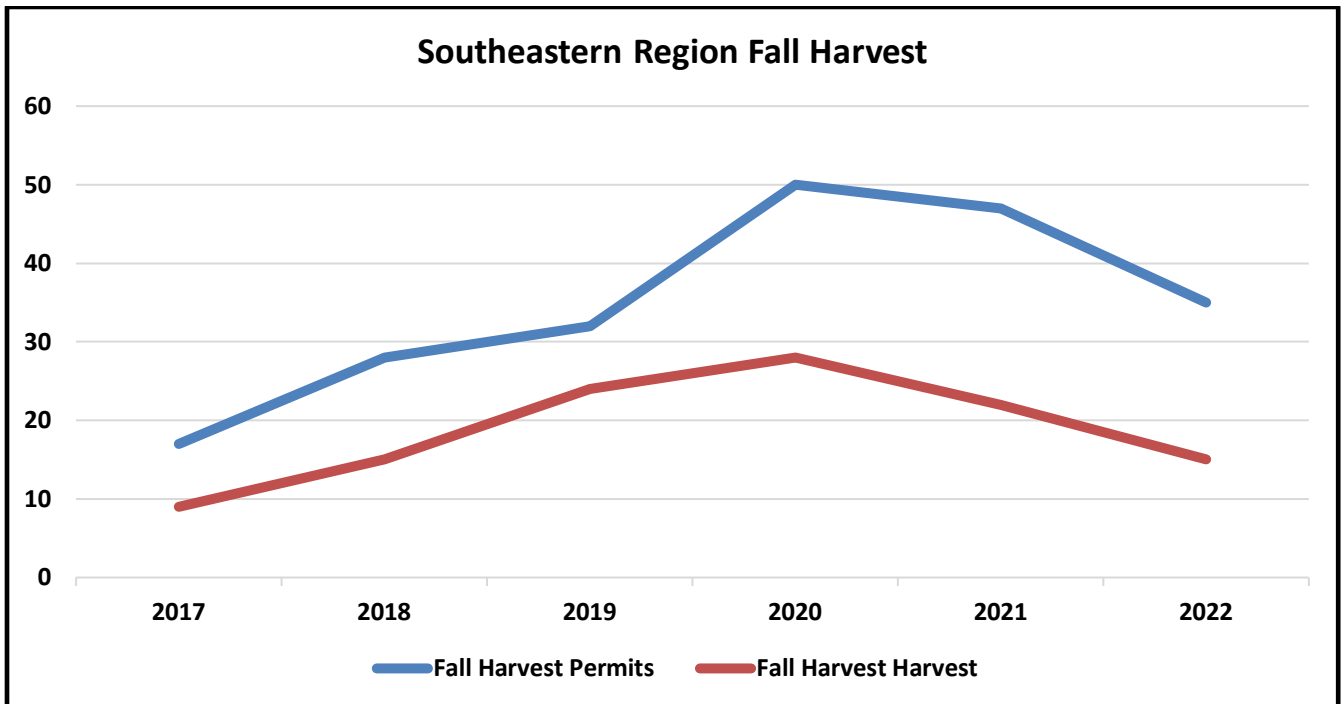


Figure 9. Fall Management Harvest Success with Multiple Permits

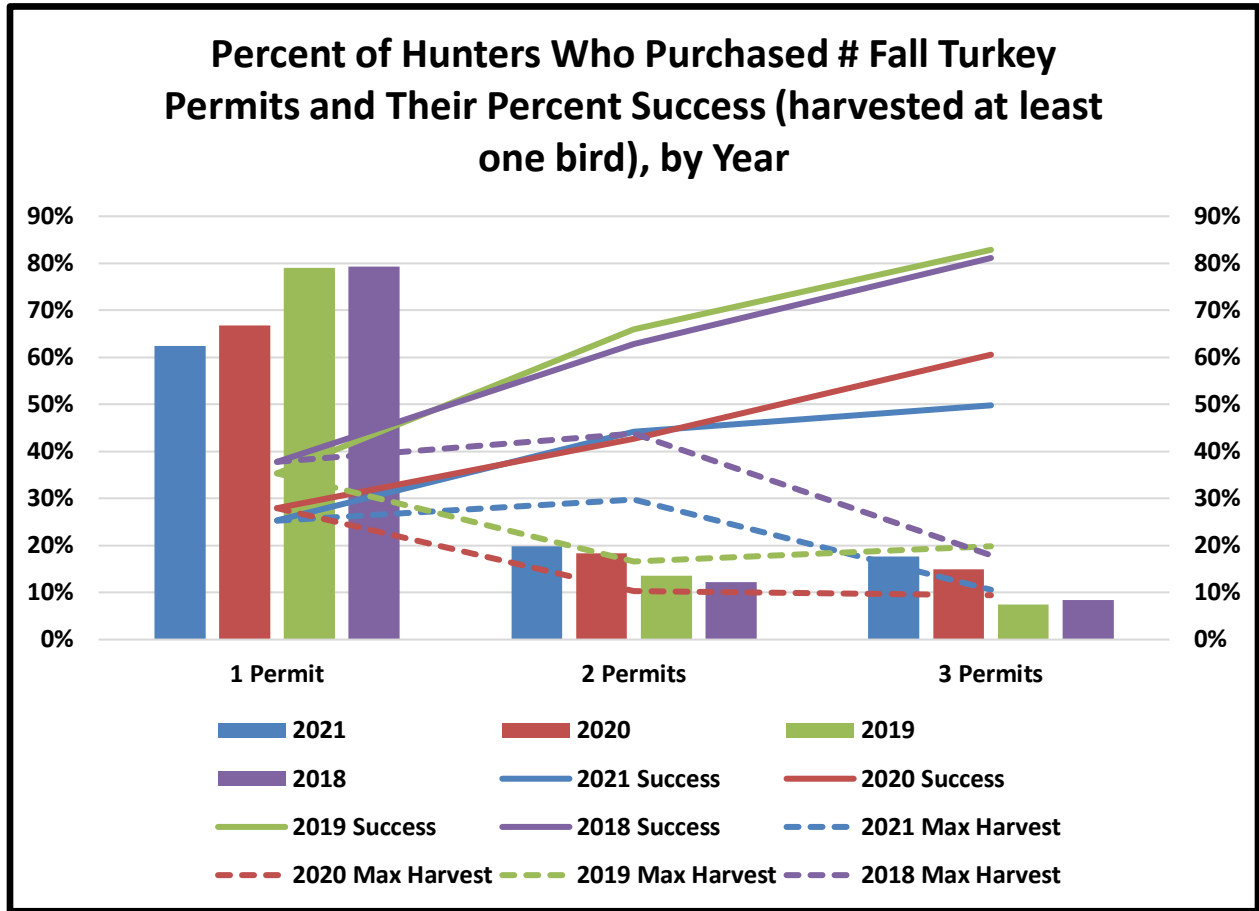


Table 1. Watershed Restoration Initiative (WRI) Projects that Benefit Turkeys

| FY Implimented | Projects Listing Turkey as a Benefiting Species | Total from UWRI Account | Total of In-Kind | Total of Partner Contribution | Total Bugeted | Total Terrestrial Acres | Total Aquatic/Riparian Acres | Total Stream Miles | Total Easement Acquisition Acres |
|----------------|---|-------------------------|------------------|-------------------------------|-------------------|-------------------------|------------------------------|--------------------|----------------------------------|
| 2005 | 1 | \$ 100,000.00 | \$ - | \$ - | \$ 100,000.00 | 487.8 | 0.0 | 1.0 | 0.0 |
| 2006 | 25 | \$ 779,097.25 | \$ 75,960.00 | \$ 367,000.00 | \$ 1,222,057.25 | 8944.5 | 28.1 | 25.4 | 0.0 |
| 2007 | 19 | \$ 624,759.69 | \$ 123,141.48 | \$ 840,498.50 | \$ 1,588,399.67 | 5115.3 | 0.0 | 17.7 | 0.0 |
| 2008 | 32 | \$ 1,098,219.86 | \$ 403,436.00 | \$ 562,680.00 | \$ 2,064,335.86 | 16280.0 | 0.0 | 78.9 | 0.0 |
| 2009 | 36 | \$ 2,230,160.71 | \$ 70,710.00 | \$ 1,270,019.04 | \$ 3,570,889.75 | 12935.8 | 210.4 | 52.2 | 1000.6 |
| 2010 | 31 | \$ 2,336,879.29 | \$ 5,100.00 | \$ 211,750.00 | \$ 2,553,729.29 | 9495.0 | 0.0 | 36.9 | 364.6 |
| 2011 | 22 | \$ 1,859,476.90 | \$ 173,503.00 | \$ 371,282.56 | \$ 2,404,262.46 | 52918.5 | 5.7 | 172.5 | 1000.6 |
| 2012 | 26 | \$ 1,575,455.00 | \$ 305,580.00 | \$ 439,007.00 | \$ 2,320,042.00 | 6668.3 | 452.8 | 30.3 | 683.5 |
| 2013 | 33 | \$ 4,633,610.70 | \$ 459,142.73 | \$ 1,903,124.42 | \$ 6,995,877.85 | 34978.8 | 452.0 | 172.3 | 0.0 |
| 2014 | 29 | \$ 2,664,011.96 | \$ 681,766.90 | \$ 450,650.00 | \$ 3,796,428.86 | 16492.0 | 119.0 | 47.1 | 0.0 |
| 2015 | 24 | \$ 1,608,785.06 | \$ 1,245,271.82 | \$ 376,429.86 | \$ 3,230,486.74 | 10124.4 | 924.2 | 66.4 | 0.0 |
| 2016 | 42 | \$ 3,765,279.36 | \$ 1,706,623.32 | \$ 1,711,487.46 | \$ 7,183,390.14 | 20752.2 | 1774.9 | 113.2 | 0.0 |
| 2017 | 40 | \$ 4,818,449.79 | \$ 2,074,524.91 | \$ 2,950,938.35 | \$ 9,843,913.05 | 24098.9 | 2298.7 | 85.5 | 0.0 |
| 2018 | 44 | \$ 6,147,885.85 | \$ 2,255,156.19 | \$ 2,039,338.67 | \$ 10,442,380.71 | 18025.8 | 3263.3 | 98.3 | 0.0 |
| 2019 | 50 | \$ 13,420,241.56 | \$ 1,773,411.71 | \$ 5,415,515.38 | \$ 20,609,168.65 | 41182.0 | 2717.6 | 181.6 | 0.0 |
| 2020 | 58 | \$ 17,899,696.12 | \$ 2,757,006.43 | \$ 2,643,287.46 | \$ 23,299,990.01 | 93747.3 | 4495.5 | 332.5 | 0.0 |
| 2021 | 56 | \$ 22,105,377.97 | \$ 2,617,949.50 | \$ 5,793,312.50 | \$ 30,516,639.97 | 224308.0 | 4066.9 | 493.3 | 0.0 |
| 2022 | 62 | \$ 24,027,134.73 | \$ 3,849,511.27 | \$ 1,513,011.49 | \$ 29,389,657.49 | 122898.7 | 3076.4 | 144.3 | 0.0 |
| TOTAL | 630 | | | | \$ 161,131,649.75 | 719,453.4 | 23,885.6 | 2149.3 | 3049.3 |

APPENDIX 1: Utah Wild Turkey Population Crash Response

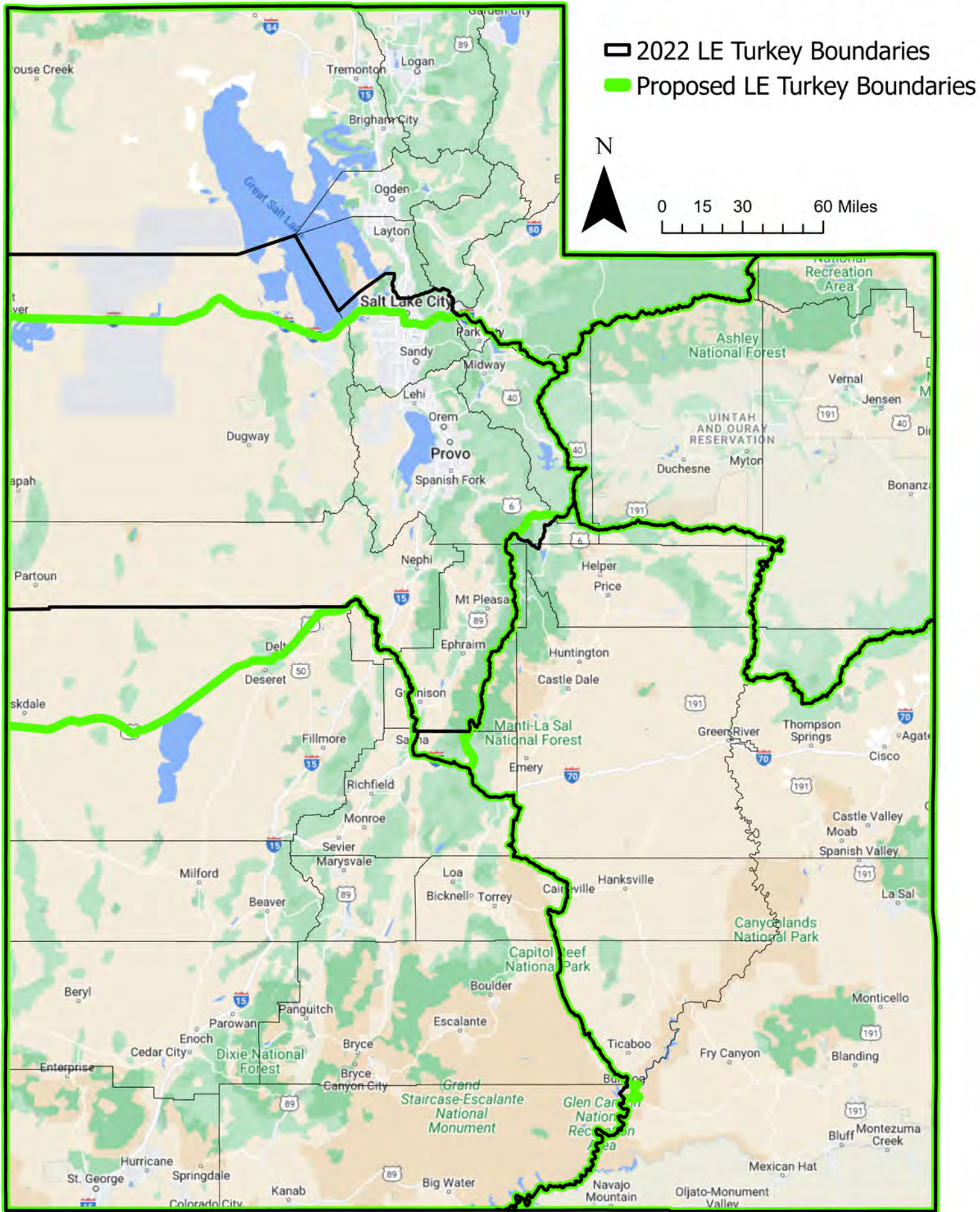
Although wild turkey populations throughout Utah have been trending upwards over the long term, populations are dynamic and may decrease suddenly or slowly as well. In the event that a population has declined, and there is a desire to re-establish or recover the population this plan lays out basic guidelines for establishing that there is a significant population decline (“crash”) and responses to that population decline.

Utah does not have regular population surveys to document population levels, therefore there is not a quantitative definition of decline that can be established. However, data from biologist observations, hunter observations, observations from the general public, citizen science resources, and hunter survey data can be used to describe a significant decline in populations relative to what was previously present in an area.

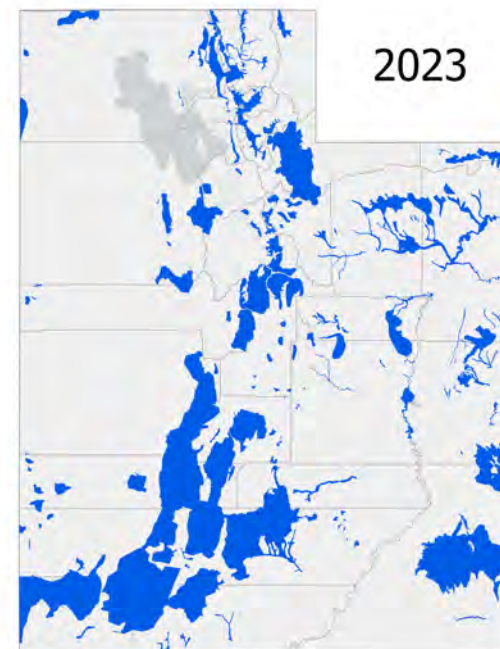
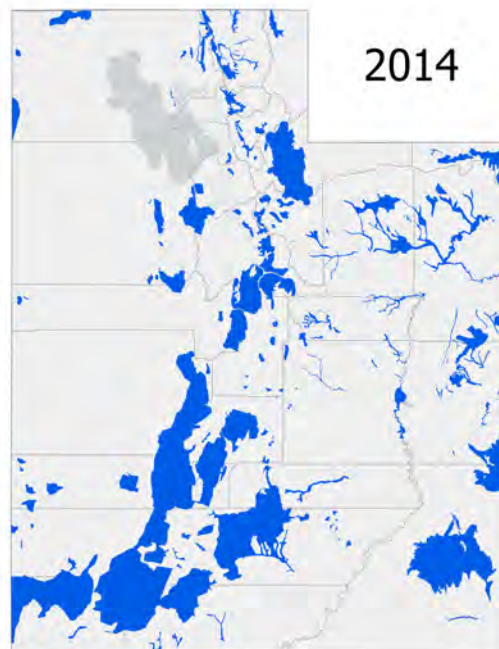
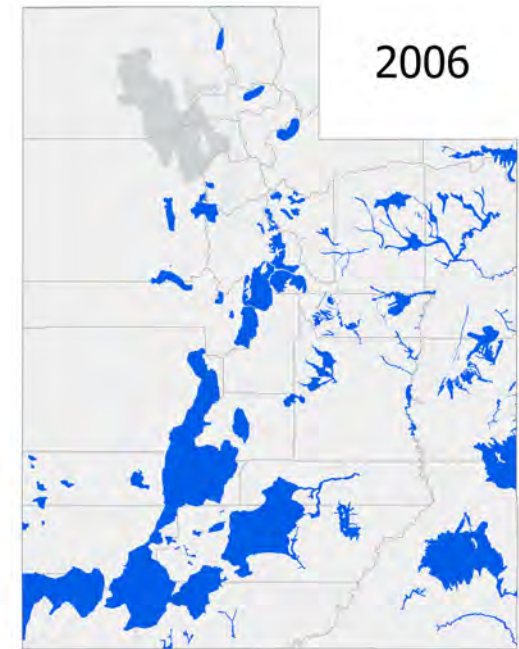
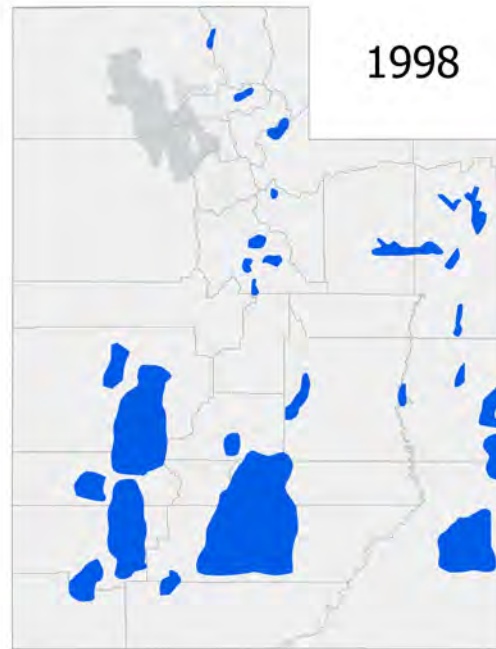
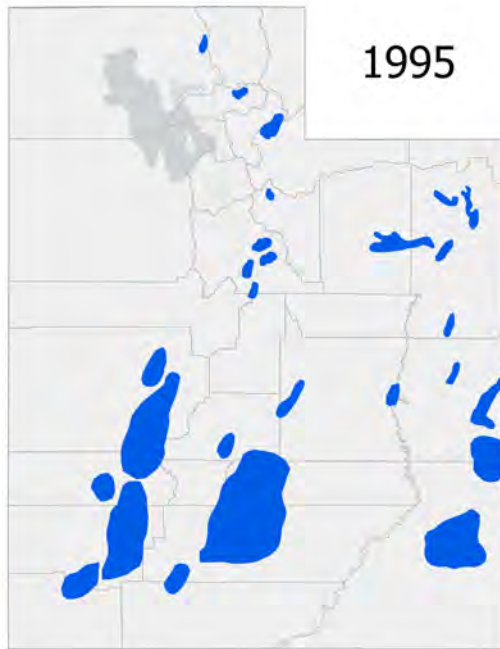
- 1) Identify a lead biologist for the Crash Response. Generally this is the DWR regional biologist for the area.
- 2) Identify the “crashed” population.
 - i) Estimated number of flocks and size of flocks prior to the crash and at present.
 - (1) Note that upland bird populations can vary significantly, and a decline due to annual weather conditions may result in variation that will rebound without intervention.
 - ii) Define the time period of decline (i.e. single event or long term decline).
 - iii) Define the geographic extent of the impacted population.
- 3) Identify and document the reason for the population decline.
 - i) Disease outbreak
 - ii) Habitat loss
 - iii) Weather
 - (1) Emergency feeding may be appropriate to stop further loss. See the Wild Turkey Feeding Policy.
 - iv) Over harvest
 - v) Trapping
 - vi) Altered distribution
 - vii) Other
- 4) Mitigate factors leading to decline.
 - i) When factors leading to the population decline have been addressed, translocations may be appropriate to reestablish or augment populations. This may simply be waiting for spring after a hard winter, or could be many years of work improving habitat.
 - ii) If there are sufficient remaining turkeys in the population the population may recover on its own, and further action may not be needed.
 - iii) If it is not possible to reverse the cause of the population decline, it is not appropriate to translocate more turkeys into the area.
- 5) Translocate wild turkeys to reestablish or augment populations.
 - i) Identify a source population.
 - (1) Turkeys trapped to mitigate nuisance and depredation issues within Utah should be used if available.
 - (2) If not available, identify a source population within Utah that is:
 - (a) Sufficiently large that only a small portion (<10%) of the present flocks will be removed.

- (b) From similar habitat to the introduction area.
 - ii) If not available, a source population from out of state may be sought.
 - iii) Pen-reared turkeys of any type should not be released into the wild.
- 6) Plan and implement translocations following the translocation section of the 2023 Utah Wild Turkey Management Plan.
- 7) Final plan is approved by the DWR Regional Wildlife Manager, Regional Supervisor, Upland Game Coordinator, Wildlife Section Chief and Director.

Utah Wild Turkey Spring LE Boundary Update



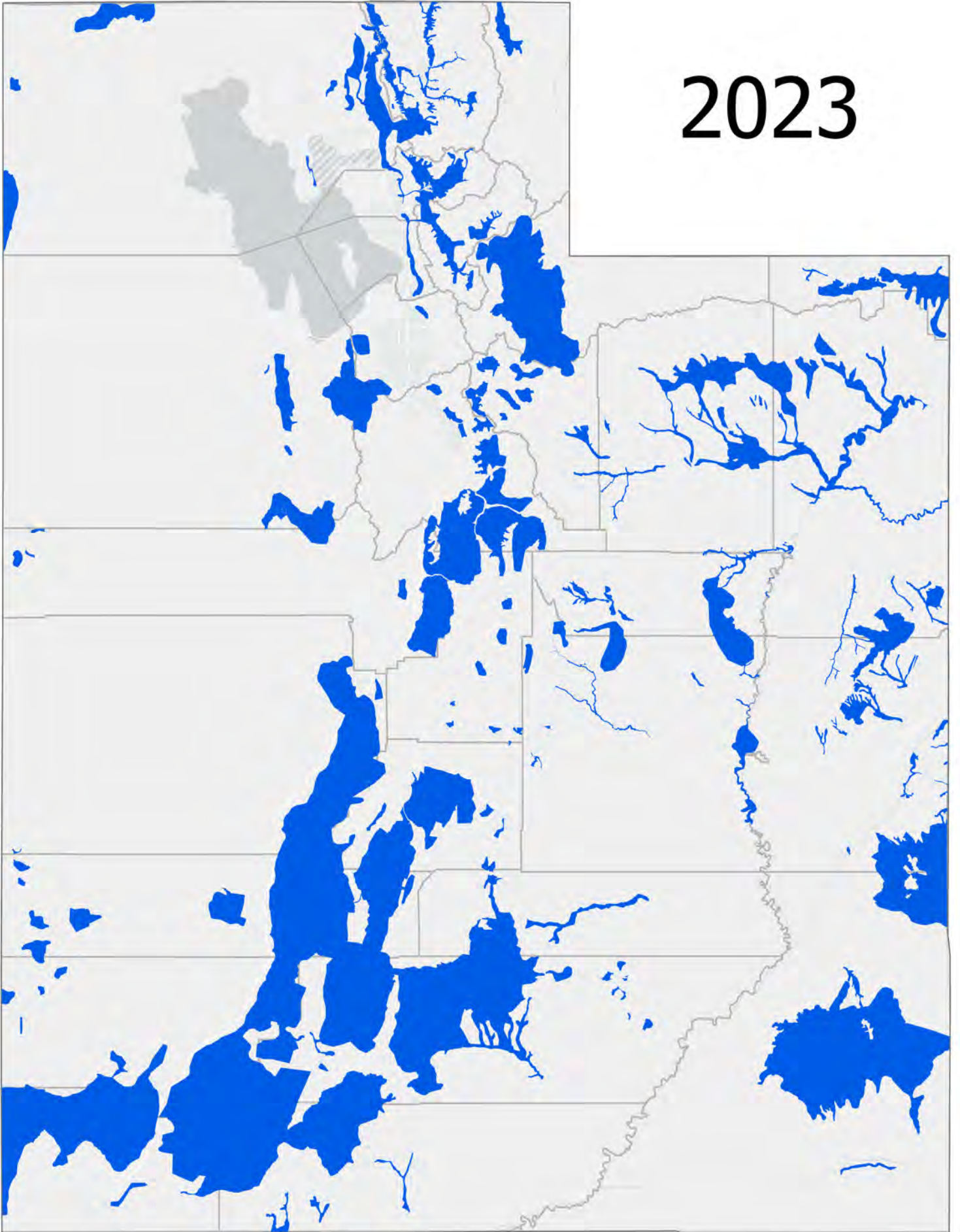
Utah Wild Turkey Range 1995 to 2023



Notes:

- 2006 map may be a compilation of polygons from 2001, 2003 and 2006.

2023

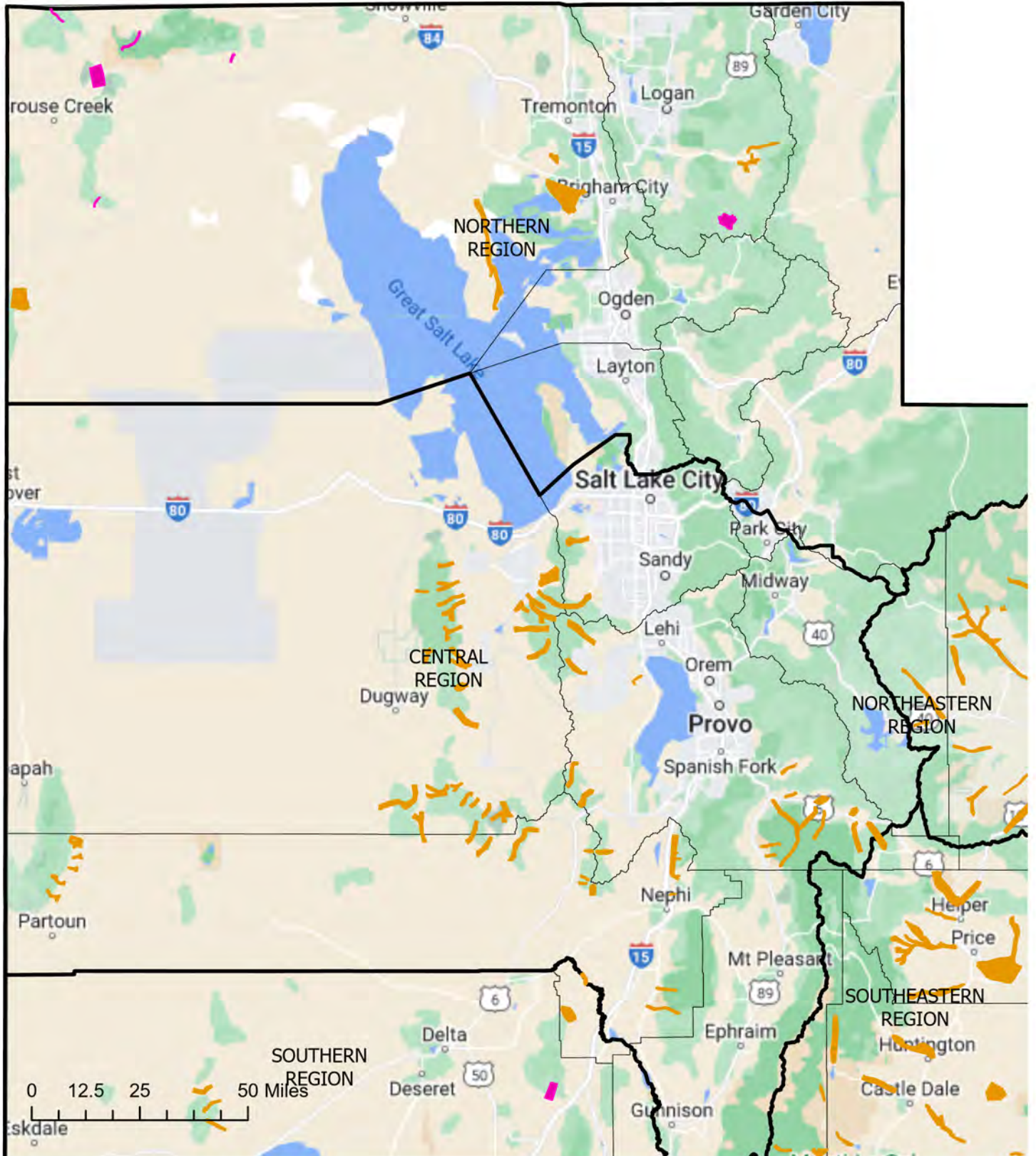


Utah Wild Turkey Release Area Update

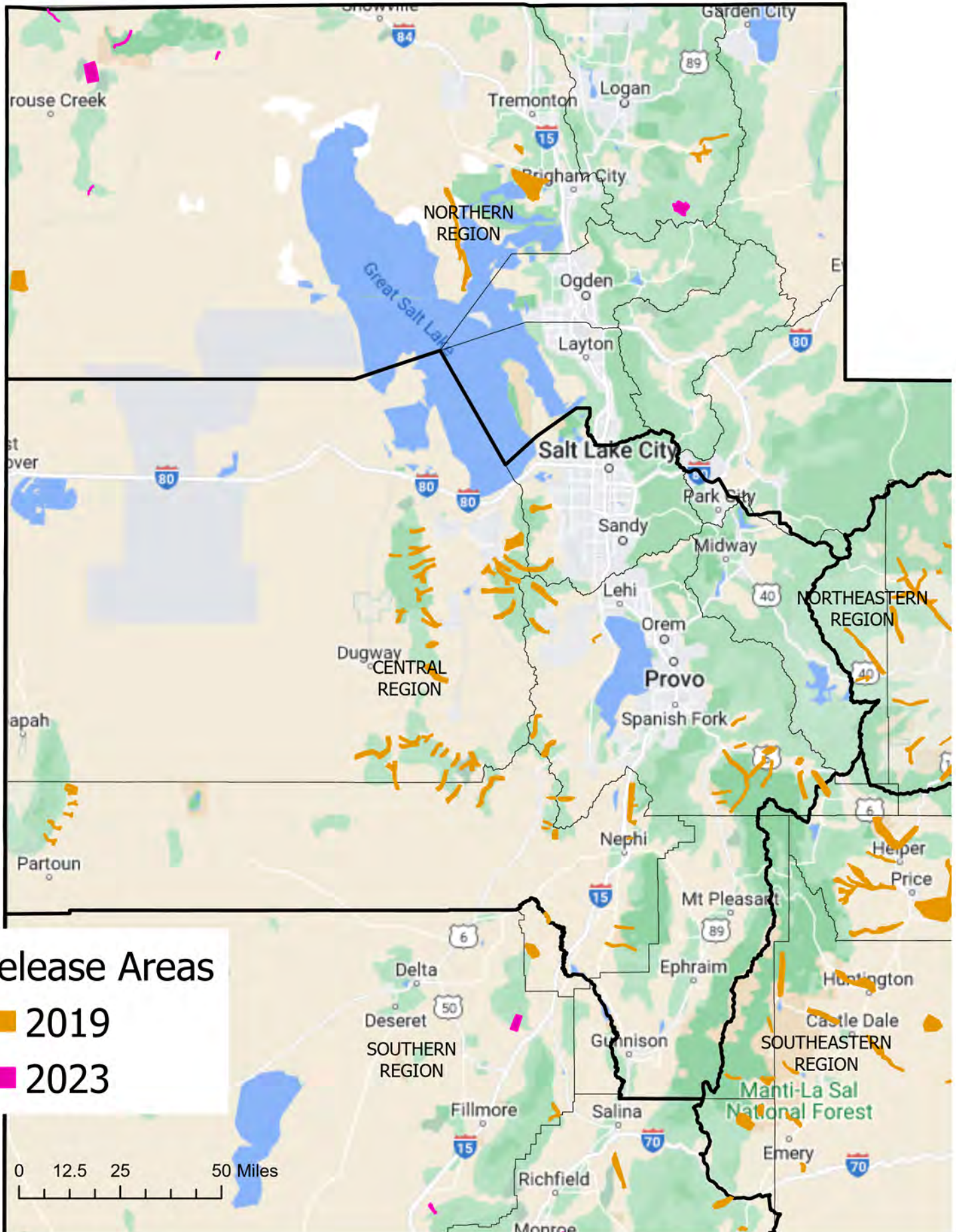
Release Areas

2019

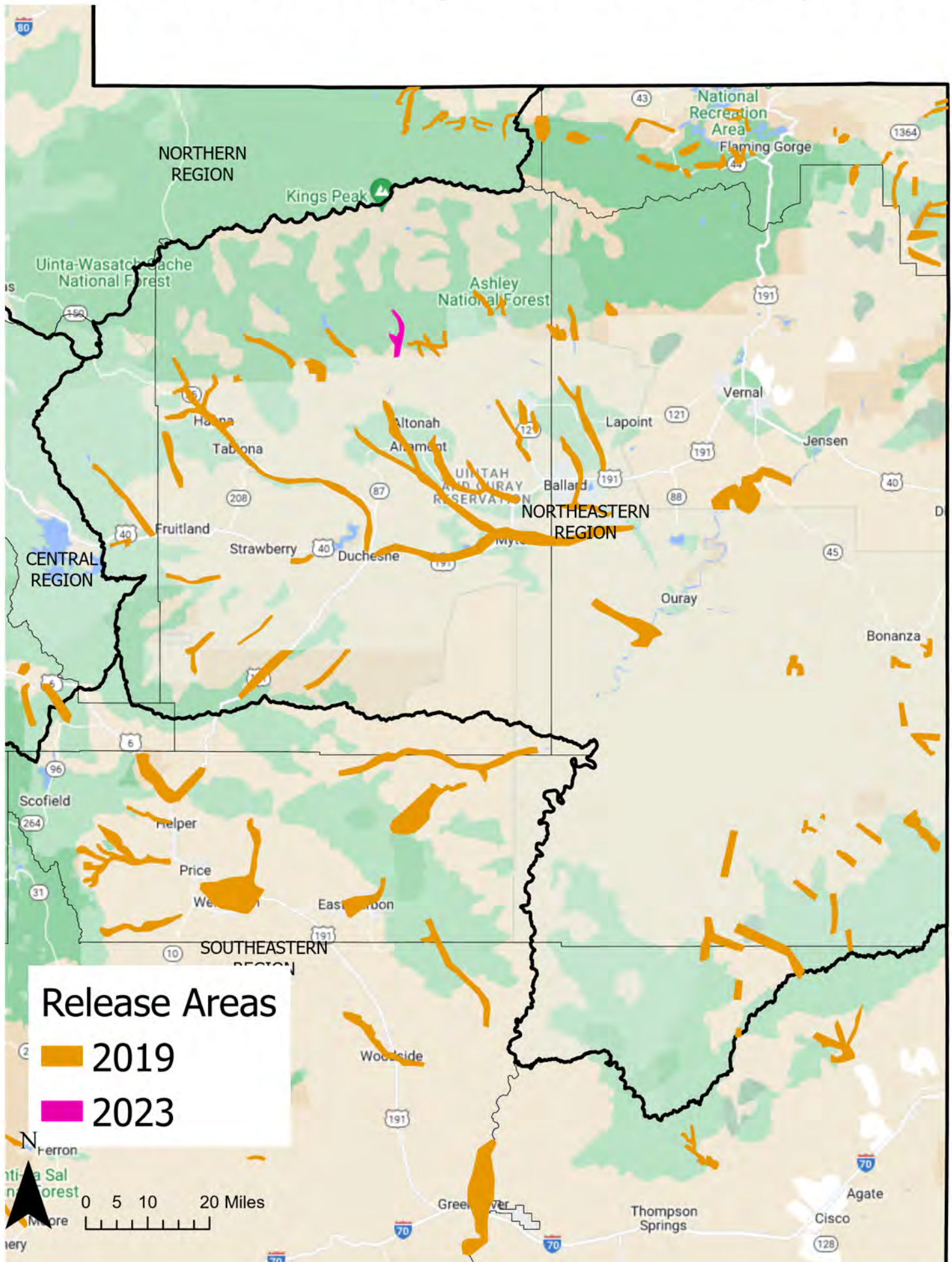
2023



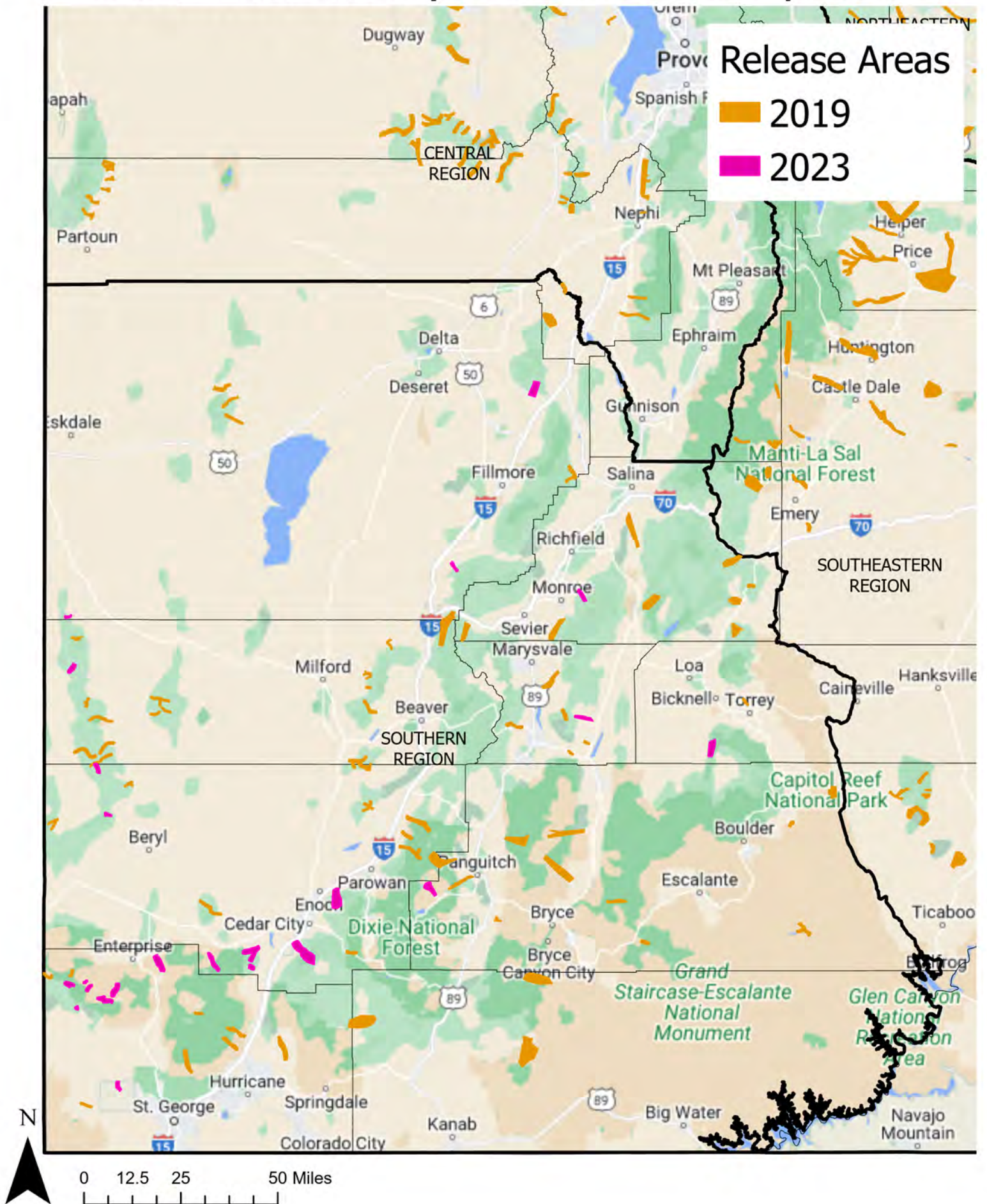
Utah Wild Turkey Release Area Update



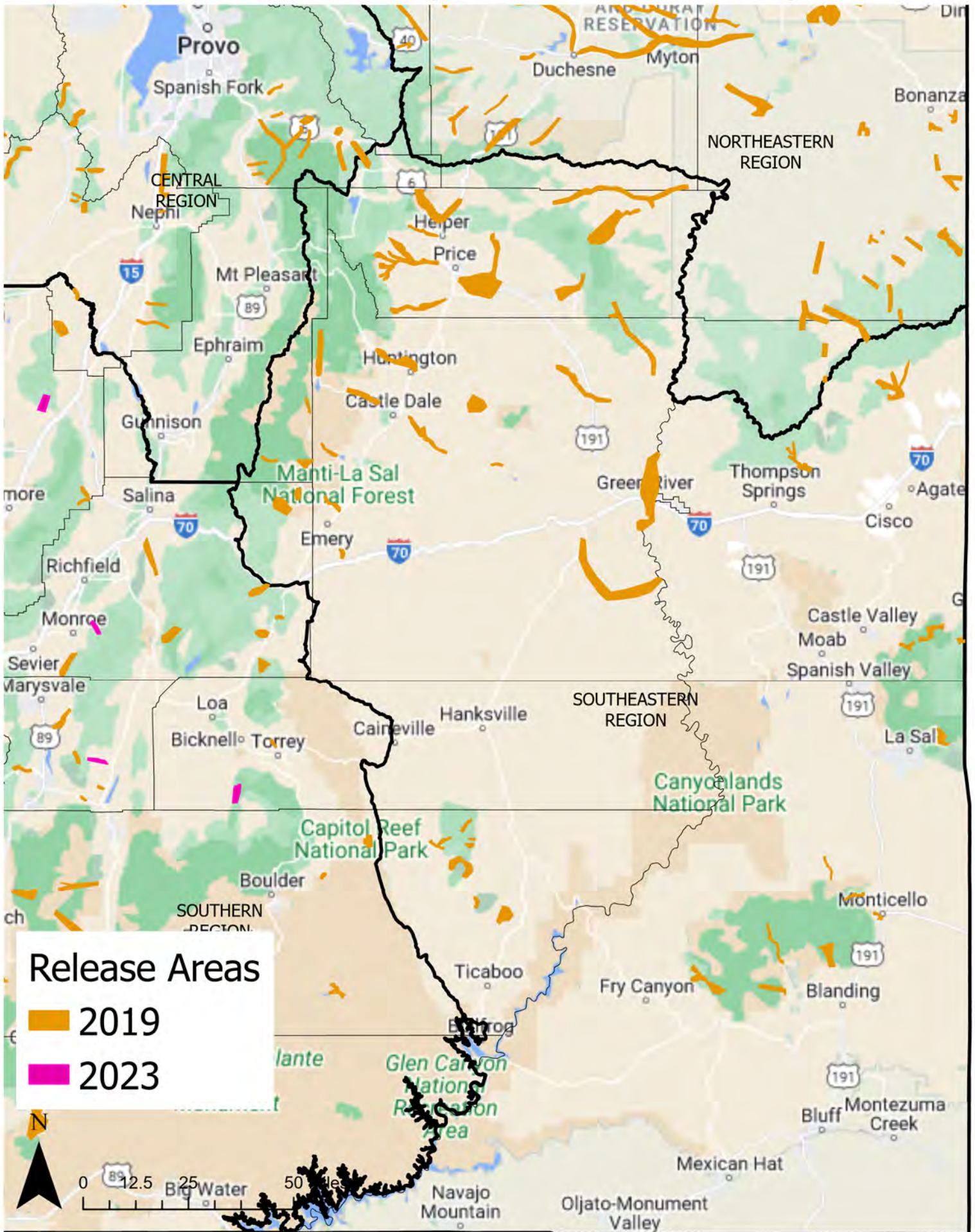
Utah Wild Turkey Release Area Update



Utah Wild Turkey Release Area Update



Utah Wild Turkey Release Area Update



R657. Natural Resources, Wildlife Resources.

R657-54. Taking Wild Turkey.

R657-54-1. Purpose and Authority.

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

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

R657-54-2. Definitions.

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

(2) In addition:

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

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

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

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

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

(f) "Night vision device" means any device that enhances visible or non-visible light, including but not limited to: night vision, thermal imaging, infrared imaging, or electronics that enhance the visible or non-visible light spectrum.

(g) "Pre-charged pneumatic air rifle" means a rifle that fires a single projectile with compressed air released from a chamber:

(i) built into the rifle; and

(ii) pressurized at a minimum of 2,000 pounds per square inch from an external high compression device or source, such as a hand pump, compressor, or scuba tank firing a single:

(A) broadhead tipped bolt or arrow; or

(B) pellet or slug during fall turkey season that:

(I) is .25 caliber or larger;

(II) weighs 18 grains or more; and

(III) is fired at a velocity to produce at least 30 foot-pounds of energy at the muzzle.

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

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

R657-54-3. Obtaining Permits for Wild Turkey.

- (1) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain a wild turkey permit.
- (2) General season wild turkey permits are issued over-the-counter consistent with this rule and the guidebook of the Wildlife Board for taking upland game and wild turkey.
- (3) Limited entry permits for wild turkey are issued pursuant to [Section](#) R657-62-25.
- (4) Wild turkey control permits and [wild](#) turkey control permit vouchers are issued pursuant to [Rule](#) R657-69.
- (5) Wild turkey conservation and sportsman's permits are issued pursuant to [Rule](#) R657-41.
- (6) Wild turkey permits available through the Expo are issued pursuant to [Rule](#) R657-55.
- (7) Wild turkey poaching-reported reward permits are issued pursuant to [Rule](#) R657-51.

R657-54-4. Authorized Weapons.

Wild turkey may be taken only with:

- (~~[a]~~1) Archery equipment, including a draw-lock, or a crossbow using broadhead tipped arrows or bolts;
- (~~[b]~~2) a shotgun, firing shot sizes BB and smaller diameter; [~~or~~—]
- (~~[e]~~3) a rimfire firearm [during any fall season permit; or](#)
- [\(4\) a pre-charged pneumatic air rifle](#) during any fall season permit.

R657-54-5. Shooting Hours.

- (1) Wild turkey may be taken only between one-half hour before official sunrise through one-half hour after official sunset.
- (2) A person must add to or subtract from the official sunrise and sunset depending on the geographic location of the state.
- (3) Specific [~~times are~~][shooting hours shall be](#) provided in a time zone map in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-54-6. State Parks.

- (1) Hunting of any wildlife is prohibited within the boundaries of all state park areas, except those areas designated open to hunting by the Division of [State](#) Parks [~~and Recreation~~]in Rule R651-614-4.
- (2) Hunting with rifles and handguns in [state](#) park areas designated open is prohibited within one mile of all park facilities including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.
- (3) Hunting with shotguns, crossbows or archery tackle is prohibited within one quarter mile of the above stated areas.

R657-54-7. Falconry.

Falconers may not release a raptor on wild turkeys during the spring seasons. Falconers may release a raptor on wild turkeys during the fall season, as published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

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

A person may not take a wild turkey by the use or aid of live decoys, [robotic decoys](#), [night vision devices](#), [drones](#), recorded turkey calls or sounds, or electronically amplified imitations of turkey calls.

R657-54-9. Baiting.

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

R657-54-10. Sitting or Roosting Turkeys.

A person may not take or attempt to take [~~any~~] [a wild](#) turkey sitting or roosting in a tree, [power pole, or other elevated structure](#).

R657-54-11. Tagging Requirements.

- (1) A person that takes a [wild](#) turkey must tag the carcass, as provided in Section 23-20-3[-], immediately upon taking possession of the carcass.
- (2) To tag a carcass, a person shall:
 - (a) completely detach the tag from the license or permit;
 - (b) completely remove the appropriate notches to correspond with:
 - (i) the date the [~~animal~~] [wild turkey](#) was taken;
 - (ii) the sex of the [~~animal~~] [wild turkey](#); and
 - (c) attach the tag to the carcass so that the tag remains securely fastened and visible.
- (3) A person may not:
 - (a) remove more than one notch indicating date or sex; or
 - (b) tag more than one carcass using the same tag.
- (4) A person may not hunt or pursue a [wild](#) turkey after:
 - (a) shooting and retrieving the bird;
 - (b) the tag is detached from the permit;
 - (c) any of the notches have been removed from the tag.

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

(1) [~~During the spring seasons the~~] [The](#) head and beard must remain attached to the carcass of [a](#) wild turkey while being transported.

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

R657-54-13. Use of Dogs.

- (1) An individual may not use or permit a dog to harass, pursue, or take [~~protected wildlife~~] [wild turkey](#) unless otherwise allowed for in [Title 23](#), the Wildlife [Resources Code](#) [;] [of Utah, or the](#) administrative rules [~~issued under Wildlife Code, or a guidebook~~] [or guidebooks](#) of the Wildlife Board.

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

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

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

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

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

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

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

(e) Dogs are only allowed on the Nature Trail within the Hasenyager Nature preserve and must be on a leash.

(4) Wild turkeys may not be used for any dog training exercises.

(5) Dogs may be used to locate wild turkey as part of division sanctioned survey efforts.

R657-54-14. Closed Areas.

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

(1) Salt Lake Airport boundaries as posted~~[-];~~

(2) Incorporated municipalities~~[-];~~

(a) Many incorporated municipalities prohibit the discharge of firearms and other weapons. Check with the respective city officials for specific boundaries and limitations~~[-];~~

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

(4) All National Wildlife Refuges unless declared open by the managing authority~~[-]; and~~

(5) Military installations, ~~[including Camp Williams]~~except as otherwise provided under Rule R657-66, are closed to hunting and trespassing.

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

It is unlawful for any person to hold in captivity at any time any protected wildlife, except as provided by Title 23, the Wildlife Resources Code of Utah, or any rules and regulations of the Wildlife Board. ~~[Protected wildlife that is wounded must]~~ Every wild turkey wounded by hunting and reduced to possession by the hunter shall be immediately killed and ~~[shall be included in the hunter's bag limit]~~ tagged pursuant to Section R657-54-11.

R657-54-16. Spotighting.

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

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

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

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

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

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

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

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

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

(~~2~~)b) ~~the~~The person exporting the wild turkey or its parts, if it is not the person who harvested the wild turkey, has obtained a shipping permit from the [~~Division~~]division.

R657-54-18. Waste of Game.

(1) A person may not waste or permit to be wasted or spoiled [~~any protected wildlife~~]a wild turkey or their parts.

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

R657-54-19. Purchasing or Selling Wild Turkey Parts.

(1) A person may only purchase, sell, offer or possess for sale, barter, exchange or trade any wild turkey or its parts as follows:

(a) Untanned or tanned hides, feather, bone, nail, or beak of legally taken wild turkey may only be sold by the hunter who harvested the wild turkey.

(b) An individual hunter may only sell one possession limit as defined by the Wildlife Board and guidebook for upland game and turkey per year.

(c) Resale may only occur as derivative products such as artificial fishing flies.

(2) A person selling or purchasing untanned or tanned hides, feather, bone, nail, or beak of legally taken wild turkey shall keep transaction records stating:

(a) the name and address of the person who harvested the wild turkey;

(b) the transaction date; and

(c) the hunting license number of the person who harvested the wild turkey.

R657-54-20. Wild Turkey Poaching-Reported Reward Permits.

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

R~~657-54-20~~657-54-21. Season Dates, Bag and Possession Limits, and Areas Open.

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

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

(a) one wild turkey permit during the spring season annually; and

(b) [~~one~~]three wild turkey permit during the fall season annually.

KEY: wildlife, wild turkey, game laws

Date of Enactment or Last Substantive Amendment: August 8, 2022

Notice of Continuation: August 5, 2019

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

R657. Natural Resources, Wildlife Resources.[]

R[~~657-69.~~657-69 Turkey Depredation.

R[~~657-69-1~~657-69-1. Purpose and Authority.

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

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

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

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

R[~~657-69-2~~657-69-2. Definitions.

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

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

(3) "Commercial poultry or gamebird facility" means the building licensed by the Department of Agriculture (UDAF) facility licensed by the Department of Agriculture that raises more than 1,000 poultry or gamebirds per year.

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

(4) [5] "Control permit voucher" means a document issued to a landowner or lessee that may be retained for personal use or transferred to a third party, and which allows the holder to purchase a turkey control permit from the division.

(5) [6] ["]"Depredation Hunt["]" means a turkey hunt organized pursuant to R657-69-5, the Wildlife Code, and proclamations of the Wildlife Board.

(6) [7] "Director" means the director of the division.

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

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

(7) [10] "Gamebird" means any captive-raised animal identified as a "Pen-reared Gamebird" in Section R657-4-2.

(11) "Hatchery" means hatchery equipment on one premises operated or controlled by any person for the production of baby poultry, as defined in Rule R58-6.

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

[~~8~~]"

(13) "Infection zone" means any area within .25 mile of a commercial poultry or gamebird facility that poses a disease risk.

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

(15) ["Lessee[" means any person, partnership, or corporation whose name appears as the lessee on a written lease, for at least a one[-]-year period, of private property, and who is in actual physical control of the private property.

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

(17) ["Personal property[" means any moveable and tangible thing owned by the landowner or lessee. [~~---~~(12)

(18) "Poultry" means domestic fowl including chickens, turkeys, guinea fowl, pea fowl, pigeons, and ratites or other captive-bred birds not listed in Subsection R657-4-2(2)(c) which are bred for the primary purposes of producing eggs or meat whether kept for production or exhibition.

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

R[~~657-69-3~~657-69-3. Responding to Reports of Material Damage by Turkeys.

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

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

(3) A request for action may be made:

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

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

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

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

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

(a)(i) they possess a valid turkey hunting permit authorizing them to hunt turkeys; or

(ii) a damage mitigation and prevention plan authorizes them to undertake such actions; and

(b) the landowner or lessee['s actions are otherwise consistent with Title 23, the Wildlife Resources Code, ~~its implementing regulations,~~ of Utah, and the rules and proclamations of the Wildlife Board.

R~~[657-69-4]~~657-69-4. Turkey Damage Mitigation and Prevention Plans.

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

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

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

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

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

(e) allow expanded harvest of turkeys by:

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

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

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

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

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

~~[(vi) issue control permits]~~ pursuant to ~~[R657-69-6]~~[Section R657-69-5](#)~~[-or]~~

~~[(vii) issue control permits pursuant to Section R657-69-6; or~~

~~(viii) issue control permit vouchers[-pursuant to]~~ [pursuant to Section R657-69-7](#);

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

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

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

(2) Damage mitigation and prevention plans shall have:

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

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

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

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

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

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

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

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

(4)5) The division may unilaterally revoke and withdraw from a damage mitigation and prevention plan if:

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

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

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

(5)6) The expiration or revocation of a damage mitigation and prevention plan does not preclude the landowner or lessee from making future requests for action.

(6)7) The division shall not be financially liable for damage to private property caused by:

(a) turkeys;

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

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

(7)8) A landowner or lessee shall have a copy of the damage prevention and mitigation plan in their possession while undertaking any action authorized in the plan that otherwise violates [Title 23](#), the Wildlife [Resources Code of Utah](#), including, ~~[but not limited to,]~~ the hazing, capturing, and transplanting of turkeys.

R~~657-69-5~~657-69-5. Depredation Hunts for Turkey.

(1) Turkey depredation hunts are intended to:

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

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

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

(d) have limited permit numbers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Wild turkey depredation permits qualify towards permit possession limits identified in [Rule R657-54](#).

(9) Depredation permits may be withheld from persons who have violated ~~[this rule, any other wildlife rule]~~ [Title 23](#), the Wildlife Resources Code [of Utah, this rule, any other rule, or proclamation of the Wildlife Board](#), or who are otherwise ineligible to receive a permit.

~~R[657-69-6]~~[657-69-6](#). Control Permits for Turkey.

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

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

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

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

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

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

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

(6) Control permits may be withheld from persons who have violated [~~this rule, any other wildlife rule~~][Title 23](#), the Wildlife Resources Code [of Utah, this rule, any other rule or proclamation of the Wildlife Board](#), or who are otherwise ineligible to receive a permit.

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

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

R[~~657-69-7~~][657-69-7](#). Control Permit Vouchers for Turkey.

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

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

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

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

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

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

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

(c) Redeemed turkey control permit vouchers do not qualify towards permit possession limits identified in [Rule](#) R657-54.

~~[(4)]~~

[\(4\) An individual may redeem up to three control permit vouchers per fall season.](#)

[\(5\)](#) Individuals redeeming a control permit voucher for a control permit will not lose accrued bonus points for limited entry turkey hunting as a result of redeeming the voucher.

R[~~657-69-8~~][657-69-8](#). Hunt Areas for Depredation and Control Permit Hunts.

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

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

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

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

[R657-69-9]

R657-69-9. Removal of Turkeys from Commercial Poultry or Gamebird Facilities and Infection Zones.

- (1) An owner or operator of a lawfully permitted commercial poultry or gamebird facility that locates wild turkeys within the infection zone of their facility must immediately notify the division.
- (2) Upon division confirmation that there are wild turkeys within the infection zone of a commercial poultry or gamebird facility, the owner or operator may apply for a certificate of registration under Section R657-3-11 authorizing lethal removal of the wild turkeys.
- (3) As a condition of receiving a certificate of registration, the division may, in cooperation with the Utah Department of Agriculture, identify modifications or improvements to the commercial poultry or gamebird facility, or infection zone.
- (4) Only the owner or operator, their employees, their immediate family members, may be authorized to lethally remove turkeys from a commercial poultry or gamebird facility, or infection zone.

Wild turkey may only be taken with:

- (a) Archery equipment, including a draw-lock, or a crossbow using broadhead tipped arrows or bolts;
- (b) a shotgun, firing shot sizes BB and smaller diameter; or
- (c) a rimfire or centerfire firearm

(6) Any individual authorized to act under a certificate of registration must:

- (a) have passed a division authorized hunter education course;
- (b) be eligible to legally possess and handle a firearm; and
- (c) not be under an active suspension or revocation of any hunting privileges.

(7) The certificate of registration for removal of wild turkeys from a commercial poultry or gamebird facility or infection zone shall identify:

(a) the name of the contact information for the commercial poultry or gamebird facility;

(b) the number of wild turkeys to be lethally removed;

(c) the names of the individuals authorized to act under the certificate of registration;

(d) the dates authorized for lethal removal;

(e) the specified infection zone(s) where wild turkeys may be removed;

(f) the reporting date for which the division must receive confirmation that all wild turkeys have been removed from the commercial poultry or gamebird facility or infection zone; and

(g) directions to the certificate of registration holder regarding carcass delivery to the division for disease sampling and any other provisions outlined in the certificate of registration.

(8) Neither the certificate of registration holder nor any individual acting under its authority may commercialize any wildlife or their parts removed from a commercial poultry or gamebird facility or infection zone(s).

R657-69-10. Reporting Requirements and Disease Testing.

- (1) Every wild turkey lethally removed from a commercial poultry or gamebird facility or infection zone(s) must be collected and provided to division promptly following removal.
- (2) The certificate of registration holder must deliver each carcass to the division as directed in the certificate of registration.

R657-69-11. Reservation of Division Authority.

- (1) Nothing herein shall preclude the division from unilaterally removing wild turkeys from commercial poultry or gamebird facilities or infection zones, consistent with statutory notification provisions.
- (2) If the division determines that issuance of a certificate of registration for lethal removal is appropriate, the division may determine the number of turkeys that may be removed under a certificate of registration based upon the individual circumstances of each request, including:
 - (a) the age and sex of the animals confined;
 - (b) threats to wildlife resources; and
 - (c) potential impacts to the owner or operator.

R657-69-12. Appeal Procedures.

~~[(1)]~~ Upon the petition of an aggrieved party to a final division action relative to material damage caused by turkeys and this rule ~~[, a qualified hearing examiner shall take evidence and make recommendations to the Wildlife Board, who shall resolve the grievance in accordance with Rule R657-2]~~ the landowner or lessee may petition the mitigation review panel for relief as provided in Subsection 657-44-4.

R~~657-69-10~~657-69-13. Hunting or Combination License Required.

- (1)(a) A person must possess or obtain a valid Utah hunting or combination license, or a special turkey control license, to receive a turkey control permit pursuant to Section R657-69-6.
- (b) A person must possess or obtain a valid Utah hunting or combination license to:
 - (i) receive a turkey depredation permit; or
 - (ii) or redeem a control permit voucher for the corresponding permit.
- (2)(a) Special turkey control licenses are only issued to landowners or lessees, immediate family members, and employees that are designated to receive a turkey control permit under Section R657-69-6 and do not possess a valid Utah hunting or combination license.
- (b) Special turkey control licenses may not be used in lieu of a hunting or combination license to obtain a depredation permit or a control permit under a control permit voucher.

KEY: wildlife, turkey, depredation

Date of Enactment or Last Substantive Amendment: August 9, 2018

Notice of Continuation: [~~October 22, 2019~~]

Authorizing, and Implemented or Interpreted Law: 23-17-5.1[[i](#)], 23-17-5.2



State of Utah

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Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

May 1, 2023

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Heather Talley

SUBJECT: 2023 Upland Game, Wild Turkey, and Waterfowl Recommendations

Summary of Recommended Changes:

Updated Wild Turkey Management Plan (see attached for complete plan)

- Feeding Policy
- Crash Response Plan
- Revision of Limited-Entry Boundaries
- Updated Release Sites

Wild Turkey Recommendation

- **R657-54-4: Authorized Weapons**
 - Allows the use of airguns for the take of turkeys in the fall
- **R657-69-7: Control Permit Vouchers for Turkey**
 - Allows three vouchers per individual; does not count toward fall permit allocation
- **R657-69-9: Removal of Turkeys from Commercial Poultry or Gamebird Facilities and Infection Zones**
 - Owners or operators of these facilities may apply for a COR to remove wild turkeys
- **R657-54-8: Live Decoys and Electronic Calls**
 - Prohibits robotic decoys, night vision devices and drones.
- **R657-54-10: Sitting or Roosting Turkeys**
 - Includes power poles and elevated structures
- **R657-54-19: Purchasing or Selling Wild Turkey Parts**
 - Language to align with other species' rules
- **R657-54-20: Season Dates, Bag and Possession Limits, and Areas Open**
 - Three permits (two beardless permits and one either-sex permit) offered in the fall



Upland Game Recommendation

- **R657-6-6: Authorized Weapons**
 - Air rifle recommendation
- **R657-6-20: Use of Dogs**
 - Prohibit dog training near sage-grouse and sharp-tailed grouse leks (March 1 – May 31)
- **R657-6-22: Live Decoys and Electronic Calls**
 - Prohibit night vision devices, drones and robotic decoys
- **R657-6-25: Purchasing or Selling Upland Game Parts**
 - Language to align with other species' rules
- **R657-6: Taking Upland Game**
 - General updates and housekeeping

Waterfowl Recommendations

- **R657-9-3: Stamp Requirement**
 - Allows electronic duck stamps
- **R657-9-28: Use of Dogs**
 - Clarifies the stipulations for dogs allowed at Farmington Bay
- **R657-9: Taking waterfowl, snipe and coot**
 - General updates and housekeeping

Swan Hunting Recommendations

- **R657-9-4. Permit Applications for Tundra Swan.**
 - Trumpeter swan take and possession will be illegal
 - Swan permits will be tundra-only
 - All swans must be checked in
- **R657-62-22. Tundra Swan.**
 - References tundra swans only as trumpeter take will be considered poaching.

R657. Natural Resources, Wildlife Resources.

R657-6. Taking Upland Game.

R657-6-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking upland game.

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

R657-6-2. Definitions.

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

(2) In addition:

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

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

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

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

(e) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property.

(f) "Migratory game bird" means, for the purposes of this rule, American crow, mourning dove, white-winged dove, band-tailed pigeon, and Sandhill crane.

(g) "Night vision device" means any device that enhances visible or non-visible light, including but not limited to: night vision, thermal imaging, infrared imaging, or electronics that enhance the visible or non-visible light spectrum.

(h) "Pre-charged pneumatic air rifle" means a rifle that fires a single projectile with compressed air released from a chamber:

(i) built into the rifle; and

(ii) pressurized at a minimum of 2,000 pounds per square inch from an external high compression device or source, such as a hand pump, compressor, or scuba tank firing a single:

(A) broadhead tipped bolt or arrow; or

(B) pellet or slug during fall turkey season that:

(I) is .25 caliber or larger;

(II) weighs 18 grains or more; and

(III) is fired at a velocity to produce at least 30 foot-pounds of energy at the muzzle.

(i) "Transport" means to ship, carry, export, import, receive or deliver for shipment, conveyance, carriage, exportation or importation.

(~~h~~i) "Upland game" means pheasant, California quail, Gambel's Quail, chukar partridge, gray partridge, greater sage-grouse, ruffed grouse, dusky grouse, sharp-tailed grouse, cottontail rabbit, snowshoe hare, white-tailed ptarmigan, [~~and the following migratory game birds:~~] American crow, mourning dove, white-winged dove, band-tailed pigeon, and Sandhill crane.

(j) "Youth group" means any organization in which youth are enrolled; such as

[FFA, Scouts, 4H, etc.](#)

R657-6-3. Migratory Game Bird Harvest Information Program.

(1) A person must obtain a Migratory Game Bird Harvest Information Program (HIP) registration number to hunt migratory game birds.

(2)(a) A person may [~~call the telephone number or~~] register online as published in the guidebook of the Wildlife Board for taking upland game and wild turkey to obtain their HIP registration number.

(b) A person must write their HIP registration number on their current valid hunting license.

(3) Any person obtaining a HIP registration number will be required to provide their:

- (a) hunting license number;
- (b) hunting license type;
- (c) name;
- (d) address;
- (e) phone number;
- (f) birth date; and
- (g) information about the previous year's migratory game bird hunts.

(4) Lifetime license holders will receive a sticker every three years from the Division to write their HIP number on and place on their lifetime license card.

(5) Any person hunting migratory game birds will be required, while in the field, to possess a hunting or combination license with the HIP registration number recorded on the license, demonstrating they have registered and provided information for the HIP program.

R657-6-4. Permits for Band-tailed pigeon, Greater sage-grouse, Sharp-tailed grouse and White-tailed ptarmigan.

(1)(a) A person may not take or possess:

- (i) Band-tailed pigeon without first obtaining a [~~Band~~]band-tailed pigeon permit;
- (ii) Greater sage-grouse without first obtaining a [~~Greater~~]greater sage-grouse permit;
- (iii) Sharp-tailed grouse without first obtaining a [~~Sharp~~]sharp-tailed grouse permit; or
- (iv) White-tailed ptarmigan without first obtaining a [~~White~~]white-tailed ptarmigan permit.

(b) A person may obtain only one permit for each species listed in Subsection (1)(a), except a falconer with a valid Falconry Certificate of Registration may obtain one additional two-bird [~~Greater~~]greater sage-grouse permit beginning on the date published in the guidebook of the Wildlife Board for taking upland game and wild turkey, if any permits are remaining.

(2)(a) A limited number of two-bird [~~Greater~~]greater sage-grouse permits are available in the areas published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

(b) A Greater sage-grouse permit may only be used in one of the open areas as published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

(c) Greater sage-grouse permits will be issued pursuant to R657-62-21

(3)(a) A limited number of two-bird, [~~Sharp~~]sharp-tailed grouse permits are available.

(b) A [~~Sharp~~]sharp-tailed grouse permit may only be used in one of the open areas as published in the guidebook of the Wildlife Board for taking upland game and

wild turkey.

(c) Sharp-tailed grouse permits will be issued pursuant to R657-62-21

(4) Band-tailed pigeon and ~~[White]~~[white](#)-tailed ptarmigan permits are available from Division offices, through the mail, and through the Division's Internet address by the first week in August, free of charge.

R657-6-6. Authorized Weapons.

(1) A person may not use any weapon or device to take upland game except as provided in this section.

(2)~~(a)~~ Upland game may be taken with archery equipment, including a draw-lock, a crossbow, a shotgun no larger than 10 gauge, or a handgun. Loads for shotguns and handguns must be one-half ounce or more of shot size ranging between no. 2 and no. ~~8~~[9](#), except:

~~(i)~~[a](#) migratory game birds may not be taken with a handgun, or a shotgun capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

~~(ii)~~[b](#) cottontail rabbit and snowshoe hare may be taken with :

[\(i\)](#) any firearm not capable of being fired fully automatic; and

[\(ii\)](#) [A pre-charged pneumatic air rifle.](#)

~~(iii)~~[c](#) Sandhill crane may be taken with any size of nontoxic shot.

(3) A person may not use:

(a) a firearm capable of being fired fully automatic; or

(b) any light enhancement device or aiming device that casts a visible beam of light.

R657-6-7. Nontoxic Shot.

(1) Only nontoxic shot may be used to take Sandhill crane.

(2) Except as provided in Subsection (3), nontoxic shot is not required to take any species of upland game, except Sandhill crane.

(3) A person may not possess or use lead shot or any other shot that has not been approved [as nontoxic](#) by the U.S. Fish and Wildlife Service while on federal refuges or the following state waterfowl or wildlife management areas: Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, [Lee Kay Dog Training Area](#), Locomotive Springs, Manti Meadows, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Scott M. Matheson Wetland Preserve, Stewart Lake, Timpie Springs, and Utah Lake Wetland Preserve.

R657-6-10. Shooting Hours.

(1)(a) Except as provided in Subsection (b), shooting hours for upland game are as follows:

(i) American crow, band-tailed pigeon, mourning dove, white-winged dove, and Sandhill crane may be taken only between one-half hour before official sunrise through official sunset.

(ii) Greater sage-grouse, ruffed ~~[Grouse]~~[grouse](#), dusky grouse, sharp-tailed grouse, white-tailed ptarmigan, chukar partridge, gray partridge, pheasant, [California quail](#), [Gambel's](#) quail, cottontail rabbit, and snowshoe hare may be taken only between one-half hour before official sunrise through one-half hour after official sunset.

(b) [\(i\)](#) A person must add to or subtract from the official sunrise and sunset depending on the geographic location of the state.

(ii) Specific [~~times are~~] shooting hours shall be provided in a time zone map in the guidebook of the Wildlife Board for taking upland game and wild turkey.

(2) A person may not discharge a firearm on state owned lands adjacent to the Great Salt Lake, state waterfowl management areas or on federal refuges between official sunset through one-half hour before official sunrise.

R657-6-11. State Parks.

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

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

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

R657-6-12. Falconry.

(1)(a) Falconers must obtain an annual hunting or combination license and a valid falconry certificate of registration or license to hunt upland game and must also obtain:

(b) [~~a Band~~] A band-tailed pigeon permit before taking [~~Band~~] band-tailed pigeon;

(c) [~~a Greater~~] A greater sage-grouse permit before taking [~~Greater~~] greater sage-grouse;

(d) [~~a Sharp~~] A sharp-tailed grouse permit before taking [~~Sharp~~] sharp-tailed grouse;

(e) [~~a White~~] A white-tailed ptarmigan permit before taking [~~White~~] white-tailed ptarmigan; or

(f) [~~a~~] A Sandhill crane permit before taking Sandhill crane.

(2) Areas open and bag and possession limits for falconry are provided in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-6-13. Baiting.

(1) A person may not hunt upland game by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days after bait is removed, or 10 days after all bait in an area is eaten. This section does not prohibit:

(a) the taking of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) standing crops or flooded standing crops (including aquatics), standing, flooded or manipulated natural vegetation, flooded harvested croplands, or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) from a blind or other place of concealment camouflaged with natural vegetation;

(iii) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys or retrieving downed birds.

(b) The taking of any upland game, except Sandhill crane, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown or solely as the result of a normal agricultural operation.

R657-6-15. Possession of Live Protected Wildlife.

It is unlawful for any person to hold in captivity at any time any protected wildlife, except as provided by Title 23, Wildlife Resources Code or any rules and regulations of the Wildlife Board. [~~Protected wildlife that is wounded must~~].

Every upland game animal wounded by hunting and reduced to possession by the hunter shall be immediately killed and [~~shall be included in~~]become part of the [hunter's]daily bag limit.

R657-6-16. Tagging Requirements.

(1) A person that takes a [~~sandhill~~]Sandhill crane, greater sage grouse, or sharp-tailed grouse must tag the carcass, as provided in Section 23-20-30, immediately upon taking possession of the carcass.

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

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

(b) completely remove the appropriate notches to correspond with the date the animal was taken; and

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

(3) A person may not:

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

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

(4) A person may not hunt or pursue a [~~sandhill~~]Sandhill crane, greater sage grouse, or sharp-tailed grouse after:

(a) shooting and retrieving birds equal to the [~~bird~~]number of unused permits in possession, or daily bag limit;

(b) the tag is detached from the permit; or

(c) any of the notches have been removed from the tag.

R657-6-19. Utah Pheasant Project.

(1) [~~Boy Scouts, Girl Scouts, or youth enrolled in 4-H or FFA~~]Youth groups may collect and rear pheasants from eggs in nests destroyed by normal hay mowing operations. The [~~4-H club leader, FFA adviser or Scout Master~~]administrator of the youth group shall first apply for and obtain a certificate of registration for this activity.

(2) Landowners or operators of mowing equipment may collect the eggs and possess them for no more than 24 hours for pick up by a person with a certificate of registration.

(3) Pheasants must be released by 16 weeks of age.

(4) These pheasants remain the property of the state of Utah.

R657-6-20. Use of Dogs.

(1) An individual may not use or permit a dog to harass, pursue, or take protected wildlife unless otherwise allowed for in Title 23, the Wildlife Resources Code of Utah, [~~administrative~~]or the rules [~~issued under Wildlife Code, or~~]outlined in a guidebook of the Wildlife Board.

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

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

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

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

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

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

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

(e) Dogs are only allowed on the Nature Trail within the Hasenyager Nature preserve, and must be on a leash.

A person may train a dog on live wild game birds provided:

- (a) the dog, or the person training the dog, may not harass, catch, capture, kill,

injure, or at any time, possess any wild game birds, except during legal hunting seasons as provided in the Upland Game or Waterfowl proclamations of the Wildlife Board;

(b) the use of dogs complies with Rules R657-6, R657-9, and R657-54;

(c) the person training a dog on live wild game birds, except during legal hunting seasons:

(ii) must comply with city and county ordinances pertaining to the discharge of any firearm;

(iii) must obtain written permission from the landowner for training on properly posted private property.

(4) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Section 53-5-701, et seq., provided the person is not utilizing the concealed weapon to hunt or take wildlife. concealed weapon to hunt or take wildlife.

(5) A person may not train dogs or otherwise harass game birds within ½ mile of sage-grouse or sharp-tailed grouse leks, or other concentrations of sage-grouse or sharp-tailed grouse from March 1 to May 31.

(6) Dogs may be used to locate upland game as part of division sanctioned survey efforts.

R657-6-21. Closed Areas.

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

(1) Salt Lake International Airport boundaries as posted.

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

(3) Wildlife Management Areas:

(a) Waterfowl management areas are open for hunting upland game only during designated waterfowl hunting seasons or as authorized by the Division, including: Blue Lake, Clear Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Manti Meadows, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Scott M. Matheson Wetland Preserve, Stewart Lake, and Timpie Springs.

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

(c) Goshen Warm Springs [~~is closed to upland game hunting~~].

(4) Military installations, [~~including Camp Williams~~]except as otherwise provided under Rule R657-66, are closed to hunting and trespassing.

R657-6-22. Live Decoys and Electronic Calls.

(1) A person may not take [~~migratory~~]any upland game birds by the use or aid of live or robotic decoys, night vision devices, drones, recorded or electronically amplified bird calls or sounds, [~~or recorded~~]or recorded or electronically amplified imitations of bird calls or sounds.

R657-6-23. Shipping or Exporting.

(1) No person may transport upland game by the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds contained therein clearly and conspicuously marked on the outside of the container.

(2) A shipping permit issued by the [~~Division~~]division must accompany each package containing upland game within or from the state.

- (3) A person may export upland game or their parts from Utah only if:
- (a) the person who harvested the upland game accompanies it and possess a valid license or permit corresponding to the tag, if applicable; or
 - (b) the person exporting the upland game or its parts, if it is not the person who harvested the upland game, has obtained a shipping permit from the ~~[Division]~~[division](#).

R657-6-24. Spotighting.

- (1) Except as provided in Section 23-13-17:
- (a) ~~[a]~~[A](#) person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm, [falconry bird](#), or other weapon or device that could be used to take or injure protected wildlife; and
 - (b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.
- (2) The provisions of this section do not apply to:
- (a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or
 - ~~[(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.]~~

R657-6-25. Purchasing or Selling Upland Game Parts.

- (1) A person may only purchase, sell, offer or possess for sale, barter, exchange or trade any upland game or its parts as follows:
- (a) untanned or tanned hides, feather, bone, nail, or beak of legally taken upland game or turkey may only be sold by the hunter who harvested the individual animals.
 - (b) An individual hunter may only sell one possession limit as defined by the Wildlife Board and guidebook for upland game and turkey per year.
 - (c) resale may only occur as derivative products such as artificial fishing flies.
- (2) A person selling or purchasing untanned or tanned hides, feather, bone, nail, or beak of legally taken upland game shall keep transaction records stating:
- (a) the name and address of the person who harvested the animal;
 - (b) the transaction date; and
 - (c) the hunting license number of the person who harvested the animal.

R657-6-26. Season Dates, Bag and Possession Limits, and Areas Open.

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

KEY: wildlife, birds, rabbits, game laws

Date of Enactment or Last Substantive Change: August 9, 2021

Notice of Continuation: May 21, 2020

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



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

May 1, 2023

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Heather Talley

SUBJECT: 2023 Upland Game, Wild Turkey, and Waterfowl Recommendations

Summary of Recommended Changes:

Updated Wild Turkey Management Plan (see attached for complete plan)

- Feeding Policy
- Crash Response Plan
- Revision of Limited-Entry Boundaries
- Updated Release Sites

Wild Turkey Recommendation

- **R657-54-4: Authorized Weapons**
 - Allows the use of airguns for the take of turkeys in the fall
- **R657-69-7: Control Permit Vouchers for Turkey**
 - Allows three vouchers per individual; does not count toward fall permit allocation
- **R657-69-9: Removal of Turkeys from Commercial Poultry or Gamebird Facilities and Infection Zones**
 - Owners or operators of these facilities may apply for a COR to remove wild turkeys
- **R657-54-8: Live Decoys and Electronic Calls**
 - Prohibits robotic decoys, night vision devices and drones.
- **R657-54-10: Sitting or Roosting Turkeys**
 - Includes power poles and elevated structures
- **R657-54-19: Purchasing or Selling Wild Turkey Parts**
 - Language to align with other species' rules
- **R657-54-20: Season Dates, Bag and Possession Limits, and Areas Open**
 - Three permits (two beardless permits and one either-sex permit) offered in the fall



Upland Game Recommendation

- **R657-6-6: Authorized Weapons**
 - Air rifle recommendation
- **R657-6-20: Use of Dogs**
 - Prohibit dog training near sage-grouse and sharp-tailed grouse leks (March 1 – May 31)
- **R657-6-22: Live Decoys and Electronic Calls**
 - Prohibit night vision devices, drones and robotic decoys
- **R657-6-25: Purchasing or Selling Upland Game Parts**
 - Language to align with other species' rules
- **R657-6: Taking Upland Game**
 - General updates and housekeeping

Waterfowl Recommendations

- **R657-9-3: Stamp Requirement**
 - Allows electronic duck stamps
- **R657-9-28: Use of Dogs**
 - Clarifies the stipulations for dogs allowed at Farmington Bay
- **R657-9: Taking waterfowl, snipe and coot**
 - General updates and housekeeping

Swan Hunting Recommendations

- **R657-9-4. Permit Applications for Tundra Swan.**
 - Trumpeter swan take and possession will be illegal
 - Swan permits will be tundra-only
 - All swans must be checked in
- **R657-62-22. Tundra Swan.**
 - References tundra swans only as trumpeter take will be considered poaching.

R657. Natural Resources, Wildlife Resources.

R657-9. Taking waterfowl, snipe and coot.

R657-9-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking waterfowl, snipe and coot.

R657-9-2. Definitions.

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

(b) The terms provided in Subsections 58-79-102(1) through (7) are incorporated by reference.

(2) In addition:

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

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

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

(d) "Daily Bag Limit" means the maximum number of migratory game birds of a single species or combination, aggregate, of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(e) "Dark geese" means the following species: cackling, Canada, and brant. (f) "Light geese" means the following species: snow, blue and Ross'.

(g) "Live decoys" means tame or captive ducks, geese or other live birds.

(h) "Migratory bird" means any bird that migrating game bird, such as waterfowl, snipe, coot, American crow, band-tailed pigeon, mourning dove, white-winged dove, and Sandhill crane.

(i) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(j) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.

(k) "Possession limit" the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(l) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

(m) "snipe]Snipe" means the following species: common, Jack, pin-tailed, solitary, Swinhoe's and Wilson's snipe.

(n) "Transport" means to ship, export, import or receive or deliver for shipment.

(o) "Waterfowl" means ducks, mergansers, geese[~~-brant~~] and tundra swans.

([e]p) "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

([p]q) "Waterfowl Management Area" means the following properties owned or managed by the division primarily for the conservation, production, or recreational harvest of ducks, mergansers, geese, [~~brant~~], tundra swans, and other waterfowl:

- (i) Bicknell Bottoms
- (ii) Blue Lake
- (iii) Brown's Park
- ~~(iii) Blue Lake~~
- (iv) Clear Lake
- (v) Desert Lake
- (vi) Farmington Bay
- (vii) Fitzgerald
- (viii) Harold Crane
- (ix) Howard Slough
- ~~(ix) Harold Crane~~
- (x) Locomotive Springs
- (xi) Mallard Springs
- (xii) Manti Meadows
- (xiii) Mills Meadows
- (xiv) Ogden Bay
- (xiv) Powell Slough
- (xv) Public Shooting Grounds
- ~~(xv) Powell Slough~~
- (xvi) Redmond Marsh
- (xvii) Rock Island
- (xviii) Salt Creek
- (xix) Stewart Lake
- (xx) Timpie Springs
- (xxi) Topaz
- (xxii) Warm Springs
- (xxiii) Willard Spur

R657-9-3. Stamp Requirements.

(1) Any person 16 years of age or older [~~may not hunt waterfowl without first obtaining~~]must obtain a federal migratory bird hunting and conservation stamp prior to hunting waterfowl, and [~~having~~]must have the physical stamp or proof of electronic stamp in possession when hunting waterfowl.

(2) [~~The~~]A physical federal migratory bird hunting and conservation stamp must be validated by the hunter's signature in ink across the face of the stamp.

(3) A electronic federal migratory bird hunting and conservation stamp does not need to be signed.

(4) A federal migratory bird hunting and conservation stamp is not required for any person under the age of 16.

(5) Federal migratory bird hunting and conservation stamps are non-transferrable.

R657-9-4. Permit Applications for Tundra Swan.

- (1) [~~Swan~~]Tundra swan permits [~~will be~~]are issued pursuant to R657-62-22.

R657-9-5. Tagging Tundra Swans.

(1)(a) A person that takes a tundra swan must tag the carcass, as provided in Section 23-20-30, immediately upon taking possession of the carcass and reaching a location listed below that is closest to the place where the carcass was first retrieved by the hunter, another person, or a dog:

- (i) the blind or fixed location in the field where the person taking the tundra swan was set up and from where they shot at the tundra swan;
 - (ii) a vessel available to the person; or
 - (iii) the first area of land free from standing water.
- (b) "Vessel" means, for the purposes of this subsection, any type of watercraft used or capable of being used as a means of transportation on water.

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

- (a) completely detach the tag from the license or permit;
- (b) completely remove the appropriate notches to correspond with the date the [~~animal~~]tundra swan was taken; and
- (c) attach the tag to the tundra swan carcass so that the tag remains securely fastened and visible.

(3) A person may not:

- (a) remove more than one notch indicating the date; or
 - (b) tag more than one tundra swan carcass using the same tag.
- (4) A person may not hunt or pursue a tundra swan after:
- (a) shooting and retrieving the tundra swan;
 - (b) the tag is detached from the permit; or
 - (c) any of the notches have been removed from the tag.

R657-9-6. Return of Tundra Swan Harvest and Hunt Information.

(1) [~~Swan~~]Tundra swan permit holders who do not hunt or are unsuccessful in taking a tundra swan must respond to the tundra swan questionnaire through the division's [~~Internet~~]internet address, or by telephone, within 30 calendar days of the conclusion of the prescribed tundra swan hunting season.

(2) Within three days of harvest, tundra swan permit holders successful in taking a [~~swan~~]tundra swan, or who incidentally take another swan species, must personally present the swan or its head for measurement to the division or the Bear River Migratory Bird Refuge and further provide all harvest information requested by the division or Refuge.

(3) Hunters who fail to comply with the requirements of Subsections (1) or (2) shall be ineligible to:

- (a) obtain a tundra swan permit the following season; and
- (b) obtain a tundra swan permit after the first season of ineligibility until the swan orientation course is retaken.

(4) [~~late~~]Late tundra swan questionnaires may be accepted pursuant to [~~Rule~~]Subsection R657-42-9(3). [~~Swan~~]Tundra swan permit holders are still required to present the swan or its head for measurement to a division office.

R657-9-8. Nontoxic Shot.

(1) Only nontoxic shot may be in possession or used while hunting waterfowl, snipe, and coot.

(2) A person may not possess or use lead shot:

(a) while hunting waterfowl, [snipe](#) or coot in any area of the state;

(b) on federal refuges;

(c) on the following waterfowl management areas: Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Manti Meadow, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart's Lake, Timpie Springs, Willard Spur; or

(d) on the Scott M. Matheson or Utah Lake wetland preserve.

R657-9-9. Use of Weapons on State Waterfowl Management Areas.

(1) A person may not discharge a firearm, crossbow, or archery tackle on the Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart's Lake, Timpie Springs and Topaz Waterfowl Management areas or Utah Lake Wetland Preserve during any time of the year, except:

(a) the use of authorized weapons as provided in Section R657-9-7 during waterfowl hunting seasons for lawful hunting activities;

(b) as otherwise authorized by the ~~[Division]~~[division](#) in [a](#) special use permit, certificate of registration, ~~[administrative]~~rule, proclamation, or order of the Wildlife Board; or

(c) for lawful purposes of self-defense.

R657-9-10. Airborne, Terrestrial, and Aquatic Vehicles.

~~(1)~~[\(1\)](#) Migratory game birds may not be taken:

~~(1)~~[\(1\)](#)[\(a\)](#) from or by means of ~~[any]~~[a](#) motorboat or other craft having a motor attached~~[-or]~~; [\(b\)](#) sailboat unless the motor has been completely shut off or sails furled and its progress has ceased~~[- provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;]~~ or

~~(2)~~[\(2\)](#)[\(b\)](#) by means or aid of any motor driven land, water or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of any migratory bird.

[\(2\) A craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power.](#)

R657-9-11. Airboats.

(1) Air-thrust or air-propelled boats and personal watercraft are not allowed in designated parts of the following areas for the purposes of waterfowl hunting:

(a) Box Elder County: Box Elder Lake, Bear River, that part of Harold S. Crane within one-half mile of all dikes and levees, Locomotive Springs, Public Shooting Grounds and Salt Creek, that part of Bear River Migratory Bird Refuge north of "D" line dike, and outside Units 1, 3, 4 and 5 as posted.

- (b) Daggett County: Brown's Park
 - (c) Davis County: Howard Slough, Ogden Bay and Farmington Bay within diked units or as posted
 - (d) Emery County: Desert Lake
 - (e) Millard County: Clear Lake, Topaz Slough
 - (f) Tooele County: Timpie Springs
 - (g) Uintah County: Stewart's Lake
 - (h) Utah County: Powell Slough
 - (i) Wayne County: Bicknell Bottoms
 - (j) Weber County: Ogden Bay within diked units or as posted and the portion of Harold S. Crane Waterfowl Management Area that falls within the county line.
- (2) "Personal watercraft" means for purposes of this section, a motorboat that is:
- (a) less than 16 feet in length;
 - (b) propelled by a water jet pump; and
 - (c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

R657-9-12. Motorized Vehicle Access.

(1) "Motorized vehicle" means, for ~~[the]~~ purposes of this section ~~[-means]~~, a vehicle that is self-propelled or possesses the ability to be self-propelled. This does not include vehicles moved solely by human power, motorized wheelchairs, or an electric personal assisted mobility device.

(2) Motorized vehicle travel is restricted to county roads, improved roads, and parking areas.

(3) Off-highway vehicles are not permitted on state waterfowl management areas, except as marked and posted open.

(4) Off-highway vehicles are not permitted on Bear River Migratory Bird Refuge.

(5) Motorized ~~[boat]~~vehicle use is restricted on waterfowl management areas as specified in the guidebook of the Wildlife Board for taking waterfowl, snipe and coot.

(6) Electric-assisted bicycles propelled in part by electrical assistance are only permitted on state waterfowl management areas if they meet the Class 1 definition provided in Subsections 41-6a-102(8) and (17).

R657-9-16. Baiting.

(1) ~~[(1)]~~ A person may not take migratory game birds by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited.

(2) This section does not prohibit:

(a) ~~[the taking]~~The take of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) standing crops or flooded standing crops (including aquatics), standing, flooded or manipulated natural vegetation, flooded harvested croplands, or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) from a blind or other place of concealment camouflaged with natural vegetation;

(iii) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys or retrieving downed birds.

(b)3) The ~~taking~~take of any migratory game bird, except waterfowl, coots and cranes, is legal on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown or solely as the result of a normal agricultural operation.

R657-9-23. Custody~~[-of Birds]~~ of Another Person's Migratory Game Bird.

No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by Section R657-9-21.

R657-9-26. Migratory Bird Preservation Facilities.

(1) "Migratory bird preservation facility" means, for purposes of this section:

(i) Any person who, at their residence or place of business and for hire or other consideration;~~[-of]~~

(ii) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(2) No migratory bird preservation facility shall:

(a) receive or have in custody any migratory game bird unless accurate records are maintained that can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show:

(i) the number of each species;

(ii) the location where taken;

(iii) the date such birds were received;

(iv) the name and address of the person from whom such birds were received;

(v) the date such birds were disposed of; and

(vi) the name and address of the person to whom such birds were delivered; or

(b) destroy any records required to be maintained under this section for a period of one year following the last entry on record.

(3) Record keeping as required by this section will not be necessary at hunting clubs that do not fully process migratory birds by removal of the head and wings.

(4) No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried out.

R657-9-27. Importation.

(1) A person may not:

(~~1~~)a) import migratory game birds belonging to another person; or

(~~2~~²)^b) import migratory game birds in excess of the following importation limits:

(^a)ⁱ) From any country except Canada and Mexico, during any one calendar week beginning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese [~~including brant~~], singly or in the aggregate of all species;

(~~b~~)ⁱⁱ) From Canada, not to exceed the maximum number to be exported by Canadian authorities;

(^e)ⁱⁱⁱ) From Mexico, not to exceed the maximum number permitted by Mexican authorities in any one day: provided that if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

R657-9-28. Use of Dogs.

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

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

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

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

- (i) Annabella;
- (ii) Bear River Trenton Property Parcel;
- (iii) Bicknell Bottoms;
- (iv) Blue Lake;
- (v) Browns Park;
- (vi) Bud Phelps;
- (vii) Clear Lake;
- (viii) Desert Lake;
- (ix) Farmington Bay;
- (x) Harold S. Crane;
- (xi) Hatt's Ranch
- (xii) Howard Slough;
- (xiii) Huntington;
- (xiv) James Walter Fitzgerald;
- (xv) Kevin Conway;
- (xvi) Locomotive Springs;
- (xvii) Manti Meadows;
- (xviii) Mills Meadows;
- (xix) Montes Creek;
- (xx) Nephi;
- (xxi) Ogden Bay;
- (xxii) Pahvant;
- (xxiv) Public Shooting Grounds;

- (xxv) Redmond Marsh;
- (xxvi) Richfield;
- (xxvii) Roosevelt;
- (xxviii) Salt Creek;
- (xxix) Scott M. Matheson Wetland Preserve;
- (xxx) Steward Lake;
- (xxxi) Timpie Springs;
- (xxxii) Topaz Slough;
- (xxxiii) Utah Lake Wetland Preserve;
- (xxxiv) Vernal; and
- (xxxv) Willard Bay.

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

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

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

[\(e\) Dogs are only allowed on the Nature Trail within the Hasenyager Nature Preserve, and must be on a leash.](#)

R657-9-30. Rest Areas and No Shooting Areas.

(1) A person may only access and use state waterfowl management areas in accordance with state and federal law, state administrative code, and proclamations of the Wildlife Board.

(2)(a) The division may establish portions of state waterfowl management areas as “rest areas” for wildlife that are closed to the public and trespass of any kind is prohibited.

(b) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are designated as rest areas:

- (i) that portion of Clear Lake Waterfowl Management Area known as Spring Lake;
- (ii) that portion of Desert Lake Waterfowl Management Area known as Desert Lake;
- (iii) that portion of Public Shooting Grounds Waterfowl Management Area that lies above and adjacent to the Hull Lake Diversion Dike known as Duck Lake;
- (iv) that portion of Salt Creek Waterfowl Management Area known as Rest Lake;
- (v) that portion of Farmington Bay Waterfowl Management Area that lies in the northwest quarter of unit one; and

(iv) that portion of Ogden Bay Waterfowl Management Area known as North Bachman.

(c) Maps of all rest areas will be available at division offices, on the division’s website, and to the extent necessary, marked with signage at each rest area.

(3)(a) The division may establish portions of state waterfowl management areas as “No Shooting Areas” where the discharge of weapons for the purposes of hunting is prohibited.

(b) No Shooting Areas remain open to the public for other lawful activities.

(c) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are No Shooting Areas:

(i) all of Antelope Island, including all areas within 600 feet of the upland vegetative line or other clearly defined high water-mark;

(ii) within 600 feet of the north and south side of the center line of Antelope Island causeway;

(iii) within 600 feet of all structures found at Brown's Park Waterfowl Management Area;

(iv) the following portions of Farmington Bay Waterfowl Management Area:

(A) within 600 feet of the Headquarters;

(B) within 600 feet of dikes and roads accessible by motorized vehicles;

(C) within the area designated as the [~~Learning Center~~ [Hasenyager Nature Preserve](#)]; and

(D) within the [~~100 yard~~ [300 foot](#)] buffer around the Farmington Bay Waterfowl Management Area rest area;

(v) within 600 feet of the headquarters area of Ogden Bay Waterfowl Management Area;

(vi) within the boundaries of all State Parks except those designated open by appropriate signage as provided in Section R651-614-4;

(vii) within 1/3 of a mile of the Great Salt Lake Marina;

(viii) below the high-water mark of Gunnison Bend Reservoir and its inflow upstream to the Southerland Bridge, Millard County;

(xi) any property within the boundary of the Salt Lake International Airport; and

(x) any property within the boundaries of federal migratory bird refuges, unless hunting waterfowl specifically authorized by the federal government.

(4) The division reserves the right to manage division lands and regulate its use consistent with Section 23-21-7 and Rule R657-28.

KEY: wildlife, birds, migratory birds, waterfowl

Date of Enactment or Last Substantive Amendment: March 14, 2022

Notice of Continuation July 2 2021

Authorizing, and Implemented or Interpreted Law: 23-14-19; 23-14-18; 50 CFR part

20

R657. Natural Resources, Wildlife Resources.

R657-62. Drawing Application Procedures.

R657-62-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-3. Scope of Rule.

(1) This rule sets forth the procedures and requirements for completing and filing applications to receive the following hunting permits and certificates of registrations:

- (a) Dedicated Hunter certificate of registrations;
- (b) limited-entry deer;
- (c) limited-entry elk;
- (d) limited-entry pronghorn;
- (e) once-in-a-lifetime;
- (f) public cooperative wildlife management unit;
- (g) general season deer, , and youth elk;
- (h) limited-entry bear;
- (i) bear pursuit;
- (j) antlerless big game;
- (k) [~~sandhill~~ Sandhill] crane;
- (l) sharp-tail and greater sage grouse;
- (m) swan
- (n) cougar;
- (o) sportsman;
- (p) turkey; and
- (q) landowner buck deer.

R657-62-9. Preference Points.

(1) Preference points are used in the applicable drawings to ensure that applicants who are unsuccessful in the drawing will have first preference in the next year's drawing.

(2)(a) A preference point is awarded for:

- (i) each valid, unsuccessful application applying for a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill [~~Crane, Sharp~~crane, sharp-tailed grouse, [~~Greater~~greater]sage -grouse or [~~Swan~~swan] permit; or
- (ii) each valid application when applying only for a preference point in the applicable drawings.

(b) Preference points are awarded by species for:

- (i) general buck deer;
- (ii) antlerless deer;
- (iii) antlerless elk;
- (iv) doe pronghorn;
- (v) Sandhill [~~Crane~~crane];
- (vi) Sharp-tailed [~~Grouse~~grouse];

(vii) Greater sage ~~_~~grouse; and

(viii) Swan.

(3)(a) A person may not apply in the drawing for both a preference point and a permit for the species listed in Subsection (2)(b).

(b) A person may not apply for a preference point if that person is ineligible to apply for a permit.

(4) Preference points for the applicable species are forfeited if a person obtains a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill [~~Crane, Sharp~~crane, sharp-tailed grouse, [~~Greater~~greater sage ~~_~~grouse or [~~Swan~~swan] permit, whether obtained through a division drawing or over the counter, except points are not forfeited if a person obtains one or more of the following:

(a) youth archery buck deer permit;

(b) mitigation permits issued to a landowner Rule R657-44, including mitigation permit vouchers;

(c) antlerless elk control permits;

(d) a general landowner buck deer permit or landowner appreciation permit issued pursuant to Rule R657-43; and

(e) private land only antlerless elk permits.

(5) Preference points are not transferable.

(6) Preference points are averaged and rounded down when two or more applicants apply together on a group application.

(7)(a) Preference points are tracked using social security numbers or division-issued customer identification numbers.

(b) The division shall retain copies of electronic applications from 2000 to the current applicable drawings for researching preference point records.

(c) Any requests for researching an applicant's preference point records must be submitted within the time frames provided in Subsection (b).

(d) Any preference points on the division's records shall not be researched beyond the time frames provided in Subsection (b).

(e) The division may eliminate any preference point obtained by fraud, deceit, misrepresentation, or in violation of law.

R657-62-21. Sandhill Crane, Sharp-~~Tailed~~tailed and Greater Sage~~-Grouse~~-grouse.

(1) Permit applications.

(a) A person may obtain only one Sandhill [~~Crane~~crane] permit each year.

(b) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain Sandhill [~~Crane, Sharp-Tailed and Greater Sage-Grouse~~crane, sharp-tailed and greater sage-grouse] permit. (c) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(d) Applicants may select up to four hunt choices. Hunt unit choices must be listed in order of preference.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31 for the purpose of obtaining Sandhill [~~Crane, Sharp~~crane, sharp-tailed grouse and [~~Greater-Sage~~greater sage-grouse] permits.

(b) Fifteen percent of the Sandhill [~~Crane, Sharp~~crane, sharp-tailed grouse and [~~Greater~~greater] sage-grouse permits are reserved for youth hunters.

(c) Youth applicants who apply for a Sandhill [~~Crane, Sharp~~crane, sharp]-tailed grouse or [~~Greater~~greater sage -grouse permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Group Applications

(a) Up to four people may apply together.

(b) Up to four youth may apply together in a Group Application.

(4) Waiting Periods do not apply.

R657-62-22. Tundra Swan.

(1) Permit applications.

(a) A person may obtain only one tundra swan permit each year.

(i) A person may not apply more than once annually.

(b) A person must possess or obtain a valid hunting or combination license to apply for or obtain a [~~Swan~~tundra swan permit.

(c) The division shall issue no more than the number of tundra swan permits authorized by the U.S. Fish & Wildlife Service each year.

(d) A person must complete a swan orientation course annually before applying for a tundra swan permit, except as provided under Subsection R657-9-6 (3) (b).

(i) Remaining tundra swan permits available for sale shall be issued only to persons having previously completed the orientation course.

(e) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31st of the year in which the youth hunting day is held, as provided in the guidebook of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(b) 15% of the [~~Swan~~tundra swan permits are reserved for youth hunters.

(c) Youth who apply for a tundra swan permit will automatically be considered in the youth permit drawing based on their birth date.

(3) Group applications.

(a) Up to four people may apply together in a Group Application.

(b) Up to four youth may apply together in a Group Application.

~~[(4) Any person who harvest a trumpeter swan may not apply for or receive a swan permit for a period of:]~~

~~[(a) five seasons for adults; or]~~

~~[(b) three seasons for youth]~~

KEY: wildlife, permits

Date of Enactment or Last Substantive Amendment: February 14, 2023

Notice of Continuation: April 9, 2019

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



State of Utah

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Governor

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Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

May 1, 2023

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Avery Cook

SUBJECT: 2023 Pen-reared Gamebird Recommendations

Summary of Recommended Changes:

Pen-reared gamebird related rules sections are currently distributed across six Division rules and one Department of Agriculture and Food rule. This recommendation is to update rules to align conflicting rule language across agencies, simplify Division rule by consolidating pen-reared gamebird provision into a single rule, shift regulation of commercial gamebirds growers to the Department of Agriculture and food, and update disease testing requirements to meet challenges of emerging disease.

Pen-reared Gamebird Recommendation

- **R657-4: Possession of Live Game Birds**
 - Repeal
- **R657-4: Possession and Release of Pen-reared Gamebirds**
 - Replacement rule
 - Defines “Gamebirds”
 - Defines permitting requirements for possession and release separately.
 - Establishes UDAF as the agency regulating commercial gamebird growers (more than 1000 gamebirds).
 - Establishes the Division as the agency regulating personal use of pen-reared gamebirds.
 - Allows permitless possession for holding gamebirds less than 60 days and less than 50 pen-reared gamebirds.
 - Requires registration for long-term holding or quantities between 50-1000 pen-reared gamebirds.
 - Establishes the Division as the agency regulating release of pen-reared gamebirds.



- Allows release of less than 10 pen reared-gamebirds or 3 per dog without permitting.
 - Requires permitting for larger releases (field trials and commercial hunting areas).
 - Establishes standards for disease testing.
- **R657-06 Taking Upland Game**
 - Moved section R657-46-6 regarding training dogs on wild birds to the upland game rule, R657-06-20.
 - There are additional unrelated changes in R567-06, see upland game rule memo and presentation for additional upland game rule amendments.
- **R657-20 Falconry**
 - Remove R657-20-26: Use of Pen-reared Game Birds for Meets, Trials and Training, and other language related to pen-reared gamebirds or game birds and replace with references to R657-04.
- **R657-22 Commercial Hunting Areas**
 - Repeal.
 - Commercial Hunting areas will now be regulated by R657-4.
 - Provisions related to release to the wild, hunting area, and hunting pen-reared gamebirds remain generally unchanged.
 - Provisions related to possession of more than 1000 pen-reared gamebirds is now regulated by UDAF.
- **R657-46 Game Birds in Training and Trails**
 - Repeal.
 - Provisions related to pen-reared gamebirds have been moved to R657-04.
 - Provisions related to wild upland game have been moved to R657-06.



R657. Natural Resources, Wildlife Resources.

R657-4. Possession and Release of Pen-reared Gamebirds.

R657-4-1. Purpose and Authority.

(1) Under authority of Sections 23-13-4, 23-14-18, and 23-14-19, the Wildlife Board has established this rule for the possession, importation, purchase, propagation, sale, barter, trade, release or disposal of live pen-reared gamebirds and their eggs.

(2) The provisions of Rule R657-3 do not apply to activities conducted by holders of a valid wildlife document to the extent those activities are covered by this rule.

R657-4-2. Definitions.

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

(2) In addition:

(a) "Authorized Species" those species specifically authorized on a certificate of registration.

(b) "Commercial hunting area" or "CHA" means a parcel of land permitted to release pen-reared or propagated gamebirds more than 5 days per year.

(c) "Contiguous" means a piece of land that shares a boundary, including a single point at corners.

(d) "Director" means the director of the Division.

(e) "Disease free status" means a bird, or representative sample of a flock has tested negative for pathogens listed in R58-6 and R657-4-10.

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

(g) "Durable marking" means metal leg band, patagial tag, or other marking attached to an animal identifying it as a pen-reared bird that can reasonably be expected to remain attached for more than one year and is easily visible on inspection of a bird in hand.

(h) "Field trial" means an organized event where the abilities of dog handlers and their dogs are evaluated, including the ability of the dogs to hunt or retrieve gamebirds.

(i) "NPIP" means National Poultry Improvement Plan.

(j) "Operator" means a person, group, or business entity, including their agents, employees and contractors, that manages, owns, administers, or oversees the activities and operations of a facility or CHA. Operator further includes any person, group or business entity that employs or contracts another to serve or act as an operator.

(k) "Pen-reared Gamebird" means species of the following that were bred from legally acquired captive stock and hatched and raised in captivity:

(i) chukar partridge

(ii) red-legged partridge

(iii) gray (Hungarian) partridge

(iv) pheasant (genus Phasianus)

(v) Bobwhite quail

(vi) California quail

(vii) Gambel's quail

(viii) Coturnix quail

(ix) Buttonquails

(ix) waterfowl (Family Anatidae)

(l) "Train" or "training" means informal handling, exercising, teaching, instructing, and disciplining of dogs or raptors in the skills and techniques of hunting and retrieving gamebirds characterized by absence of fees, judging, or awards.

(m) "Wildlife Document" A certificate or registration, permit, license or other document issued by the Division granting permission for a possession of animals or a specific activity.

R657-4-3 Prohibited Possession and Release of Gamebirds

(1) A person may not take any live gamebird or the egg of any gamebird from the wild, except as provided in Rules R657-3 and R657-6 and the proclamation of the Wildlife Board for taking upland game. Any permit or Wildlife Document granted in this rule does not give permission to take any wild birds or other animals, including species listed as pen-reared gamebirds.

(2) Except as provided in Subsection R657-4-11, a person may not possess, purchase, or dispose of a live pen-reared gamebird without first obtaining a Pen-reared Gamebird Personal Possession Wildlife Document from the Division or Commercial Gamebird Facility License from the Department of Agriculture and Food.

(3) A person may not import, propagate, sell, barter, trade, any live pen-reared gamebird, or the eggs of any pen-reared gamebird, without first obtaining a Personal Use Pen-reared Gamebird Permit from the Division or Commercial Gamebird Facility License from the Department of Agriculture and Food.

(4) Except as provided in Subsection R657-4-14, a person may not release live pen-reared gamebirds without first obtaining a High Volume Pen-reared Gamebird Release Wildlife Document or CHA Wildlife Document from the Division.

R657-4-4. Exhibit of Wildlife Document, License, Pen-reared Gamebirds, and Equipment.

(1) A conservation officer or any other law enforcement officer may request any person engaged in activities covered under this rule to exhibit:

(a) the person's license, permit, health certificate, bill of sale, wildlife document or proof of ownership;

(b) any pen-reared gamebirds held in possession;

(c) any device, apparatus, or facility used for activities covered under this rule.

(2)(a) Certificates of registration, permits, wildlife documents and licenses are issued upon the express condition that the operator agrees to permit the Division, Department of Agriculture and Food, and public health and safety officials to enter and inspect the premises, facilities, and all required records and health certificates to ensure compliance with this rule and other applicable laws.

(b) Inspections shall be made during reasonable hours.

R657-4-5. Penalty for Violation.

(1) The Division may suspend or revoke any license, permit or certificate related to pen-reared gamebird possession or release, as authorized under Section 23-19-9 and Rule R657-26, for violation of Utah Code, rule, or terms of the certificate of registration.

(2) A violation of any provision of this rule is punishable as provided in Section 23-13-11.

(3) The Division may dispose of pen-reared gamebirds or their eggs held in possession in violation of this rule.

R657-4-6. Recapture.

(1) Recapturing pen-reared gamebirds that have been released or escaped is permitted only:

(a) within CHA release area boundaries; and
(b) for species listed on the CHA Wildlife Document as not established in the wild in the area; or

(c) to capture birds who escaped from a registered personal use pen-reared gamebird facility or commercial gamebird facility.

(2) Any pen-reared gamebird that exits a designated release area becomes the property of the state of Utah and may not be recaptured.

(3) Any pen-reared gamebirds recaptured may not be recounted or added to the total number of birds released for annual reporting purposes.

R657-4-7. Importation of Live Pen-reared gamebirds and Eggs of Gamebirds.

(1) All pen-reared gamebirds and hatching eggs imported into Utah must meet the requirements found in R58-1 and R58-6.

R657-4-8. Records of Sale or Purchase of Live Pen-reared Gamebirds.

(1) Any person who sells, barter, trades, or disposes of a live pen-reared gamebird or the egg of a pen-reared gamebird to another person, including sale of birds released on commercial hunting areas or during high-volume pen-reared gamebird releases, must provide a bill of sale that includes:

(a) The seller's Commercial Gamebird Facility License number or Pen-reared Gamebird Personal Possession Wildlife Document number and CHA or High Volume Pen-reared Gamebirds Release Wildlife Document number if applicable.

(b) the species;

(c) the number of pen-reared gamebirds;

(d) the sex of pen-reared gamebirds if plumage exhibits sexual dimorphism;

(e) the date of the transaction.

(2) Any person who possesses, imports, purchases, propagates, sells, barter, trades, or disposes of live pen-reared gamebirds must keep a record of each transaction that includes:

(a) the species;

(b) the number of pen-reared gamebirds;

(c) the sex of pen-reared gamebirds if plumage exhibits sexual dimorphism.

(d) the name and address of each party to the transaction

(e) Commercial Gamebird Facility License number, Pen-reared Gamebird Personal Possession Wildlife Document number, CHA Wildlife Document number and High Volume Pen-reared Gamebirds Release Wildlife Document number as applicable; and

(f) the date of the transaction.

(3) The records required under Subsection (2) must be maintained for three years.

R657-4-9. Unlawful Release of Pen-reared Gamebirds.

(1) Except as provided in Rule R657-4-14, It is unlawful to release or abandon any live pen-reared gamebird without first obtaining written authorization from the Division in the form of a High Volume Pen-reared Gamebird Release, Wildlife Document, Commercial Hunting Areas Wildlife Document, or written prior approval of the division director or regional supervisor.

(2) The director of the Division may authorize the destruction of any escaped pen-reared gamebirds that may impact wildlife.

(3) A person may not restrict a pen-reared gamebird's ability to fly or run during hunting activities in any manner other than dizzying, tucking heads under wings before release or through the use of release mechanisms such as bird launchers and kick cages.

R657-4-10 Disease

(1) The Division may:

(a) investigate any reported disease and take any necessary action to control a contagious or infectious disease affecting domestic animals, wildlife, or public health; or

(b) order a veterinarian or certified pathologist's report of a suspected disease, and may order quarantine, immunization, testing, or other sanitary measures.

(2)(a) The Division may order the destruction and disposal of any pen-reared gamebird found to have an untreatable disease which poses a potential threat or health risk to domestic poultry, humans, or wildlife, as determined by the Division, the Department of Agriculture and Food, or the Department of Health.

(b) Actions taken pursuant to Subsection (a) may be at the operator's expense.

(c) Actions taken pursuant to Subsection (a) shall be accomplished by following procedures acceptable to the Division that ensure the disease is not transmitted to wildlife, domestic animals, or humans.

(3) Operators must take reasonable precautions to prevent and control the spread of infectious diseases among pen-reared gamebirds under their control.

(4) Commercial Gamebird Facilities must be licensed through the Department of Agriculture and Food under R58-6, and meet requirements outlined therein.

(5) Groups or individuals releasing pen-reared gamebirds under a High Volume Pen-reared Gamebird Release Wildlife Document shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture and Food. or;

(b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10.

(c) If any birds are kept longer than 30 days, or are housed in the same facility that has contained any birds for more than 30 days operators must obtain a statement from a veterinarian within 30 days prior to release that a representative sample of birds tested negative for:

(i) *Mycoplasma gallisepticum*;

(ii) *Mycoplasma synoviae*;

(iii) Avian Influenza virus

(iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.

(v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.

(d) In the case of positive tests birds shall not be brought into, out of, or released from any holding facilities where birds have tested positive for listed diseases within 60 days.

(i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.

(ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.

(e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

(6) Those holding or propagating pen-reared gamebirds under a Pen-reared Gamebird Personal Possession Wildlife Document shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture; Or

(b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10; Or

(c) Test within 30 days of acquisition for:

(i) Mycoplasma gallisepticum;

(ii) Mycoplasma synoviae;

(iii) Avian Influenza virus

(iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.

(v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.

(d) In the case of positive tests birds shall not be brought into, out of, or released from of any holding facilities where birds have tested positive for listed diseases within 60 days.

(i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.

(ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.

(e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

(7) Those possessing and/or releasing pen-reared gamebirds under short-term pen-reared gamebird possession provisions or personal use pen-reared gamebird release provisions shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture; Or

- (b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10; Or
- (c) Test within 30 days prior to release for:
 - (i) Mycoplasma gallisepticum;
 - (ii) Mycoplasma synoviae;
 - (iii) Avian Influenza virus
 - (iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.
- (v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.
- (d) In the case of positive tests birds shall not be brought into, out of, or released from of any holding facilities where birds have tested positive for listed diseases within 60 days.
 - (i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.
 - (ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.
- (e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

R657-4-11 Short Term Pen-reared Gamebird Possession

- (1) A wildlife document is not required if:
 - (a) A person has pen-reared gamebirds collectively in possession less than 60 days; and
 - (b) fewer than 50 birds are held; and
 - (c) pen-reared gamebirds were acquired in Utah or imported as per regulations in R58-6; and
 - (d) each pen-reared gamebird has a durable marking attached; and
 - (e) a bill of sale establishing proof of purchase from a legal source is in possession; and
 - (f) pen-reared gamebirds meet disease requirements specified in R657-4-10; and
 - (g) the pen-reared gamebirds are used for dog training or falconry bird training.
- (2) No registration is needed for holding pen-reared gamebirds in temporary storage while the pen-reared gamebirds are in transit through Utah provided the birds are identified as to their source and destination and are not removed from the shipping containers.
- (3) Any person in possession of pen-reared gamebirds must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

R657-4-12. Pen-reared Gamebird Personal Possession Wildlife Document.

- (1) A Pen-reared Gamebird Personal Possession Wildlife Document is required for any of the following:
 - (a) Pen-reared gamebirds are held 60 day or longer.

(b) 50 or more and less than 1000 total birds and viable eggs are held in possession.

(c) for import, propagation, sale, barter, trade of pen-reared gamebirds.

(d) for hatching of pen-reared gamebird eggs.

(2) A person who acquires live pen-reared gamebirds is not required to obtain a Pen-reared Gamebird Personal Possession Wildlife Document if they:

(a) meet criteria in Section R657-4-11

(b) possess a Commercial Gamebird Facility License from the Department of Agriculture and Food as outlined in R58-6.

(3) Pen-reared Gamebird Personal Possession Wildlife Documents:

(a) are not transferable; and

(b) are valid for one year from the date of issuance.

(c) are limited to authorized pen-reared gamebird species or as indicated on the permit.

(4) Any person who has applied for and obtained a Pen-reared Gamebird Personal Possession Wildlife Document must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

(5) Facilities

(a) Facilities shall comply with Division facility guidelines

(b) Facilities shall be constructed so as to prevent egress of birds

(c) Facilities shall not permit access to native waterways.

(d) Inspection is not required to issue permit.

(6) Pen-reared Gamebird Personal Possession Wildlife Document holders must comply with disease testing requirements as per R657-4-10

(7) Registration for a Pen-reared Gamebird Personal Possession Wildlife Document.

(a) A person may obtain a Pen-reared Gamebird Personal Possession Wildlife Document through the Division's online permitting system.

(b) If the applicant is under the age of 18, a parent or guardian must co-sign the application and is responsible for compliance with this rule and all other associated laws.

R657-4-13. Commercial Gamebird Facility.

(1) A Commercial Gamebird Facility License required if:

(a) More than 1000 total birds and viable eggs are held in possession.

(b) for import, propagation, sale, barter, trade of gamebirds.

(2)(a) A Commercial Gamebird Facility must be licensed by the Department of Agriculture and Food under R657-6.

(b) Private pen-reared gamebird facilities propagating less than 1000 pen-reared gamebirds per year are exempt from licensure through the Department of Agriculture and Food if in possession of Pen-reared Gamebird Personal Possession Wildlife Document as per R657-4-12.

(3) Facilities shall comply with Division facility guidelines in addition to Department of Agriculture and Food Requirements.

(a) Facilities should be constructed so as to prevent escape of birds.

(b) Facilities shall prevent access to native waterways.

(4) Any person in possession of pen-reared gamebirds must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

R657-4-14. Personal Use Pen-reared Gamebird Release.

(1) A person may release legally acquired pen-reared gamebirds without registration provided:

(a) The person or group of persons is not releasing more than ten pen-reared gamebirds per day or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater.

(b) The group releasing pen-reared gamebirds is less than or equal to 10 persons.

(c) The person or group is releasing legally acquired pen-reared gamebirds for the purpose of training a bird dogs or falconry birds.

(d) The person or group birds has an invoice or bill of sale in their possession showing lawful personal possession or ownership of the pen-reared gamebirds;

(e) Each pen-reared gamebird must be marked with a durable marking;

(f) Any pen-reared gamebird released in areas with wild populations of the same species must be marked with a visible streamer or tape at least 12 inches in length before being released, and must have the streamer or tape attached when killed; and

(g) the use of dogs complies with Rules R657-6. R657-9, and R657-54 and use of falconry birds complies with R657-20.

(2) A person may only take the pen-reared gamebirds they or members of their group have released.

(3) Pen-reared gamebirds that are not recovered on the day of the training, released without permanent marking, or pen-reared gamebirds that escape shall become property of the state of Utah and may not be recaptured or taken except:

(a) as specified in Section R657-4-6;

(b) during legal hunting seasons as specified in the Upland Game and Waterfowl proclamations of the Wildlife Board.

(4) Pen-reared gamebirds released must:

(a) meet requirements specified in Section R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

R657-4-15 High Volume Pen-reared Gamebird Release (Field Trial)

(1) A High Volume Pen-reared Gamebird Release Wildlife Document is required for

(a) Groups larger than 10 people releasing pen-reared gamebirds;

(b) Release of greater than ten pen-reared gamebirds per day per group, or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater;

(c) Release activities occur in a release area on 5 or fewer days within a 365 day period; or

(d) A field trial involving the pursuit of wild rabbits.

(2)(a) A person or group may conduct an event using pen-reared gamebirds provided that person or group applies for and obtains a Wildlife Document from the Division, except as provided in Subsection (b).

(b) A person or group may conduct a field trial using pen-reared gamebirds on a commercial hunting area without obtaining a Wildlife Document.

(3) Up to 1000 pen-reared gamebirds may be in possession for up to 10 days under a High Volume Pen-reared Gamebird Release Wildlife Document.

(a) Possession of pen-reared gamebirds must comply with Section R657-4-10 and other applicable rule.

(4) Any person or group using pen-reared gamebirds must have an invoice or bill of sale available for inspection showing lawful personal possession or ownership of such birds as specified in Section R657-4-8.

(5)(a) each pen-reared gamebird must be marked with a durable marking, except as provided in Subsection (c).

(b) The marking must remain attached to the pen-reared gamebird.

(c) Marking is not required for pen-reared gamebirds released in a field trial that is conducted on a commercial hunting area.

(6) Pen-reared gamebirds may be released only

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(c) after the release area has been cleared of wild gamebirds using trained pointing or flushing dogs.

(d) on public property with additional permission from the land management agency for the event.

(7) After release, pen-reared gamebirds may be taken:

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(c) by the person who released the pen-reared gamebirds, or by any person participating in the event.

(8) Pen-reared gamebirds that leave the property where the event is held, and birds remaining at the end of the field trial except within commercial hunting area boundaries, shall become the property of the state of Utah and may not be taken, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(9) Pen-reared gamebirds released must:

(a) meet requirements specified in Section R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

(10) Wild rabbits may be used for field trials provided

(a) the dog is tracking scent trails of wild rabbits.

(b) following initial contact with a wild rabbit the dog must cease pursuit.

(c) only during the dates of the field trial event as specified in the certificate of registration.

(d) the dog, or the person training the dog, may not harass, catch, capture, kill, injure, or at any time, possess any wild rabbits, except during legal hunting seasons.

(11) Wild rabbits may be taken only during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

R657-4-16. Application for a High Volume Pen-reared Gamebird Release (Field Trial) Wildlife Document.

(1)(a) Applications must be submitted to the appropriate regional Division office where the field trial is being held.

(b) Applications must be received at least 60 days prior to the date of the event.

(2) The Division shall not approve any application for an area where, in the opinion of the Division, the release of pen-reared gamebirds and related activities interferes with wildlife, wildlife habitat or wildlife nesting periods.

(3) An application for a High Volume Pen-reared Gamebird Release Wildlife Document must include:

(a) The operator's name, address and telephone number; and

(c) Detailed maps depicting boundaries of release areas and ownership of all parcels within the release area; and

(d) Large scale maps depicting the location of the release area relative to the nearest city or town;

(e) Planned number and species of pen-reared gamebirds to be released

(f) Planned number of participants

(g) Outline of events

(h) Dates of events

(i) Written permission from landowner or land management agency, or evidence of ownership from the operator.

(j) Documentation that pen-reared gamebirds being used for the event:

(a) meet requirements specified in Section R657-4-10.

(b) are healthy, capable of flight, free of disease and suitable for human consumption.

(4) The Division may return any application that is incomplete, completed incorrectly, or that is not accompanied by the information required in Subsection (3).

(5) In determining whether to allow the release of pen-reared gamebirds the Division shall consider:

(a) the potential release site and its relative impact on wildlife and wildlife habitat;

(b) the species or subspecies of pen-reared gamebirds to be released; and

(c) the activity for which the pen-reared gamebirds are to be released.

R657-4-17 Commercial Hunting Area Pen-reared Gamebird Release

(1) A Commercial Hunting Area Pen-reared Gamebird Release Wildlife Document is required for

(a) Groups larger than 10 people releasing pen-reared gamebirds; or

(b) Release of greater ten pen-reared gamebirds per day per group, or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater; and

(c) Release activities that occur an area on more than 5 days within a 365 day period

(i) Division of Wildlife designated dog training areas are exempt from Subsection R657-4-19(1)(c)

(2) The Wildlife Document for CHA Pen-reared Gamebird Release as specified in paragraph (1) is valid for 3 years from the date of issuance.

(a) The Wildlife Document for CHA Gamebird Release is void if annual report and annual fee are not received by the Division.

(3)(a) An operator, their employees, customers or volunteers may release pen-reared gamebirds as specified on their Wildlife Document within the designated commercial hunting area for hunting or training activities during established commercial hunting area season dates.

(b) A operator may conduct a field trial using pen-reared gamebirds on a commercial hunting area without obtaining an additional High Volume Pen-reared Gamebird Release Wildlife Document within season dates specified on their Wildlife Document.

(4) CHA certificates of registration are effective from the date issued through June 30 of the third consecutive year.

(5) The operator must have an invoice or bill of sale available for inspection showing lawful personal possession or ownership of such birds.

(6) Pen-reared gamebirds may be released without a durable marking within designated commercial hunting area boundaries.

(7) Pen-reared gamebirds may be released only

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(8) After release, pen-reared gamebirds may be taken:

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(9) Pen-reared gamebirds that leave the designated commercial hunting area boundaries shall become the property of the state of Utah and may not be taken outside of the designated commercial hunting area boundaries, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(10) Pen-reared gamebirds released must:

(a) meet requirements specified in R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

(11)(a) Operators may not allow the harvest of more than 85% of each species released, except as provided in Subsection (b).

(b) There is no limit to the percentage of pen-reared gamebirds that may be harvested that are not, in the opinion of the Division, established as a wild population in the vicinity of the CHA. Any variance to Subsection (a) shall be indicated on the CHA Wildlife Document.

(12) The Division may include more restrictive conditions on approval of CHAs to protect wildlife and wildlife populations.

R657-4-18. Commercial Hunting Area Application.

(1)(a) Applications must be submitted to the appropriate regional Division office where the proposed CHA is located.

(b) Review and processing of the application may require up to 60 days.

(c) More time may be required to process an application if the applicant requests authorization from the Wildlife Board for a variance to this rule.

(2) The Division shall not approve any application for an area where, in the opinion of the Division, the release of pen-reared gamebirds and related activities interferes with wildlife, wildlife habitat or wildlife nesting periods.

(3) An application for a CHA Wildlife Document must include:

(a) The operator's name, address and telephone number; and

(b) Detailed maps depicting boundaries, pen-reared gamebird holding facilities and ownership of all parcels within the CHA; and

(c) Large scale maps depicting the location of the CHA relative to the nearest city or town;

(d) Planned number and species of pen-reared gamebirds to be released

(e) evidence of ownership of the property, such as a copy of a title, deed, or tax notice that provides evidence the applicant is the owner of the property described; or

(f) a lease agreement for the period of the CHA Wildlife Document, listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;.

(g) the annual CHA Wildlife Document fee for the first year of operation.

(4)(a) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.

(b) Discovery of property after issuance of the CHA Wildlife Document, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA Wildlife Document.

(5) The Division may return any application that is incomplete, completed incorrectly, or that is not accompanied by the information required in Subsection (3).

(6) Applications are not accepted for a CHA that is within 1/4 mile of any existing state wildlife or waterfowl management area without requesting a variance from the Wildlife Board.

(7) The Division may deny any application or impose provisions on the CHA Wildlife Document that are more restrictive than this rule:

(a) if CHA operations may present unacceptable risk to wildlife populations or wildlife habitat.

(b) if the applicant or operator, or any of its agents or employees:

(i) violated any provision of this rule, the Wildlife Resources Code, a CHA Wildlife Document, or the CHA application;

(ii) obtained or attempted to obtain a CHA Wildlife Document by fraud, deceit, falsification, or misrepresentation;

(iii) is employed, contracted through writing or verbal agreement, assigned, or requested to apply and act as the operator by a person, group, or business entity that will directly or indirectly benefit from the CHA, but would otherwise be ineligible under

this rule or by virtue of suspension under Section 23-19-9 to operate a CHA if they applied directly as the operator; or

(iv) engaged in conduct that results in the conviction of, a plea of no contest to, a plea held in abeyance, or a diversion agreement to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a CHA operator bears a reasonable relationship to the operator's or applicant's ability to safely and responsibly operate a CHA.

(c) If an application is denied, the Division shall state the reasons in writing.

R657-4-19. Commercial Hunting Area Records and Reports.

(1) The operator of a CHA shall maintain complete and accurate records of:

(a) the number, species, and source of any pen-reared gamebirds purchased or propagated;

(b) health certificates for all pen-reared gamebirds purchased from outside the state of Utah;

(c) the number, species and season the pen-reared gamebirds are released; and

(d) the number, species and season of pen-reared gamebirds taken within the CHA boundary.

(e) the number and species and season of wild gamebirds taken within the CHA boundary.

(f) the number, species and date of unusual mortality events due to sickness, disease, diet or unknown cause; and

(g) copies of the bill of sale issued to hunters and any other person who purchases gamebirds.

(2) Each operator must submit an annual report on a form provided by the Division within 30 days of the close of the season or at the time of renewal, including:

(a) the number of pen-reared gamebirds by species that were released and the total number of pen-reared gamebirds taken by hunters or sold;

(b) the date, source, and number of the pen-reared gamebirds purchased; and

(c) the number of pen-reared gamebirds by species held in possession for carryover breeding stock at the close of the season.

(d) annual fee

(3) All records must be maintained on the hunting premises or the principal place of business for three years and must be available for inspection by the Division.

(4) Falsifying or fabricating any record or report is prohibited and may result in forfeiture of CHA permits.

R657-4-20. Commercial Hunting Area Boundary Marking.

(1) The CHA area must be posted:

(a) at least every 300 yards along the outer boundary of all hunted areas; and

(b) on all corners, streams, rivers, drainage divides, roads, gates, trails, rights-of-way, dikes, canals, and ditches crossing the boundary lines.

(2) Each sign used to post the property must be at least 8-1/2 by 11 inches and must clearly state:

(a) the name of the CHA as designated on the CHA Wildlife Document;

(b) the words "No Trespassing"; and

(c) wording indicating the sign is located on the CHA boundary.

(3)(a) If the CHA operator fails to renew a CHA Wildlife Document or a renewal application is denied, all signs shall be immediately removed.

(b) The Division may remove and dispose of any signs that are not removed within 30 days after the termination of the CHA Wildlife Document.

(4) Commercial hunting area activities may only be conducted on property properly posted and specifically authorized in the CHA Wildlife Document.

(5) Commercial hunting area operators may not post or otherwise restrict public access on public roads, right-of-ways, inholdings, or easements within the CHA, including corner crossing to contiguous parcels of publically owned lands.

R657-4-21. Commercial Hunting Area Acreage Requirements.

(1)(a) The minimum acreage accepted for a CHA is 160 acres in a single contiguous tract.

(b) Non-contiguous areas may be included under a single CHA Wildlife Document if each area is 160 acres or larger and all areas can be contained within a circular area 10 miles in diameter.

(c) The maximum acreage accepted for a CHA is 5,760 acres.(2) A CHA may not be established closer than 1/4 mile of a wildlife management area, waterfowl management area, or migratory bird refuge unless otherwise allowed by a variance of the Wildlife Board.

(d) a new application for the same area may be reapproved at the end of a 3 year Wildlife Document term without reauthorization by the Wildlife Board.

R657-4-22. Commercial Hunting Area Season Dates.

(1) Hunting on CHA areas is permitted from September 1 through March 31.

(2) If September 1 falls on a Sunday, the season will open on August 31.

(3) Extended season dates may be requested for hosting field trials.

R657-4-23. Commercial Hunting Area Hunting Hours and Hunter Requirements.

(1) Pen-reared gamebirds may be taken on a CHA only one-half hour before sunrise through one-half hour after sunset.

(2) Any person hunting within the state on any CHA must meet hunter education requirements or possess a trial hunting authorization as provided in Section 23-17-6.

KEY: wildlife, birds, game laws, aviculture

Date of Enactment or Last Substantive Amendment: August 5, 2002

Notice of Continuation: May 2, 2022

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-4

~~R657. Natural Resources, Wildlife Resources.~~

~~R657-4. Possession of Live Game Birds.~~

~~R657-4-1. Purpose and Authority.~~

~~_____ (1) Under authority of Sections 23-13-4, 23-14-18, and 23-14-19, the Wildlife Board has established this rule for the possession, importation, purchase, propagation, sale, barter, trade, or disposal of live game birds.~~

~~_____ (2) The provisions of Rule R657-3 do not apply to activities conducted by holders of a valid certificate of registration for aviculture to the extent those activities are covered by this rule.~~

~~R657-4-2. Definitions.~~

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

~~_____ (2) In addition:~~

~~_____ (a) "Aviculture installation" means an enclosed place such as a pen or aviary where privately owned game birds are propagated or kept, and restricts the game birds from escaping into the wild.~~

~~_____ (b) "Commercial use" means, for purposes of this rule, the sales of any game birds authorized by the certificate of registration in excess of \$5,000 annually.~~

~~_____ (c) "Game bird" means;~~

~~_____ (i) crane;~~

~~_____ (ii) Blue, Ruffed, Sage, Sharp-tailed, and Spruce grouse;~~

~~_____ (iii) Chukar, Red-legged, and Hungarian partridge;~~

~~_____ (iv) pheasant;~~

~~_____ (v) Band-tailed Pigeon;~~

~~_____ (vi) Bobwhite, California, Gambel's, Harlequin, Mountain, and Scaled quail;~~

~~_____ (vii) waterfowl;~~

~~_____ (viii) Common Ground, Inca, Mourning, and White-winged dove;~~

~~_____ (ix) wild or pen-reared wild turkey of the following subspecies:~~

~~_____ (A) Eastern;~~

~~_____ (B) Florida or Osceola;~~

~~_____ (C) Gould's;~~

~~_____ (D) Merriam's;~~

~~_____ (E) Ocellated; and~~

~~_____ (F) Rio Grande; and~~

~~_____ (x) ptarmigan.~~

~~_____ (d) "Pen-reared wild turkey" means any turkey or turkey egg held under human control that:~~

~~_____ (i) is imprinted on other poultry or humans; and~~

~~_____ (ii) has morphological characteristics of wild turkeys.~~

~~_____ (e) "Wild turkey" means recognized subspecies and hybrids of free-ranging turkeys hatched in the wild. Recognized subspecies and hybrids between subspecies include Eastern, Florida or Osceola, Gould's, Merriam's, Ocellated, and Rio Grande.~~

~~R657-4-3. Certificates of Registration.~~

~~_____ (1) Except as provided in Subsections R657-4-3(5) and R657-4-7(2), a person may not possess, import, purchase, propagate, sell, barter, trade, or dispose of any live~~

~~game bird, or the eggs of any game bird, without first obtaining a certificate of registration for aviculture from the division.~~

~~_____ (2) Any person who has obtained a certificate of registration for aviculture may possess, import, purchase, propagate, sell, barter, trade, or dispose of only those species of game birds designated on that person's certificate of registration.~~

~~_____ (3) Certificates of registration for aviculture:~~

~~_____ (a) are not transferable; and~~

~~_____ (b) are valid for five years from the date of issuance.~~

~~_____ (4)(a) Any person who has applied for and obtained a certificate of registration for aviculture must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live game birds.~~

~~_____ (b) A person shall not operate a hatchery or offer any chicks, poults, or hatching eggs for sale in Utah without first obtaining a hatchery license from the Department of Agriculture and Food as provided in Section 4-29-4.~~

~~_____ (5) A person who acquires live game birds is not required to obtain a certificate of registration:~~

~~_____ (a) if the game birds are used for training dogs as provided in Rule R657-46;~~

~~_____ (b) if the game birds are used for the sport of falconry and:~~

~~_____ (i) each game bird held in possession is banded with a metal leg band purchased from the division;~~

~~_____ (ii) the game birds are not held in possession longer than 60 days;~~

~~_____ (iii) a bill of sale establishing proof of purchase from a legal source is in possession; and~~

~~_____ (iv) a valid entry permit number and a certificate of veterinary inspection has been obtained from the Department of Agriculture and Food as provided in Rule R58-1 if the game birds are imported into Utah; or~~

~~_____ (c) for holding game birds in temporary storage while the game birds are in transit through Utah provided the birds are identified as to their source and destination and are not removed from the shipping containers.~~

~~R657-4-4. Application for a Certificate of Registration.~~

~~_____ (1) A person may obtain a certificate of registration for aviculture by submitting a completed application and the appropriate fee to the regional division office in the area in which the aviculture installation is to be located.~~

~~_____ (2) If the applicant is under the age of 18, a parent or guardian must co-sign the application and is responsible for compliance with this rule and all other associated laws.~~

~~_____ (3) A person may apply to renew a certificate of registration on or three months before the date on which the certificate of registration expires.~~

~~R657-4-5. Exhibit of Certificate of Registration, Game Birds, and Equipment.~~

~~_____ A conservation officer or any other peace officer may request any person engaged in activities covered under this rule to exhibit:~~

~~_____ (1) the person's certificate of registration, permit, health certificate, bill of sale, or proof of ownership;~~

~~_____ (2) any game birds held in possession; or~~

~~_____ (3) any device, apparatus, or facility used for activities covered under this rule.~~

~~R657-4-6. Unlawful Possession -- Release of Game Birds.~~

- ~~_____ (1) A person may not:~~
 - ~~_____ (a) take any live game bird or the egg of any game bird from the wild, except as provided in Rules R657-3 and R657-6 and the proclamation of the Wildlife Board for taking upland game;~~
 - ~~_____ (b) release or abandon any live game bird without first obtaining written authorization from the division director or appropriate regional supervisor as provided in Subsection (2), except that game birds may be released for training dogs or raptors as provided in Rule R657-46; or~~
 - ~~_____ (c) release any wild turkey or pen-reared wild turkey from captivity.~~
- ~~_____ (2) A person must submit a letter requesting permission to release game birds and must include the operator's:~~
 - ~~_____ (a) name, address and telephone number;~~
 - ~~_____ (b) certificate of registration number;~~
 - ~~_____ (c) area and date of intended release;~~
 - ~~_____ (d) species to be released;~~
 - ~~_____ (e) number and sex of each species to be released; and~~
 - ~~_____ (f) a statement from a veterinarian that the birds have been tested for Salmonella pullorum or come from a source flock that participates in the National Poultry Improvement Plan (NPIP).~~
- ~~_____ (3) In determining whether to allow the release of a game bird as allowed under Subsection (1)(b), the division shall consider:~~
 - ~~_____ (a) the potential release site and its relative impact on wildlife and wildlife habitat;~~
 - ~~_____ (b) the species or subspecies of game birds to be released; and~~
 - ~~_____ (c) the activity for which the game birds are to be released.~~
- ~~_____ (4)(a) Any game bird that escapes from captivity becomes the property of the state of Utah.~~
- ~~_____ (b) The director may authorize the destruction of any escaped game birds that may impact wildlife.~~
- ~~_____ (5) The division may dispose of game birds or their eggs held in possession in violation of this rule.~~
- ~~_____ (6) Game birds or their eggs held in captivity must be confined to the registered aviculture installation, except when in transit or being displayed.~~

~~R657-4-7. Importation of Live Game Birds and Eggs of Game Birds.~~

- ~~_____ (1) Except as provided in Subsection (2) and Section R657-4-3(5), a person importing live game birds or the eggs of game birds into Utah must first obtain:~~
 - ~~_____ (a) a valid entry permit number and a certificate of veterinary inspection from the Department of Agriculture and Food as provided in Rule R58-1 and in accordance with Section 4-29-2; and~~
 - ~~_____ (b) a certificate of registration from the division.~~
- ~~_____ (2) A nonresident importing live game birds into Utah is not required to obtain a certificate of registration for aviculture unless the game birds remain in Utah longer than 72 hours.~~

~~R657-4-8. Sale or Purchase of Live Game Birds.~~

~~_____ (1)(a) Any person who sells, barter, trades, or disposes of a live game bird or the egg of a game bird to another person must provide a bill of sale.~~

~~_____ (b) The transferer's certificate of registration number must be written on the bill of sale.~~

~~_____ (2)(a) Any person who possesses, imports, purchases, propagates, sells, barter, trades, or disposes of live game birds must keep a record of each transaction that includes:~~

~~_____ (i) the species;~~

~~_____ (ii) the number and sex of the game birds;~~

~~_____ (iii) the name and address of each party to the transaction; and~~

~~_____ (iv) the date of the transaction.~~

~~_____ (b) The records required under Subsection (a) must be maintained for five years.~~

~~R657-4-9. Penalty for Violation.~~

~~_____ A violation of any provision of this rule is punishable as provided in Section 23-13-11.~~

~~KEY: wildlife, birds, game laws, aviculture~~

~~Date of Enactment or Last Substantive Amendment: August 5, 2002~~

~~Notice of Continuation: May 2, 2022~~

~~Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-4~~



SPENCER J. COX
Governor

DIEDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

TO: Wildlife Board and Regional Advisory Council Members

FROM: Charles Lyons, Assistant Attorney General

DATE: May 1, 2023

SUBJECT: **Proposed Changes to Utah Admin. Code R657-3. Collection, Importation, Transportation, and Possession of Animals.**

The Division of Wildlife Resources is recommending changes to Utah Admin. Code R657-3. Collection, Importation, Transportation, and Possession of Animals (the “CIP Rule”). The CIP Rule regulates the collection, importation, transportation, and possession of animals in Utah. It covers issuance and renewal criteria for obtaining certificates of registration (CORs) authorizing the collection, importation, transportation, and possession of an animal or animals. The rule also covers species classification by classifying species and subspecies as controlled, noncontrolled and prohibited based on their potential for impact to wild populations, the environment, or human health or safety.

The current version of the CIP rule is difficult to read, navigate, and understand. The goal of these proposed changes is to simplify the rule by making it easier for the public and Division staff to navigate and use. A major proposed change is to the structure of the rule by dividing it into three subparts. Instead of one long Rule R657-3, the Division is proposing breaking it up into R657-3a (General Subpart), R657-3b (Birds and Mammals Subpart), and R657-3c (Fish, Mollusks, and Crustaceans Subpart). The proposed changes clarify that all species are prohibited unless already classified as controlled or noncontrolled and simplifies the reclassification process.

R657. Natural Resources, Wildlife Resources.

R657-3a. Collection, Importation, Transportation, and Possession of Animals.

R657-3a-1. Purpose and Authority.

(1) Under Title 23, the Wildlife Resources Code of Utah and in accordance with a memorandum of understanding between the division, the Utah Department of Agriculture and Food, and the Utah Department of Health, this rule governs the collection, importation, transportation, and possession of animals and animal parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, the Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of this rule.

(3) In addition to this rule, the Wildlife Board may allow for collection, importation, transportation, propagation, and possession of animal species under specific circumstances as provided elsewhere in Title R657. Where a more specific provision has been adopted, that provision shall control.

(4) This rule does not apply to division employees acting within the scope of their assigned duties.

(5) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.

(6) Nothing in this rule or in the issuance of a certificate of registration shall be construed as creating a property right and certificates of registration are subject to change.

(7) Nothing in this rule is intended to authorize an activity that is otherwise prohibited by federal law, rules of the Utah Department of Agriculture and Food, or properly enacted restrictions imposed by local government entities.

(8) The division, in consultation with the Utah Department of Agriculture and Food and the Utah Department of Health, will be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of animals; and

(ii) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(9) The division shall require a fee for the submission of a request provided in Sections R657-3a-8 and R657-3a-9.

R657-3a-2. Definitions.

(1) Terms used for purposes of this Rule are defined in Section 23-13-2 and Subsection (2) through Subsection (24).

(2)(a) "Animal" means:

(i) native, naturalized, and nonnative animals belonging to a species that naturally occurs in the wild, including animals captured from the wild or born or raised in captivity;

(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animal, including hybrids between wild and domestic species or subspecies; and

(iii) viable embryos or gametes (eggs or sperm) of any native, naturalized, or nonnative species or subspecies of animals.

(b) For purposes of this rule, "Animal" does not include species or subspecies from the Class of Amphibia or Reptilia, which are guided by Rule R657-53.

(3) "Captive-bred" means any privately owned animal, which is born inside of and has spent its entire life in captivity, and is the offspring of privately owned animals that are born inside of and have spent their entire life in captivity.

(4) "Certificate of registration" means, for the purposes of this rule, an official document issued by the division authorizing the collection, importation, transportation, and possession of an animal or animals.

(5) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of animals, as provided in Rule R58-1.

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

(7) "Collect" means to take, catch, capture, salvage, or kill any animal within Utah.

(8) "Commercial use" means any activity through which a person in possession of an animal:

(a) receives any consideration for that animal or for a use of that animal; or

(b) expects to recover all or any part of the cost of keeping the animal through selling, bartering, trading, exchanging, breeding, or other use, including displaying the animal for entertainment, advertisement, or business promotion.

(9) "Controlled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, threatens to pose a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

(10) "Domestic" means an animal notably different from its wild ancestors because of selective breeding and taming in captivity by humans for food, commodities, transportation, assistance, work, protection, companionship, display and other beneficial purposes.

(11) "Educational use" means the possession and use of an animal for conducting educational activities.

(12) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection.

(13) "Import" means to bring or cause an animal to be brought into Utah by any means.

(14) "Native species" means any species or subspecies of animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah because of human activity.

(15) "Naturalized species" means any species or subspecies of animal that is not native to Utah but has established a wild, self-sustaining population in Utah.

(16) "Noncontrolled species" means a species or subspecies of animal that, if taken from the wild, introduced into the wild, or held in captivity, likely poses minimal or no detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

(17) "Nonnative species" means a species or subspecies of animal that is not native to Utah.

(18) "Personal use" means the possession and use of an animal where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, hunting or any other use.

(19) "Possession" means to physically retain or to exercise dominion or control over a live or dead animal, or animal parts.

(20) (a) "Prohibited species" means a species or subspecies of animal that, if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued under special circumstances as approved by the division.

(b) "Prohibited species" also means a species or subspecies that has not gone through the division's species classification process.

(21) "Scientific use" means the possession and use of an animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.

(22) "Transport" means to move or cause to move any animal within Utah by any means.

(23) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

R657-3a-3. Collection of Animals and Animal Parts.

(1) An individual may collect a dead animal or animal parts listed as controlled or prohibited for personal, commercial, or scientific use as follows:

(a) A certificate of registration may be issued for personal use, except as otherwise provided in Title R657 and the Wildlife Board's guidebooks.

(b) A certificate of registration may be issued for commercial use.

(c) A certificate of registration may be issued for scientific and educational uses if:

(i) the applicant is a university, college, governmental agency, bona fide nonprofit institution, or person involved in wildlife research; and

(ii) in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

R657-3a-4. Importation of Animals and Animal Parts.

(1) As provided in Rule R58-1, the Utah Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any live animal may be imported into Utah.

(2) A certificate of registration number may be issued to obtain an entry permit number and the entry permit number must in turn be provided to the division before final approval and issuance of the certificate of registration.

(3) A person may import an animal classified as controlled for personal, commercial, and scientific and educational uses only after obtaining a certificate of registration from the division.

R657-3a-5. Transportation of Animals and Animal Parts.

(1) A person may transport an animal classified as controlled for personal, commercial, and scientific and educational uses only after obtaining a certificate of registration from the division.

(2) Any controlled or prohibited animal species may be transported through Utah without a certificate of registration if:

(a) the animal remains in Utah no more than 72 hours;

(b) the animal is not sold, transferred, exhibited, displayed, or used for a commercial use while in Utah; and

(c) the animal is a raptor used for falconry purposes in compliance with the requirements in Rule R657-20.

(3) A certificate of veterinary inspection is required from the state of origin as provided in Rule R58-1 and proof of legal possession must accompany the animal.

(4) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.

(5) None of the provisions in this section will be construed to supersede Sections R657-20-14 and R657-20-30.

(6) A person shipping live animals directly to a state other than Utah or to a federally regulated establishment for immediate euthanasia and processing is not required to obtain a certificate of registration or certificate of veterinary inspection, provided the animal is accompanied by a waybill or other proof of legal ownership describing the animals, their source, and indicating the destination.

R657-3a-6. Possession of Animals and Animal Parts.

(1) An individual shall obtain a certificate of registration before possession of a live animal classified as controlled.

(2) A certificate of registration is not required for possessing a live animal classified as non-controlled.

(3) Any animal or animal parts in a person's possession must originate from a legal source.

(4)(a) A person who lawfully possesses an animal classified as controlled or prohibited may transfer possession of that animal to another person only after that person first applies for and obtains a certificate of registration from the division for that animal.

(b) The division may issue a certificate of registration granting the transfer and possession of a controlled or prohibited animal only if the applicant meets the application criteria provided in Section R657-3-6.

(5) A certificate of registration is not required to possess a live animal if the applicant is registered and in good standing with the Association of Zoos and Aquariums.

R657-3a-7. Propagation of Animals.

(1) A person may propagate animal species not classified as controlled or prohibited without obtaining a certificate of registration from the division.

(2) A person may propagate animal species classified as controlled for personal, commercial, and scientific and educational uses only after obtaining a certificate of registration from the division.

(3) The division may provide any federal and additional requirements for propagating specific species on a certificate of registration.

(4) No person in possession of a certificate of registration for propagation may propagate a captive-bred animal with any wild animal.

(5) Propagation may not be used to exceed the number allowed under a certificate of registration for possession.

R657-3a-8. Request for Species Reclassification.

(1) A person may request to change the species or subspecies classification of an animal provided under this rule.

(2) A request for species or subspecies reclassification must be made to the division by applying for reclassification.

(3)(a) The reclassification application shall include:

(i) the petitioner's name, address, and phone number;

(ii) the requested species or subspecies reclassification;

(iii) the name of all interested parties known by the petitioner;

(iv) the current classification of the species or subspecies;

(v) a statement of the facts and reasons forming the basis for the reclassification; and

(vi) copies of scientific literature or other evidence supporting the change in classification.

(4)(a) The division shall consider the request for reclassification and shall approve or deny the request for reclassification based on the issuance and renewal criteria provided in Sections R657-3b-6 and R657-3c-8.

(b) The division shall send a copy of its approval or denial to the applicant and other interested parties specified on the application.

(5) A change in species classification shall be made in accordance with Title 63g, Chapter 3, Utah Administrative Rulemaking Act.

R657-3a-9. Request for Variance.

(1) A person may request a variance to this rule for the collection, importation, propagation, or possession of an animal classified as prohibited under this rule by submitting a variance request to the division.

(2)(a) A variance request shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of animal and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(3)(a) The division shall consider the request and shall approve or deny the request based on the issuance and renewal criteria provided in Sections R657-3b-6 and R657-3c-8.

(b) If the request applies to a broad class of persons and not to the unique circumstances of the applicant, the division shall consider changing the species classification before issuing a variance to this rule.

(4)(a) If the request is approved, the division may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

R657-3a-10. Violations and Suspensions.

(1) Any violation of this rule shall be punishable under Sections 23-13-11 and 23-13-14.

(2) A certificate of registration may be suspended as provided in this rule, Section 23-19-9, and Rule R657-26.

(3) Failure to submit the appropriate records and reports as required under this rule may result in suspension of a certificate of registration.

(4) Nothing in this rule shall be construed to supersede any provision of Title 23, the Wildlife Resources Code, which establishes a penalty greater than an infraction. Any provision of this rule which overlaps a provision of Title 23 is intended only as a clarification or to provide greater specificity needed for the administration of this rule.

R657-3a-11. Administrative Appeals.

(1) A person may appeal the division's denial of a certificate of registration, request for species classification, and request for a variance by submitting a request for agency action consistent with Rule R657-2.

(a) The request must be made within 30 days after the date of the denial.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment:

Notice of Continuation: New Rule

R657. Natural Resources, Wildlife Resources.

R657-3b. Certification of Registration – Birds and Mammals

R657-3b-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of birds and mammals in Utah.

(2) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R58-14, except as permitted by the Utah Department of Agriculture and Food.

(3) Domestic animals not governed by this rule are listed in Table 3b-1.

R657-3b-2. Definitions.

(1) Terms used for purposes of this Rule are defined in Section 23-13-2, Section R657-3a-2, and Subsection (2) through Subsection (5).

(2) “Resident Canada Goose” means Canada geese that nest within Utah in urban environments during the months of March, April, May or June.

(3) “Bird” means an animal from the Class of Aves, including hybrid species or subspecies of birds and viable embryos or gametes of species or subspecies of birds.

(4) “Mammal” means an animal from the Class of Mammalia, including hybrid species or subspecies of mammals and viable embryos or gametes of species or subspecies of mammals.

(5) “Nuisance bird or mammal” means a bird or mammal damaging personal or real property, or when concentrated in such numbers and manner that constitutes a health hazard or other nuisance.

R657-3b-3. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, possession, and propagation of the authorized animal and for any other activity authorized by the certificate of registration.

(b) To the extent provided under Title 63g, Chapter 7, the Utah Governmental Immunity Act of Utah, the division, the Department of Agriculture and Food, and the Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing animals.

R657-3b-4. Prohibited Activities.

(1) A person may not take, possess, import, export, transfer, or release to the wild a bird or mammal or their parts in Utah, or attempt to undertake such activity, except as provided in this rule or in a proclamation or guidebook issued by the Wildlife Board.

(2)(a) A person may not release from captivity any bird or mammal, including domestic or other animals for hunting purposes, without first obtaining written authorization from the division.

(b) Any peace officer, division representative, or authorized animal control officer may seize, euthanize, or dispose of any live bird or mammal that is released from or escapes from captivity.

(c) The division may retain custody of any recaptured bird or mammal until the costs of recapture or care have been paid by its owner or keeper.

(3) A person may not collect a native or naturalized bird or mammal species from the wild for personal possession except as otherwise authorized under Title 23, the Wildlife Resources Code of Utah, or Title R657.

(4) The following species are prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division, a federal permit from the U.S. Fish and Wildlife Service, and an entry permit number from the Department of Agriculture and Food if importing:

(a) any species which have been determined by the U.S. Fish and Wildlife Service to be endangered or threatened pursuant to the federal Endangered Species Act, as amended; and

(b) any species of migratory birds protected under the Migratory Bird Treaty Act.

R657-3b-5. Application and Renewal Procedures – Amendments – Expiration – Fees.

(1)(a) Initial and renewal applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) Applications may require a minimum of 45 days for review and processing from the date the application is received.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Upon or before the expiration date of a certificate of registration, the holder must apply for a renewal of the certificate of registration to continue the activity.

(b) The division may use the criteria provided in Section R657-3b-6 in determining whether to renew the certificate of registration.

(c) It is unlawful for a person to possess an animal for which a certificate of registration is required if that person;

(i) does not have a valid certificate of registration authorizing possession of the animal;
or

(ii) fails to submit a renewal application to the division prior to the expiration of an existing certificate of registration authorizing possession of the animal.

(d) If a renewal application is not submitted to the division by the expiration date, live or dead animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(e) If a renewal application is submitted to the division before the expiration date of the existing certificate of registration, continued possession of the animal under the expired certificate of registration shall remain lawful while the renewal application is pending.

(3)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall expire effective upon the date of the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer or death of the COR holder.

(4) Failure to submit timely, accurate, or valid reports as required under this rule or the terms of a certificate of registration may disqualify a person from renewing an existing certificate of registration or obtaining a new certificate of registration.

R657-3b-6. Issuance and Renewal Criteria.

(1) The following factors shall be considered before the division may issue or renew a certificate of registration for the collection, importation, transportation, possession, or propagation of an animal:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;
- (c) ecological and environmental impacts;
- (d) the suitability of the applicant's holding facilities;
- (e) the experience of the applicant for the activity requested; and
- (f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance or renewal of a certificate of registration for a scientific use of an animal;

- (a) the validity of the objectives and design;
- (b) the likelihood the project will fulfill the stated objectives;
- (c) the applicant's qualifications to conduct the research, including education or experience;
- (d) the adequacy of the applicant's resources to conduct the study; and
- (e) whether the scientific use is in the best interest of the animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance or renewal of a certificate of registration for an educational use of an animal:

- (a) the objectives and structure of the educational program;
 - (b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility: and
 - (c) whether the individual is in possession of the required federal permits.
- (4) The factors in Subsection (1) do not apply to the following:
- (a) the commercial use of a dead coyote, jackrabbit, muskrat, raccoon, or its parts;
 - (b) a business entity that has obtained a certificate of registration from the division to conduct nuisance wildlife control or carcass removal; and
 - (c) dead animals sold or traded for educational use.

(5) The division may deny issuing or renewing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, proclamation or guidebook, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing, or propagating an animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the animal at the proposed location violates federal, state, or local laws.

(6) The collection or importation and subsequent possession of an animal may be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(7) The division, in making a determination under this section, may consider any available facts or information that is relevant to the issuance or renewal of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.

(8) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

R657-3c-7. Noncontrolled, Controlled, and Prohibited Species.

(1)(a) The noncontrolled, controlled, and prohibited bird and mammal animal species classification table entitled Table 3b-1, dated May 1, 2023 is hereby incorporated by reference.

(b) Table 3b-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration webpage at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>.

R657-3b-8. Collection of Bird and Mammal Species.

(1) A person shall obtain a certificate of registration before collecting any bird and mammal species or bird and mammal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to collect any bird and mammal species classified as noncontrolled.

(3) A person may take a raptor species for falconry as provided in Rule R657-20.

R657-3b-9. Nuisance Bird and Mammal Species.

(1) A person is not required to obtain a certificate of registration or a federal permit to kill a house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), or domestic pigeon or rock pigeon (*Columba livia*) when found damaging personal or real property, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance when:

(a) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;

(b) applicable local, state, and federal laws are strictly complied with; and

(c) none of the birds killed, nor their plumage, are sold or offered for sale.

(2) A person is not required to obtain a certificate of registration or a federal permit to kill a Brewer's blackbird (*Euphagus cyanocephalus*), Red-winged blackbird (*Agelaius phoeniceus*), Yellow-headed blackbird (*Xanthocephalus xanthocephalus*), Boat-tailed grackle (*Quiscalus major*), Common grackle (*Quiscalus quiscula*), Great-tailed grackle (*Quiscalus mexicanus*), Black-billed magpie (*Pica hudsonia*), American crow (*Corvus brachyrhynchos*), bronzed cowbird (*Molothrus aeneus*), brown-headed cowbird (*Molothrus ater*), or shiny cowbird (*Molothrus bonariensis*) that is committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance when:

(a) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;

(b) applicable local, state, and federal laws are strictly complied with; and

(c) none of the birds killed, nor their plumage, are sold or offered for sale.,

(3) Any person that takes a nuisance bird pursuant to Subsections (1) and (2) must provide to the appropriate U.S. Fish and Wildlife Service, Regional Migratory Bird Permit Office an annual report for each species taken.

(4) A person may not take nuisance birds with bait, explosives, or poisons.

(5) A person shall dispose of dead nuisance birds at a landfill that accepts wildlife carcasses, or burned or incinerated.

(6) Neither a federal permit nor a state certificate of registration is required to destroy the nests and eggs of resident Canada geese if the landowner or agent qualifies, registers, and complies with all provisions of the Federal Nest and Egg Registry.

(7) A person may kill coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, and raccoon at any time.

(8) A person may kill nuisance furbearers as provided in Rule R657-11

(9) A person may kill nongame mammals as provided in Rule R657-19.

R657-3b-10. Importation of Bird and Mammal Species.

(1) A person shall obtain a certificate of registration before importing any bird or mammal species, or bird or mammal species parts, classified as prohibited or controlled, except as otherwise provided in this rule, statute or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to import any bird or mammal species classified as noncontrolled.

R657-3b-11. Transportation of Bird and Mammal Species.

(1) A person shall obtain a certificate of registration before transporting any bird or mammal species, or bird or mammal species parts, classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to transport any bird and mammal species classified as noncontrolled.

R657-3b-12. Possession of Bird and Mammal Species.

(1) A person shall obtain a certificate of registration before possessing any bird or mammal species, or bird or mammal species parts, classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to possess any bird or mammal species classified as noncontrolled.

(3) Any bird or mammal held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including the humane handling, care, confinement, transportation, and feeding.

(4) A person shall protect the public from harm when possessing any bird or mammal.

(5) The division may impose specific requirements on the certificate of registration holder consistent with industry standards or generally accepted animal husbandry practices deemed necessary for the safe and humane handling and care of the animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.

(6) A person may possess gamebirds as provided in Rule R657-4.

(7) A person may possess a raptor species for falconry as provided in Rule R657-20.

R657-3b-13. Propagation of Bird and Mammal Species.

(1) A person shall obtain a certificate of registration before propagating any bird or mammal species classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to propagate any bird or mammal species classified as noncontrolled.

(3) A certificate of registration may contain stipulations to prevent detrimental impacts to wild populations, the environment, or human health or safety.

(4) A person may propagate raptors only as provided in Rule R657-20 and 50 CFR 21.85, which is incorporated herein by reference.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment:

Notice of Continuation: New Rule

Table 3b-1. May 1, 2023

Except as otherwise listed, all species are presumed prohibited. All species not listed will require an assessment before collection, importation, or possession will be authorized.

Domestic mammals and mammalian livestock not covered under this rule

| Common Name | Scientific Classification | Comments |
|--|--|---|
| Bison, American | <i>Bos bison</i> | privately owned |
| Cat | <i>Felis catus</i> | including breeds that are recognized by The International Cat Association as Preliminary New, Advanced New, Non-championship, and Championship Breeds |
| Camels, llama, alpaca, vicuña, guanaco | family Camelidae | all species |
| Cattle | <i>Bos taurus</i> | |
| Chinchillas | <i>Chinchilla chinchilla</i> , <i>Chinchilla lanigera</i> | |
| Dog | <i>Canis lupus familiaris</i> | domestic including hybrids between wild and domestic species and subspecies |
| Elk | <i>Cervus elaphus canadensis</i> | privately owned |
| Ferret, European | <i>Mustela putorius furo</i> | domestic |
| Fox, red | <i>Vulpes vulpes</i> | privately owned, domestically bred and raised |
| Goat | <i>Capra hircus</i> | |
| Gerbil (= Mongolian jird) | <i>Meriones unguiculatus</i> | |
| Guinea pig | <i>Cavia porcellus</i> | |
| Hamster, golden | <i>Mesocricetus auratus</i> | |
| Hedgehog, "white-bellied", "African pygmy", etc. | <i>Atelerix</i> species | includes hybrids |
| Horse, donkey (= ass, burro), mule, hinny | <i>Equus caballus</i> , <i>Equus asinus</i> | includes hybrids (= mule or hinny) |
| Mink | <i>Neogale vison</i> | domestic |
| Mouse, house | <i>Mus musculus</i> | |
| Rabbit, European | <i>Oryctolagus cuniculus</i> | |
| Rat, Norway | <i>Rattus norvegicus</i> | |
| Sheep | <i>Ovis aries</i> | includes "haired" sheep |

| | | |
|------------------|---------------------------|----------|
| Sugar glider | <i>Petaurus breviceps</i> | |
| Swine | <i>Sus scrofa</i> | domestic |
| Tenrecs | family Tenrecidae | |
| Water buffalo | <i>Bubalus bubalis</i> | |
| Yak | <i>Bos grunniens</i> | |
| Zebu or "Brahma" | <i>Bos taurus indicus</i> | |

Domestic birds and avian livestock not covered under this rule

| Common Name | Scientific Classification | Comments |
|----------------------|----------------------------|---|
| Pigeon (= Rock Dove) | <i>Columba livia</i> | |
| Chicken | <i>Gallus gallus</i> | |
| Ratites | infraclass Palaeognathae | ostrich, emus, rheas, cassowaries |
| Ducks | family Anatidae | distinguishable morphologically from wild ducks |
| Guineafowl | <i>Numida meleagris</i> | |
| Geese | family Anatidae | distinguishable morphologically from wild geese |
| Peafowl | <i>Pavo cristatus</i> | |
| Turkey | <i>Meleagris gallopavo</i> | privately owned |

Noncontrolled mammals

| Common Name | Scientific Classification | Comments |
|--|------------------------------|----------|
| Patagonian cavy (= Patagonian mara) | <i>Dolichotis patagonum</i> | |
| Short-tailed opossum, gray (= "Brazilian") | <i>Monodelphis domestica</i> | |

Noncontrolled birds

| Common Name | Scientific Classification | Comments |
|---------------------|---------------------------------------|---|
| Babblers, Old World | family Timaliidae | all species |
| Barbets | families Capitonidae and Ramphastidae | all species not native to North America |
| Broadbills | family Eurylaimidae | all species |
| Cotingas | family Cotingidae | all species |

| | | |
|--|----------------------|--|
| Estrildid finches, Waxbills, Mannikins, and Munias | family Estrildidae | all species |
| Fairy-bluebirds | family Irenidae | all species |
| Finches and Canaries | family Fringillidae | all species not native to North America |
| Honeyeaters | family Meliphagidae | all species |
| Hornbills | family Bucerotidae | all species |
| Icterids, Troupials, Blackbirds, Orioles | family Icteridae | all species not native to North America except Central and South American Cowbirds |
| Leafbirds | family Chloropseidae | all species |
| Megapodes (= Mound-builders) | family Megapodiidae | all species (scrubfowl, malleefowl, brushturkeys, etc.) |
| Motmots | family Momotidae | all species |
| Parrots | family Psittacidae | all species not native to North America |
| Pigeons and Doves | family Columbidae | |
| Rollers | family Coraciidae | all species |
| Sugarbirds | family Promeropidae | all species |
| Sunbirds | family Nectariniidae | all species |
| Tanagers, Swallow-tanager, and related species | family Thraupidae | all species not native to North America |
| Toucans | family Ramphastidae | all species not native to North America |
| Turacos, Plantain-eaters and Go-away-birds | family Musophagidae | all species |
| Vidua finches | subfamily Viduinae | all species |
| Weaver finches | family Ploceidae | all species |
| White-eyes and related species | family Zosteropidae | all species |

Controlled mammals

| Common Name | Scientific Classification | Comments |
|-----------------|---|--------------|
| American marten | <i>Martes americana</i> | captive-bred |
| Bobcat | <i>Lynx rufus</i> | captive-bred |
| Capybaras | <i>Hydrochoerus hydrochaeris</i> , <i>Hydrochoerus isthmus</i> | |
| Eurasian lynx | <i>Lynx lynx</i> | captive-bred |
| Fallow deer | <i>Dama dama</i> | captive-bred |
| Fennec fox | <i>Vulpes zerda</i> | |

| | | |
|-------------------------|--|--|
| Hedgehogs | family Erinaceidae | except "white-bellied" (see domestic animals) |
| Kangaroos and wallabies | family Macropodidae | |
| Muskox | <i>Ovibos moschatus</i> | captive-bred |
| Shrews | family Soricidae | |
| Two-toed sloths | <i>Choloepus didactylus</i> , <i>Choloepus hoffmanni</i> | |
| Zebras | <i>Equus zebra</i> , <i>Equus grevyi</i> , <i>Equus burchellii</i> | all species |

Prohibited mammals—known detrimental impacts to native wildlife populations, human health and safety, or agriculture. Personal possession will not be authorized.

| Common Name | Scientific Classification | Comments |
|---------------------------------------|--|--|
| Bats | order Chiroptera | |
| Bears | family Ursidae | all species |
| Big cats | <i>Panthera leo</i> , <i>Panthera tigris</i> , <i>Panthera pardus</i> , <i>Acinonyx jubatus</i> , <i>Uncia uncia</i> , <i>Puma concolor</i> , <i>Panthera onca</i> | lion, tiger, leopard, cheetah, snow leopard, cougar (= puma), jaguar, or any hybrid of these species; in accordance with Federal Big Cat Public Safety Act |
| Nutria (= coypu) | <i>Myocastor coypus</i> | |
| Primates | order Primates | all non-human species |
| Raccoon dog | <i>Nyctereutes procyonoides</i> | |
| Reindeer | <i>Rangifer tarandus</i> | |
| Virginia opossum | <i>Didelphis virginiana</i> | |
| Wolf | <i>Canis lupus</i> | |
| Eurasian boar, all non-domestic swine | <i>Sus scrofa</i> | Eurasian boar, Russian boar, wild boar, wild hog, razorback, or feral swine. Does not include domestic swine |
| Big game (see below) | | |
| Bighorn (= mountain sheep) | <i>Ovis canadensis</i> | |
| Bison (= American bison) | <i>Bos bison</i> | |
| Elk | <i>Cervus elaphus canadensis</i> | |
| Moose | <i>Alces alces</i> | |
| Mountain goat | <i>Oreamnos americanus</i> | |
| Mule deer | <i>Odocoileus hemionus</i> | |
| Pronghorn | <i>Antilocapra americana</i> | |

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| White-tailed deer | <i>Odocoileus virginianus</i> | |
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R657. Natural Resources, Wildlife Resources.

R657-3c. Certification of Registration – Fish, Mollusks, and Crustaceans.

R657-3c-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of aquatic animals in Utah.

R657-3c-2. Definitions.

(1) Terms used for purposes of this Rule are defined in Section 23-13-2, Section R657-3a-2, and Subsection (2) through Subsection (10).

(2) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(3) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture as defined under Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.

(4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs or sperm.

(5) "Baitfish" means aquatic animal species authorized for use as bait in Section R657-13-12, and any other species used by anglers as bait in sporting fishing.

(6) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage as described in Title 4, Chapter 37, the Aquaculture Act.

(7) "Food fish" means aquatic animal species cultured or harvested from the wild for human consumption.

(8)(a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs and sperm, that spends its entire life cycle in a marine environment.

(b) "Marine aquatic animal" does not include:

(i) anadromous aquatic animal species;

(ii) species that temporarily or permanently reside in brackish water; and

(iii) species classified as invasive or nuisance by state or federal law.

(9)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish;

(B) baitfish;

(C) food fish; or

(D) native species; or

(ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Section R657-3c-5.

(10) "Sport fish" means aquatic animal species regulated for angling and harvest for recreation or sport in Utah.

R657-3c-3. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, possession and propagation of the authorized animal and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Title 63g, Chapter 7, the Governmental Immunity Act of Utah, the division, the Department of Agriculture and Food, and the Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing animals.

R657-3c-4. Prohibited Activities.

(1)(a) Except as provided in this rule, the rules and regulations of the Wildlife Board, including Section R657-13-12, Rule R657-14, and Rule R657-59, or Title 4, Chapter 37, the Aquaculture Act, noncontrolled, controlled, or prohibited animals may not be released into the wild or any public or private waters without first obtaining authorization from the division.

(b) A violation of this section is punishable under Section 23-13-14.

(c) A person may not release or transplant a live terrestrial or aquatic wildlife into the wild. A person who violates this subsection is guilty of a class A misdemeanor.

(d) A person who knowingly and without lawful authority imports, transports, or releases a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species is guilty of a third degree felony.

(2) The division may seize or dispose of any illegally held animal.

(3)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live animal that escapes from captivity.

(b) The division may retain custody of any recaptured animal until the costs of recapture or care have been paid by its owner or keeper.

R657-3c-5. Noncontrolled, Controlled, and Prohibited Species.

(1)(a) The noncontrolled, controlled, and prohibited aquatic animal species classification table entitled Table 3c-1, dated May 1, 2023 is hereby incorporated by reference.

(b) Table 3c-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration webpage at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>.

(2) A person may collect and possess live aquatic animals of controlled species if:

(a) They possess a valid certificate of registration;

(b) Successfully complete the Fish, Mollusk, and Crustacean education course;

(c) Satisfy the mandatory reporting requirements established in Section R657-3c-6; and

(d) The number of individuals of a species in a person's possession may not exceed the limits established under that person's certificate of registration.

(3) All native species and naturalized sportfish species are classified as controlled except those species that are classified as prohibited.

(4) Some species are classified as noncontrolled when stocked in a private fish pond, short-term fishing event, or aquaponics facility, as allowed in Rule R657-59.

(5) Triploid Grass Carp can be stocked as allowed in Rule R657-59.

(6) (a) Exemptions may be granted to educational, scientific, and commercial organizations.

(b) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

(i) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

(ii) Educational use certificates of registration are valid for 3 years and authorize wildlife related instructional activities identified on the certificate of registration.

(iii) Commercial use certificates of registration are valid for 3 years and authorize commercial use activities identified on the certificate of registration.

R657-3c-6. Reporting Requirements for the Collection of Controlled Species

(1) A person must report to the division within 72 hours of collecting a controlled species.

(2) Mandatory reporting must be completed using a division approved reporting platform, and shall include:

(a) Universal Transverse Mercator (UTM) or latitude/longitude coordinates of the collection point location;

(b) number of individuals or specimens collected;

(c) morphological measurements and descriptions of individuals or specimens; and

(d) photographic documentation.

(3) A person who fails to complete mandatory reporting as required in this rule may be:

(a) considered in unlawful possession of unreported animals; and

(b) deemed ineligible to obtain a certificate of registration for the collected species until such reporting is completed.

(4) Mandatory reporting for commercial use, scientific use, and educational use certificates of registration will be established as part of the certificate of registration approval process.

R657-3c-7. Application and Renewal Procedures – Fees – Expiration.

(1)(a) Initial and renewal applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) Applications may require a minimum of 45 days for review and processing from the date the application is received.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Upon or before the expiration date of a certificate of registration, the holder must apply for a renewal of the certificate of registration to continue the activity.

(b) The division may use the criteria provided in Section R657-3c-6 in determining whether to renew the certificate of registration.

(c) It is unlawful for a person to possess an animal for which a certificate of registration is required if that person;

(i) does not have a valid certificate of registration authorizing possession of the animal;

or

(ii) fails to submit a renewal application to the division prior to the expiration of an existing certificate of registration authorizing possession of the animal.

(d) If a renewal application is not submitted to the division by the expiration date, live or dead animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(e) If a renewal application is submitted to the division before the expiration date of the existing certificate of registration, continued possession of the animal under the expired certificate of registration shall remain lawful while the renewal application is pending.

(3)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall expire effective upon the date of the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer or death of the certificate of registration holder.

(4) Failure to submit timely, accurate, or valid reports as required under this rule or the terms of a certificate of registration may disqualify a person from renewing an existing certificate of registration or obtaining a new certificate of registration.

R657-3c-8. Issuance and Renewal Criteria.

(1) The following factors shall be considered before the division may issue or renew a certificate of registration for the collection, importation, transportation, possession, or propagation of an animal:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;

(c) ecological and environmental impacts;

(d) the suitability of the applicant's holding facilities;

(e) the experience of the applicant for the activity requested; and

(f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance or renewal of a certificate of registration for a scientific use of an animal;

(a) the validity of the objectives and design;

(b) the likelihood the project will fulfill the stated objectives;

(c) the applicant's qualifications to conduct the research, including education or experience;

(d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance or renewal of a certificate of registration for an educational use of an animal:

(a) the objectives and structure of the educational program; and

(b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility: and

(c) whether the individual is in possession of the required federal permits.

(4) The division may deny issuing or renewing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, proclamation or guidebook, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing, or propagating an animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of an animal may be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(6) The division, in making a determination under this section, may consider any available facts or information that is relevant to the issuance or renewal of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.

(7) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

R657-3c-9. Collection of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before collecting any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to collect any aquatic animal species classified as noncontrolled.

R657-3c-10. Importation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before importing any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to import any aquatic animal species classified as noncontrolled.

(3)(a) All live aquatic animals, including marine aquatic animals, imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:

- (i) common or scientific names of the aquatic animals;
- (ii) name and address of the consignor and consignee;
- (iii) origin of shipment;
- (iv) final destination;
- (v) number of aquatic animals shipped; and

(vi) certificate of veterinary inspection, Utah entry permit number issued by the Utah Department of Agriculture and Food, and any other health certifications.

(b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.

(4) Subsection (1) does not apply to dead fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.

(5) Any water used to hold or transport fish shall not be emptied into a stream, lake, or other natural body of water.

R657-3c-11. Transportation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before transporting any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to transport any aquatic animal species classified as noncontrolled.

R657-3c-12. Possession of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before possessing any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to possess any aquatic animal species classified as noncontrolled.

R657-3c-13. Propagation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before propagating any aquatic animal species classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to propagate any aquatic animal species classified as noncontrolled.

R657-3c-14. Brine Shrimp and Brine Shrimp Eggs.

(1) A certificate of registration is not required to collect, transport, or possess brine shrimp and brine shrimp eggs for personal use, provided:

(a) the brine shrimp and brine shrimp eggs are collected, transported, and possessed together with water in a container no larger than one gallon;

(b) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and

(c) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River, or any of their tributary waters.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment:

Notice of Continuation: New Rule

Except otherwise listed, all species are presumed prohibited. All species not listed will require an assessment before collection, importation, or possession will be authorized.

Noncontrolled Fishes, Mollusks, and Crustaceans

| Common Name | Scientific Classification | Comments |
|---|---------------------------|----------|
| Any ornamental aquatic animal species except those classified as prohibited | | |
| Any marine aquatic animal species except those classified as prohibited | | |

Controlled Fishes

| Common Name | Scientific Classification | Comments |
|---------------------------|---------------------------------|----------|
| Bear Lake Sculpin | <i>Cottus extensus</i> | |
| Bear Lake Whitefish | <i>Prosopium abyssicola</i> | |
| Black Crappie | <i>Pomoxis nigromaculatus</i> | |
| Bluegill | <i>Lepomis macrochirus</i> | |
| Bluehead Sucker | <i>Catostomus discobolus</i> | |
| Bonneville Cisco | <i>Prosopium gemmifer</i> | |
| Bonneville Whitefish | <i>Prosopium spilonotus</i> | |
| Brook Trout | <i>Salvelinus fontinalis</i> | |
| Brown Trout | <i>Salmo trutta</i> | |
| Bullhead (all species) | <i>Ameiurus sp</i> | |
| Channel Catfish | <i>Ictalurus punctatus</i> | |
| Common Carp | <i>Cyprinus carpio</i> | |
| Cutthroat Trout | <i>Oncorhynchus clarkii</i> | |
| Desert Sucker | <i>Catostomus clarkii</i> | |
| Fathead Minnow | <i>Pimephales promelas</i> | |
| Flannelmouth Sucker | <i>Catostomus latipinnis</i> | |
| Lake Trout | <i>Salvelinus namaycush</i> | |
| Largemouth Bass | <i>Micropterus salmoides</i> | |
| Least Chub | <i>Lotichthys phlegethontis</i> | |
| Longnose Dace | <i>Rhinichthys cataractae</i> | |
| Mottled Sculpin | <i>Cottus bairdii</i> | |
| Mountain Sucker | <i>Catostomus platyrhynchus</i> | |
| Mountain Whitefish | <i>Prosopium williamsoni</i> | |
| Northern Leatherside Chub | <i>Lepidomeda copei</i> | |
| Northern Pike | <i>Esox lucius</i> | |
| Paiute Sculpin | <i>Cottus beldingii</i> | |
| Rainbow Trout | <i>Oncorhynchus mykiss</i> | |
| Redside Shiner | <i>Richardsonius balteatus</i> | |
| Roundtail Chub | <i>Gila robusta</i> | |

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| Smallmouth Bass | <i>Micropterus dolomieu</i> | |
| Southern Leatherside Chub | <i>Lepidomeda aliciae</i> | |
| Speckled Dace | <i>Rhinichthys osculus</i> | |
| Splake Trout | <i>Salvelinus namaycush</i> x <i>Salvelinus fontinalis</i> | |
| Striped Bass | <i>Morone saxatilis</i> | |
| Tiger Muskellunge | <i>Esox masquinongy</i> x <i>Esox lucius</i> | |
| Tiger Trout | <i>Salmo trutta</i> x <i>Salvelinus fontinalis</i> | |
| Utah Chub | <i>Gila atraria</i> | |
| Virgin Spinedace | <i>Lepidomeda mollispinis</i> | |
| Walleye | <i>Sander vitreus</i> | |
| Western Mosquitofish | <i>Gambusia affinis</i> | |
| White Bass | <i>Morone chrysops</i> | |
| White Crappie | <i>Pomoxis annularis</i> | |
| Wiper | <i>Morone saxatilis</i> x <i>Morone chrysops</i> | |
| Yellow Perch | <i>Perca flavescens</i> | |

Prohibited Fishes

| Common Name | Scientific Classification | Comments |
|------------------------|---|--|
| Alewife | <i>Alosa pseudoharengus</i> | |
| Asian Swamp Eel | <i>Monopterus albus</i> | |
| Bighead Carp | <i>Hypophthalmichthys nobilis</i> | |
| Black Carp | <i>Mylopharyngodon piceus</i> | |
| Bonytail | <i>Gila elegans</i> | |
| Bowfin | <i>Amia calva</i> | |
| Brook Stickleback | <i>Culaea inconstans</i> | |
| Burbot | <i>Lota lota</i> | |
| Colorado Pikeminnow | <i>Ptychocheilus lucius</i> | |
| Convict Cichlid | <i>Amatitlania nigrofasciata</i> | |
| Eurasian Ruffe | <i>Gymnocephalus cernuus</i> | |
| Flathead Catfish | <i>Pylodictis olivaris</i> | |
| Gar | Family Lepisosteidae | All species |
| Grass Carp (diploid) | <i>Ctenopharyngodon idella</i> | Triploid grass carp classified as controlled |
| Humpback Chub | <i>Gila cypha</i> | |
| Ide | <i>Leuciscus idus</i> | |
| June Sucker | <i>Chasmistes liorus</i> | |
| Piranhas (all species) | Genus <i>Catoprion</i> , Genus <i>Pristobrycon</i> , Genus <i>Pygocentrus</i> , Genus <i>Pygopristis</i> , and Genus <i>Serrasalmus</i> | All species |
| Nile Perch | <i>Lates niloticus</i> | |

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| Northern Snakehead | <i>Channa argus</i> | |
| Razorback Sucker | <i>Xyrauchen texanus</i> | |
| Red Bellied Pacu | <i>Piaractus brachypomus</i> | |
| Red Shiner | <i>Cyprinella lutrensis</i> | |
| Round Goby | <i>Neogobius melanostomus</i> | |
| Rudd | <i>Scardinius erythrophthalmus</i> | |
| Sand Shiner | <i>Notropis stramineus</i> | |
| Sea Lamprey | <i>Petromyzon marinus</i> | |
| Silver Carp | <i>Hypophthalmichthys molitrix</i> | |
| South American parasitic catfish | Family Cetopsidae and Family Trichomycteridae | All species |
| Tiger Fish | <i>Hydrocynus vittatus</i> | |
| Tench | <i>Tinca tinca</i> | |
| Tilapia | Genus <i>Coelotilapia</i> , Genus <i>Coptodon</i> , Genus <i>Heterotilapia</i> , Genus <i>Oreochromis</i> , and Genus <i>Sarotherodon</i> | All species |
| Virgin River Chub | <i>Gila seminuda</i> | |
| Walking Catfish | <i>Clarias batrachus</i> | |
| Woundfin | <i>Plagopterus argentissimus</i> | |
| Zander | <i>Sander lucioperca</i> | |
| All fish species that are not listed as noncontrolled, controlled, or prohibited are presumed prohibited | | |

Controlled Mollusks

| Common Name | Scientific Classification | Comments |
|-------------------------|---|-------------|
| Ambersnails | Genus <i>Oxiloma</i> , Genus <i>Catinella</i> and Genus <i>Succinea</i> | All species |
| Brown hive | <i>Euconulus fulvus</i> | |
| Collumns and Daggers | Genus <i>Columella</i> , Genus <i>Pupilla</i> and Genus <i>Pupoides</i> | All species |
| Creeping ancyliid | <i>Ferrissia rivularis</i> | |
| Desert tryonia | <i>Tryonia porrecta</i> | |
| Freshwater clams | Genus <i>Musculium</i> , Genus <i>Pisidium</i> , and Genus <i>Sphaerium</i> | All species |
| Gems | Genus <i>Hawaiiia</i> and Genus <i>Ogaridaiscus</i> | All species |
| Glass Snails | Genus <i>Glyphyalinia</i> and Genus <i>Nesovitrea</i> | All species |
| Glosses | Genus <i>Zonitoides</i> | All species |
| Green river Pebblesnail | <i>Fluminicola coloradensis</i> | |
| Mexican coil | <i>Helicodiscus eigenmanni</i> | |
| Mountain snails | Genus <i>Oreohelix</i> | All species |
| Mud Amnicola | <i>Amnicola limosus</i> | |

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|----------------------------|--|-------------|
| Physas | Genus <i>Aplexa</i> , Genus <i>Physa</i> and Genus <i>Physella</i> | All species |
| Rams-horns and Gyros | Genus <i>Gyraulus</i> , Genus <i>Helisoma</i> , Genus <i>Menetus</i> , Genus <i>Planorbella</i> and Genus <i>Promentus</i> | All species |
| Rocky mountain duskysnail | <i>Colligyrus greggi</i> | |
| Small Spot Disks | Genus <i>Disk</i> | All species |
| Snagleteeths and Vertigo | Genus <i>Gastrocopta</i> and Genus <i>Vertigo</i> | All species |
| Springsnails | Genus <i>Pyrgulopsis</i> | All species |
| Valvatas | Genus <i>Valvata</i> | All species |
| Western Glass-Snail | <i>Vittrina pellucida</i> | |
| Western pearlshell | <i>Margaritifera falcata</i> | |
| Floater | Genus <i>Anodonta</i> | All species |
| Pondsnails and Marshsnails | Genus <i>Galba</i> , Genus <i>Lymnaeasp</i> and Genus <i>Stagnicola</i> | All species |
| Spruce snail | <i>Microphysula ingersolli</i> | |
| Vallonias | Genus <i>Vallonia</i> | All species |

Prohibited Mollusks

| Common Name | Scientific Classification | Comments |
|---|----------------------------------|----------|
| Asian Clam | <i>Corbicula fluminea</i> | |
| Channeled Apple Snail | <i>Pomacea canaliculata</i> | |
| Brown Garden Snail | <i>Cornu asperum</i> | |
| Cellar Glass-Snail | <i>Oxychilus cellarius</i> | |
| Chinese Mystery Snail | <i>Cipangopaludina chinensis</i> | |
| Decollate Snail | <i>Rumina decollata</i> | |
| Faucet Snail | <i>Bithynia tentaculata</i> | |
| Giant Floater | <i>Pyganodon grandis</i> | |
| Giant Gardenslug | <i>Limax maximus</i> | |
| Golden Mussel | <i>Limnoperna fortunei</i> | |
| Gray Fieldslug | <i>Deroceras reticulatum</i> | |
| New Zealand Mud Snail | <i>Potamopyrgus antipodarum</i> | |
| Paper Pondshell | <i>Lymnaea stagnalis</i> | |
| Quagga Mussel | <i>Dreissena rostriformis</i> | |
| Red Rim Melania | <i>Melanoides tuberculata</i> | |
| Southern Flatcoil | <i>Polygyra cereolus</i> | |
| Veined Rapa Whelk | <i>Rapana venosa</i> | |
| Zebra Mussel | <i>Dreissena polymorpha</i> | |
| All mollusk species that are not listed as noncontrolled, controlled, or prohibited are presumed prohibited | | |

Controlled Crustaceans

| Common Name | Scientific Classification | Comments |
|----------------------------|------------------------------|-------------|
| Brine Shrimp | Genus <i>Artemia</i> | All species |
| Northern (Virile) Crayfish | <i>Faxonius virilis</i> | |
| Pilose Crayfish | <i>Pacifastacus gambelii</i> | |

Prohibited Crustaceans

| Common Name | Scientific Classification | Comments |
|--|---------------------------------|----------|
| Asian Shore Crab | <i>Hemigrapsus sanguineus</i> | |
| Chinese Mitten Crab | <i>Eriocheir sinensis</i> | |
| European Green Crab | <i>Carcinus maenas</i> | |
| Fishhook Water Flea | <i>Cercopagis pengoi</i> | |
| Killer Shrimp | <i>Dikerogammarus villosus</i> | |
| Marbled Crayfish | <i>Procambarus virginalis</i> | |
| Marron Crayfish | <i>Cherax tenuimanus</i> | |
| Redclaw Crayfish | <i>Cherax quadricarinatus</i> | |
| Rusty Crayfish | <i>Orconectes rusticus</i> | |
| Signal Crayfish | <i>Pacifastacus leniusculus</i> | |
| Spiny Water Flea | <i>Bythotrephes longimanus</i> | |
| Yabby Crayfish | <i>Cherax destructor</i> | |
| All crustacean species that are not listed as noncontrolled, controlled, or prohibited are presumed prohibited | | |

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for taking fish and crayfish.

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-12. Bait.

(1) Use or possession of corn while fishing is lawful, except as otherwise prohibited by the Wildlife Board in the Fishing Guidebook.

(2) Use or possession of live baitfish while fishing is unlawful, except as authorized by the Wildlife Board in the Fishing Guidebook.

(3) Use or possession of tiger salamanders, live or dead, while fishing is unlawful.

(4) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.

(5) Use or possession of artificial baits which are commercially embedded or covered with fish or fish parts while fishing is unlawful.

(6) Use or possession of bait in the form of fresh or frozen fish or fish parts while fishing is unlawful, except as provided below and in Subsections (7) and (8).

(a) Dead Bonneville cisco may be used as bait only in Bear Lake.

(b) Dead yellow perch may be used as bait only in: Bear River from Cutler Reservoir Dam downriver to the Great Salt Lake, Big Sand Wash, Deer Creek, Echo, Fish Lake, , Gunnison, Hyrum, Johnson, Jordanelle, Mantua, Mill Meadow, Newton, Pineview, Red Fleet, Rockport, Starvation, Utah Lake, Willard Bay and Yuba reservoirs.

(c) Dead white bass may be used as bait only in Utah Lake and the Jordan River.

(d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.

(e) Dead striped bass, from Lake Powell, may be used as bait only in Lake Powell.

(f) Dead fresh or frozen salt water species including sardines and anchovies may be used as bait in any water where bait is permitted.

(g) Dead mountain sucker, [desert sucker](#), white sucker, Utah sucker, redbreast shiner, [longnose dace](#), speckled dace, mottled sculpin, [Paiute sculpin](#), fat head minnow[-] = all color variants including rosy red minnows, Utah [~~chub~~][Chub](#), [golden shiner](#), and common carp may be used as bait in any water where bait is permitted.

(h) Dead burbot, from Flaming Gorge Reservoir, may be used as bait only in Flaming Gorge Reservoir.

(7) Commercially prepared and chemically treated baitfish or their parts may be used as bait in any water where bait is permitted.

(8) The eggs of any species of fish caught in Utah, except prohibited fish, may be used in any water where bait is permitted. However, eggs may not be taken or used from fish that are being released.

(9) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.

(10) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.

(11) On any water declared infested by the Wildlife Board with an aquatic invasive species, or that is subject to a closure order or control plan under Rule R657-60, it shall be unlawful to transport any species of baitfish, live or dead, from the infested water for use as bait in any other water of the State. Baitfish are defined as those species listed in Subsections (5)(b),(5)(c),(5)(f) and (8).

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: December 8, 2022

Notice of Continuation: September 1, 2022

Authorizing and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3

R657. Natural Resources, Wildlife Resources.

R657-14. Commercial Harvesting of Protected Aquatic Wildlife.

R657-14-1. Purpose and Authority.

(1)(a) Under authority of Sections 23-14-3, 23-14-18, and 23-14-19, and Sections 23-15-7 through 23-15-9, this rule provides the procedures, standards, and requirements for:

- (i) harvesting protected aquatic wildlife for use as fish bait; and
 - (ii) seining protected aquatic wildlife.
- (b) The commercial harvesting of brine shrimp and brine shrimp eggs is regulated under Rule R657-52.

R657-14-7. Species of Protected Aquatic Wildlife That May Be Harvested.

(1)(a) The division may authorize a person to harvest or sell the following nongame fish:

- (i) Utah Chub (*Gila atraria*);
- (ii) Carp (*Cyprinus carpio*);
- (iii) Mountain sucker (*Catostomus platyrhynchus*);
- (iv) Utah sucker (*Catostomus ardens*);~~[~~o~~]~~
- (v) Redside shiner (*Richardsonius batteatus*);
- (vi) Desert sucker (*Catostomus clarkii*);
- (vii) Fathead minnow (*Pimephales promelas*);
- (viii) Golden shiner (*Notemigonus crysoleucas*);
- (ix) Longnose dace (*Rhinichthys cataractae*);
- (x) Mottled sculpin (*Cottus bairdii*);
- (xi) Paiute sculpin (*Cottus beldingii*);
- (xii) Speckled dace (*Rhinichthys osculus*); or
- (xiii) White sucker (*Catostomus commersonii*).

(b) The division may authorize a person to harvest or sell overabundant nuisance game species, as determined by the division.

(c) The certificate of registration shall identify those species of protected aquatic wildlife that may be harvested or sold.

(2) Any species of protected aquatic wildlife caught that is not authorized for harvest must be immediately returned alive and unharmed to the water from which it was harvested.

R657-14-11. Transportation, Purchase, or Sale of Live Protected Aquatic Wildlife.

(1) A person may not have in possession any live species of protected aquatic wildlife, except as provided in Rules R657-3a, R657-3c, or R657-16.

(2) A person may not purchase any live protected aquatic wildlife from or sell any live protected aquatic wildlife to any person or entity who has not obtained a certificate of registration to possess or sell live protected aquatic wildlife, except as provided in Subsection R657-14-3(3).

KEY: game laws, bait dealers, commercialization of aquatic wildlife

Date of Enactment or Last Substantive Amendment: December 8, 2022

Notice of Continuation: June 15, 2017

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-13; 23-15-7; 23-15-8; 23-15-9; 23-14-3

R657. Natural Resources, Wildlife Resources.

R657-59. Private Fish Ponds, Short Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture.

R657-59-1. Purpose and Authority.

(1) Under the authority of Sections 23-15-9 and 23-15-10 of the Utah Code, this rule provides the standards and procedures for:

- (a) private fish ponds;
- (b) short term fishing events;
- (c) aquaponics facilities;
- (d) private fish stocking; and
- (e) institutional aquaculture.

(2)(a) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 of the Utah Code, and Department of Agriculture Rule R58-17.

(b) The display of aquatic wildlife in aquaria for personal, commercial, or educational purposes is regulated by [Rules R657-3a and R657-3c](#).

(3) A person engaging in any activity provided in Subsection (1) must also comply with all requirements established by Title 4 of Utah Code and all rules promulgated by the Utah Department of Agriculture, including, but not limited to:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23 of the Utah Code, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59-2. Definitions.

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

(2) In addition:

(a) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(b) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid Certificate of Registration from the Utah Department of Agriculture.

(c)(i) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(ii) "Aquaculture product" does not include aquatic wildlife obtained from the wild.

(d) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

(i) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;

(ii) all water flowing from the facility is discarded into a permitted sewer or septic system;

(iii) the aquatic animals held within the facility are used for hobby purposes only;

(iv) no aquatic animals are transported from the facility alive; and

(v) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(e) "Aquatic wildlife" for the purposes of this chapter are aquatic organisms that are conceived and born in public waters.

(f) "Certified sterile salmonid" means any salmonid fish or gamete that originates from a health certified source and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in R657-59-13.

(g) "FEMA" means Federal Emergency Management Administration.

(h)(i) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

(ii) HUCs are typically reported at the large river basin (6-digit HUC) or smaller watershed (11-digit and 14-digit HUC) scale.

(iii) HUC maps and other associated information are available at <http://water.usgs.gov/wsc/sub/1602.html>.

(i) "Institutional aquaculture" means aquaculture engaged in by any institution of higher learning, school, or other educational program, or public agency.

(j)(i) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is [~~commonly~~]cultured for display and sold in the United States' aquarium industry for display[~~-as defined in R657-3-4~~].

(ii) "Ornamental aquatic animal species" does not include:

(A) fresh water;

(I) sport fish;

(II) baitfish;

(III) food fish; or

(IV) native species; or

(B) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(C) aquatic animals and marine aquatic animals listed as prohibited or controlled in Section R657-3c-5.

(k) "Private fish pond" means a body of water or any fish culture system which:

(A) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(B) is contained entirely on privately owned land; and

(C) is used for holding or rearing fish for a private, noncommercial purpose.

(l) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.

(m) "Salmonid" means any fish belonging to the trout/salmon family.

(n) "Short-term fishing event" means any event where:

- (i) privately acquired fish are held or confined for a period not to exceed ten days in a temporary structure or container;
- (ii) for the purposes of providing fishing as a recreational opportunity; and
- (iii) no fee is charged as a requirement to fish.
- (o) "Sterile" means the inability to reproduce.

R657-59-3. Certificate of Registration Not Required – Private Fish Ponds, Short Term Fishing Events, and Aquaponics Facilities.

(1) A certificate of registration is not required to stock an aquatic animal in an aquaponics facility, provided:

(a) the aquatic animals stocked are accompanied by a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 of Utah Code; and

(b) the aquatic animals to be stocked belong to one of the following species:

- (i) bluegill;
- (ii) hybrid bluegill (bluegill x green sunfish);
- (iii) redear sunfish;
- (iv) green sunfish;
- (v) striped bass;
- (vi) white bass;
- (vii) hybrid striped bass or wiper (white bass x striped bass);
- (viii) largemouth bass;
- (ix) smallmouth bass;
- (x) channel catfish
- (xi) yellow perch;
- (xii) fathead minnow;
- (xiii) black crappie;
- (xiv) white crappie;
- (xv) rainbow trout;
- (xvi) cutthroat trout;
- (xvii) brown trout;
- (xviii) brook trout;
- (xix) tiger trout;
- (xx) walleye;
- (xxi) golden shiner; and
- (xxii) any aquatic animal species classified as non-controlled for possession and importation under R~~[657-3-22 or 23]~~[657-3c-5](#).

(2) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided:

(a) the private fish pond satisfies the screening requirements established in R657-59-10;

(b) if a screen is required, the aquaculture product received must be of sufficient size to be incapable of escaping the pond through or around the screen;

- (c) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the private fish pond is located consistent with the requirements in R657-59-11;
 - (d) the aquaculture product is:
 - (i) delivered to the pond by a licensed aquaculture facility as defined in Title 4 Chapter 37 of Utah Code; or
 - (ii) the owner, lessee, or operator of the private pond:
 - (A) possesses documentation from the aquaculture facility verifying the information itemized in R657-59-6 and R58-17-14 during transport; and
 - (B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the private fish pond;
 - (e) the owner, lessee, or operator of the pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 of Utah Code; and
 - (f) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section.
- (3) A certificate of registration is not required to receive and stock an aquaculture product in a short-term fishing event, provided:
- (a) the temporary container or structure to be stocked is entirely separated from any public waterway or waterbody;
 - (b) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the short-term fishing event is located consistent with the requirements in R657-59-11;
 - (c) the aquaculture product is:
 - (i) delivered to the pond by a licensed aquaculture facility as defined in Chapter 4 Title 37 of Utah Code; or
 - (ii) the owner, lessee, or operator of the short-term fishing event:
 - (A) possesses documentation from the aquaculture facility verifying the information itemized in R657-59-6 and R58-17-14 during transport; and
 - (B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the short-term fishing event;
 - (d) the owner, lessee, or operator of the pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 of Utah Code; and
 - (e) the operator of the short-term fishing event provides the aquaculture facility a signed written statement that the short-term fishing event and aquaculture product received are in compliance with this section.

R657-59-6. Acquiring, Importing, and Transferring Aquaculture Products.

- (1)(a) Species of aquaculture products that may be imported into the state are provided [~~in Rule R657-3-23~~][in Section R657-3c-5](#).
- (b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

- (c) Complete applications may require up to 30 days for processing.
- (2) Live aquaculture products, other than ornamental fish, may only be:
 - (a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and
 - (b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4 Chapter 37 of Utah Code.
- (3)(a) Any person who has been issued a valid aquaculture certificate of registration may transport live aquaculture products as specified on the certificate of registration to a stocking location.
 - (b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:
 - (i) name, address, certificate of registration number, and fish health approval number of the source;
 - (ii) number and weight being shipped, by species;
 - (iii) name, address, and certificate of registration number, if applicable, of the destination; and
 - (iv) a copy of the importation permit provided by the Utah Department of Agriculture.
 - (c)(i) Once stocked in a water body, aquaculture products may not be transferred or relocated live.
- (4)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being sterile triploid by the U.S. Fish and Wildlife Service.
 - (b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.
 - (c) A copy of the triploidy verification form must also accompany the fish during transport.
- (5)(a) Live aquaculture products may be shipped through Utah without a certificate of registration provided that:
 - (i) the aquatic wildlife or aquaculture products are not sold or transferred;
 - (ii) the aquatic wildlife or aquaculture products remain in the original container;
 - (iii) the water is not exchanged or discharged; and
 - (iv) the shipment is in Utah no longer than 72 hours.
 - (b) Proof of legal ownership and destination must accompany the shipment.

R657-59-8. Prohibited Activities.

- (1) Live aquatic wildlife may not be collected from the wild and used in stocking activities unless authorized by the [~~Wildlife Board~~] [division](#) consistent with the requirements in [Rules R657-3a and R657-3c](#).
- (2) A person may not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

KEY: wildlife, aquaculture, fish

Date of Enactment or Last Substantive Amendment: December 23, 2019

Notice of Continuation: July 31, 2018

Authorizing, and Implemented or Interpreted Law: 23-15-9; 23-15-10

~~R657. Natural Resources, Wildlife Resources.~~

~~R657-3. Collection, Importation, Transportation, and Possession of Animals.~~

~~R657-3-1. Purpose and Authority.~~

~~—— (1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.~~

~~—— (2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.~~

~~—— (3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, propagation and possession of species of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46 and R657-52 through R657-60. Where a more specific provision has been adopted, that provision shall control.~~

~~—— (4) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R657-14, except as permitted by the Utah Department of Agriculture and Food.~~

~~—— (5) This rule does not apply to division employees acting within the scope of their assigned duties.~~

~~—— (6) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and the scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.~~

~~R657-3-2. Species Not Covered by This Rule.~~

~~—— The following species of animals are not governed by this rule:~~

~~—— (1) Alpaca (Lama pacos);~~

~~—— (2) Ass or donkey (Equus asinus);~~

~~—— (3) American bison, privately owned (Bos bison);~~

~~—— (4) Camel (Camelus bactrianus and Camelus dromedarius);~~

~~—— (5) Cassowary (All species) (Casuarius);~~

~~—— (6) Cat, domestic, including breeds that are recognized by The International Cat Association as Preliminary New, Advanced New, Non-championship, and Championship Breeds (Felis catus);~~

~~—— (7) Cattle (Bos taurus taurus);~~

~~—— (8) Chicken (Gallus gallus);~~

~~—— (9) Chinchilla (Chinchilla laniger);~~

~~—— (10) Dog, domestic including hybrids between wild and domestic species and subspecies (Canis familiaris);~~

~~—— (11) Ducks distinguishable morphologically from wild birds~~

- ~~(Anatidae);~~
~~—— (12) Elk, privately owned (Cervus elaphus canadensis);~~
~~—— (13) Emu (Dromaius novaehollandiae);~~
~~—— (14) Ferret or polecat, European (Mustela putorius);~~
~~—— (15) Fowl (guinea) (Numida meleagris);~~
~~—— (16) Fox, privately owned, domestically bred and raised (Vulpes vulpes);~~
~~—— (17) Geese, distinguishable morphologically from wild geese (Anatidae);~~
~~—— (18) "Gerbils" or Mongolian jirds (Meriones unguiculatus);~~
~~—— (19) Goat (Capra hircus);~~
~~—— (20) Hamster (All species) (Mesocricetus spp.);~~
~~—— (21) Hedgehog (white bellied) (Erinaceidae atelerix albiventris);~~
~~—— (22) Horse (Equus caballus);~~
~~—— (23) Llama (Lama glama);~~
~~—— (24) American Mink, privately owned, ranch-raised (Neovision vision);~~
~~—— (25) Mouse, house (Mus musculus);~~
~~—— (26) Mule and hinny (hybrids of Equus caballus and Equus asinus);~~
~~—— (27) Ostrich (Struthio camelus);~~
~~—— (28) Peafowl (Pavo cristatus);~~
~~—— (29) Pig, guinea (Cavia porcellus);~~
~~—— (30) Pigeon (Columba livia);~~
~~—— (31) Rabbit, European (Oryctolagus cuniculus);~~
~~—— (32) Rats, Norway and Black (Rattus norvegicus and Rattus rattus);~~
~~—— (33) Rhea (Rhea americana);~~
~~—— (34) Sheep (Ovis aries);~~
~~—— (35) Sugar glider (Petaurus breviceps);~~
~~—— (36) Swine, domestic (Sus scrofa domesticus);~~
~~—— (37) Tenrec (Tenrecidae);~~
~~—— (38) Turkey, privately owned, pen-raised domestic varieties (Meleagris gallopavo). Domestic varieties means any turkey or turkey egg held under human control and which is imprinted on other poultry or humans and which does not have morphological characteristics of wild turkeys;~~
~~—— (39) Water buffalo (Bubalis arnee);~~
~~—— (40) Yak (Bos mutus); and~~
~~—— (41) Zebu, or "Brahma" (Bos taurus indicus)~~

~~R657-3-3. Cooperative Agreements with Department of Health and Department of Agriculture and Food -- Agency Responsibilities.~~

- ~~(1) The division, the Department of Agriculture and Food, and the Department of Health work cooperatively through memorandums of understanding to:~~
~~—— (a) protect the health, welfare, and safety of the public;~~
~~—— (b) protect the health, welfare, safety, and genetic integrity of wildlife, including environmental and ecological impacts; and~~
~~—— (c) protect the health, welfare, safety, and genetic integrity of domestic livestock, poultry, and other animals.~~
~~(2) The division is responsible for:~~
~~—— (a) issuing certificates of registration for the collection,~~

~~possession, importation, and transportation of animals;~~

~~(b) maintaining the integrity of wild and free-ranging protected wildlife;~~

~~(c) determining the species of animals that may be imported, possessed, and transported within the state;~~

~~(d) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in public aquaculture facilities;~~

~~(e) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from public aquaculture facilities and private ponds to aquatic wildlife, other animals, and humans;~~

~~(f) preventing the spread of disease-causing pathogens from aquatic animals to other aquatic animals transferred from one site to another in the wild;~~

~~(g) investigating and preventing the outbreak and controlling the spread of disease-causing pathogens in terrestrial wildlife;~~

~~(h) preventing the spread of disease-causing pathogens from terrestrial animals to other terrestrial animals transferred from one site to another; and~~

~~(i) enforcing laws and rules made by the Wildlife Board governing the collection, importation, transportation, and possession of animals.~~

~~(3) (a) The Utah Department of Agriculture and Food is responsible for eliminating, reducing, and preventing the spread of diseases among livestock, fish, poultry, wildlife, and other animals by providing standards for:~~

~~(i) the importation of livestock, fish, poultry, and other animals, including wildlife, as provided in Section R58-1-4;~~

~~(ii) the control of predators and depredating animals as provided in Title 4, Chapter 23, Agriculture and Wildlife Damage Prevention Act;~~

~~(iii) enforcing laws and rules made by the Wildlife Board governing species of animals which may be imported into the state or possessed or transported within the state that are applicable to aquaculture or fee fishing facilities;~~

~~(iv) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in aquaculture and fee fishing facilities; and~~

~~(v) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from aquaculture or fee fishing facilities to aquatic wildlife, or other animals, and humans.~~

~~(b) The Department of Agriculture and Food may quarantine any infected domestic animal or area within the state to prevent the spread of infectious or contagious disease as provided in Title 4, Chapter 31, Section 17.~~

~~(c) In addition to the authority and responsibilities listed in Subsection (3) (a) and (b), the Department of Agriculture and Food may make recommendations to the division concerning the collection, importation, transportation, and possession of animals if a disease is suspected of endangering livestock, fish, poultry, or other domestic animals.~~

~~(4) The Utah Department of Health is responsible for promoting~~

and protecting public health and welfare and may make recommendations to the division concerning the collection, importation, transportation, and possession of animals if a disease or animal is suspected of endangering public health or welfare.

~~R657-3-4. Definitions.~~

~~(1) Terms used for purposes of this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (33).~~

~~(2) (a) "Animal" means:~~

~~(i) native, naturalized, and nonnative animals belonging to a species that naturally occurs in the wild, including animals captured from the wild or born or raised in captivity;~~

~~(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animal, including hybrids between wild and domestic species or subspecies; and~~

~~(iii) viable embryos or gametes (eggs or sperm) of any native, naturalized, or nonnative species or subspecies of animals.~~

~~(b) "Animal" does not include species listed in Subsection R657-3-2, domestic species, or amphibians or reptiles as defined in Rule R657-53.~~

~~(3) "Aquaculture" means the controlled cultivation of aquatic animals.~~

~~(4) (a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.~~

~~(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.~~

~~(5) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs or sperm.~~

~~(6) "Captive-bred" means any privately owned animal, which is born inside of and has spent its entire life in captivity and is the offspring of privately owned animals that are born inside of and have spent their entire life in captivity.~~

~~(7) "Certificate of registration" means an official document issued by the division authorizing the collection, importation, transportation, and possession of an animal or animals. A certificate of registration number may be issued in order to obtain an entry permit number and the entry permit number must in turn be provided to the division before final approval and issuance of the certificate of registration.~~

~~(8) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of animals, as provided in Rule R58-1.~~

~~(9) "CFR" means the Code of Federal Regulations.~~

~~(10) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.~~

~~(a) Appendix I of CITES protects threatened species from all international commercial trade; and~~

~~(b) Appendix II of CITES regulates trade in species not threatened with extinction, but which may become threatened if trade goes unregulated.~~

~~_____ (c) CITES appendices are published periodically by the CITES Secretariat and may be viewed at <http://www.cites.org/> which is incorporated herein by reference.~~

~~_____ (11) "Collect" means to take, catch, capture, salvage, or kill any animal within Utah.~~

~~_____ (12) "Commercial use" means any activity through which a person in possession of an animal:~~

~~_____ (a) receives any consideration for that animal or for a use of that animal, including nuisance control and roadkill removal; or~~

~~_____ (b) expects to recover all or any part of the cost of keeping the animal through selling, bartering, trading, exchanging, breeding, or other use, including displaying the animal for entertainment, advertisement, or business promotion.~~

~~_____ (13) "Controlled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.~~

~~_____ (14) "Domestic" means an animal that belongs to a species which is notably different from its wild ancestors through generations of selective breeding and taming in captivity by humans for food, commodities, transportation, assistance, work, protection, companionship, display and other beneficial purposes.~~

~~_____ (15) "Educational use" means the possession and use of an animal for conducting educational activities concerning wildlife.~~

~~_____ (16) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection. The entry permit number must be written on the certificate of veterinary inspection before the importation of the animal. This number must be provided to the division prior to final approval and issuance of a certificate of registration. The entry permit is valid only for 30 days after its issuance.~~

~~_____ (17) "Export" means to move or cause to move any animal from Utah by any means.~~

~~_____ (18) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage.~~

~~_____ (19) "Import" means to bring or cause an animal to be brought into Utah by any means.~~

~~_____ (20) (a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean that spends its entire life cycle in a marine environment.~~

~~_____ (b) "Marine aquatic animal" does not include:~~

~~_____ (i) anadromous aquatic animal species;~~

~~_____ (ii) species that temporarily or permanently reside in brackish water; and~~

~~_____ (iii) species classified as invasive or nuisance by state or federal law.~~

~~_____ (21) "Native species" means any species or subspecies of animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.~~

~~_____ (22) "Naturalized species" means any species or subspecies of animal that is not native to Utah but has established a wild, self-sustaining population in Utah.~~

~~———— (23) "Noncontrolled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity poses no detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.~~

~~———— (24) (a) "Nonnative species" means a species or subspecies of animal that is not native to Utah.~~

~~———— (b) "Nonnative species" does not include domestic animals or naturalized species of animals.~~

~~———— (25) (a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display.~~

~~———— (b) "Ornamental aquatic animal species" does not include;~~

~~———— (i) fresh water;~~

~~———— (A) sport fish -- aquatic animal species commonly angled or harvested for recreation or sport;~~

~~———— (B) baitfish -- aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;~~

~~———— (C) food fish -- aquatic animal species commonly cultured or harvested from the wild for human consumption; or~~

~~———— (D) native species; or~~

~~———— (ii) aquatic animal species prohibited for importation or possession by any state, federal, or local law; or~~

~~———— (iii) aquatic animal species listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.~~

~~———— (26) "Personal use" means the possession and use of an animal for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, hunting or any other use.~~

~~———— (27) "Possession" means to physically retain or to exercise dominion or control over an animal.~~

~~———— (28) "Prohibited species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with this rule and any applicable federal laws.~~

~~———— (29) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the division, U.S. Fish and Wildlife Service, a school, or an institution of higher education.~~

~~———— (30) "Resident Canada Goose" means Canada geese that nest within Utah in urban environments during the months of March, April, May or June.~~

~~———— (31) "Scientific use" means the possession and use of an animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.~~

~~———— (32) "Transport" means to move or cause to move any animal within Utah by any means.~~

~~———— (33) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.~~

~~R657-3-5. Liability.~~

~~_____ (1) (a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, possession and propagation of the authorized animal and for any other activity authorized by the certificate of registration.~~

~~_____ (b) To the extent provided under the Utah Governmental Immunity Act, the division, Department of Agriculture and Food, and Department of Health shall not be liable in any civil action for:~~

~~_____ (i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or~~

~~_____ (ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.~~

~~_____ (2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing animals.~~

~~R657-3-6. Animal Welfare.~~

~~_____ (1) Any animal held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including the humane handling, care, confinement, transportation, and feeding, as provided in:~~

~~_____ (a) 9 CFR Section 3 Subpart F, 2002 ed., which is adopted and incorporated by reference;~~

~~_____ (b) Section 76-9-301; and~~

~~_____ (c) Section 7 CFR 2.17, 2.51, and 371.2(g), 2002 ed., which are incorporated by reference.~~

~~_____ (2) A person commits cruelty to animals under this section if that person intentionally, knowingly, or with criminal negligence, as defined in Section 76-2-103:~~

~~_____ (a) tortures or seriously overworks an animal; or~~

~~_____ (b) fails to provide necessary food, care, or shelter for any animal in that person's custody.~~

~~_____ (3) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any animal.~~

~~R657-3-7. Take of Nuisance Birds and Mammals.~~

~~_____ (1) (a) A person is not required to obtain a certificate of registration or a federal permit to kill a bird belonging to a species listed in Subsection (1) (b) that is committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:~~

~~_____ (i) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;~~

~~_____ (ii) applicable local, state and federal laws are strictly complied with; and~~

~~_____ (iii) none of the birds killed, nor their plumage, are sold or offered for sale.~~

~~_____ (b) The following bird species are subject to the provisions of Subsection (1) (a):~~

~~(i) black-billed magpie (*Pica hudsonia*);~~
~~(ii) American crow (*Corvus brachyrhynchos*);~~
~~(iii) bronzed cowbird (*Molothrus aeneus*);~~
~~(iv) brown-headed cowbird (*Molothrus ater*); and~~
~~(v) shiny cowbird (*Molothrus bonariensis*).~~
~~(c) Nuisance birds removed under Subsection (1)(a):~~
~~(i) must be taken over the threatened area;~~
~~(ii) may not be taken with:~~
~~(A) bait, explosives, or poisons; or~~
~~(B) ammunition with lead or toxic projectiles, except when fired from an air rifle, air pistol, or a 22 caliber rimfire firearm; and~~
~~(iii) must be disposed of at a landfill that accepts wildlife carcasses, or burned or incinerated.~~
~~(d)(i) Any person that takes a nuisance bird pursuant to Subsection (1)(a) must provide to the appropriate U.S. Fish and Wildlife Service, Regional Migratory Bird Permit Office an annual report for each species taken.~~
~~(ii) Reports must be submitted by January 31st of the following year, and include the following information:~~
~~(A) name, address, phone number, and e-mail address of the person taking the birds;~~
~~(B) the species and number of birds taken;~~
~~(C) the months in which the birds were taken;~~
~~(D) the county or counties in which the birds were taken; and~~
~~(E) the general purpose for which the birds were taken, such as protection of agriculture, human health and safety, property, or natural resources.~~
~~(e) This Subsection (1) incorporates Section 50 CFR 21.41, 21.42 and 21.43, 2007, ed., by reference.~~
~~(2)(a) A person is not required to obtain a certificate of registration or a federal permit to kill a house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), or domestic pigeon or rock pigeon (*Columba livia*) when found damaging personal or real property, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:~~
~~(i) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;~~
~~(ii) applicable local, state and federal laws are strictly complied with; and~~
~~(iii) none of the birds killed, nor their plumage, are sold or offered for sale.~~
~~(b) Nuisance birds removed under Subsection (2)(a):~~
~~(i) must be taken over the threatened area;~~
~~(ii) may not be taken with bait, explosives, or poisons; and~~
~~(iii) must be disposed of at a landfill that accepts wildlife carcasses, or burned or incinerated.~~
~~(3) A person that takes a nuisance bird pursuant to Subsection (1) shall:~~
~~(a) allow any federal warden or state conservation officer unrestricted access over the premises where the birds are killed; and~~
~~(b) furnish any information concerning the control operations to the division or federal official upon request.~~
~~(4) A person may kill nongame mammals as provided in R657-19~~

~~R657-3-8. Collection, Importation, and Possession of Threatened and Endangered Species and Migratory Birds.~~

~~(1) The following species are prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division, a federal permit from the U.S. Fish and Wildlife Service, and an entry permit number from the Department of Agriculture and Food if importing:~~

~~(a) any species which have been determined by the U.S. Fish and Wildlife Service to be endangered or threatened pursuant to the federal Endangered Species Act, as amended; and~~

~~(b) any species of migratory birds protected under the Migratory Bird Treaty Act.~~

~~(2) Federal laws and regulations apply to threatened and endangered species and migratory birds in addition to state and local laws.~~

~~(3) Neither a federal permit nor a state certificate of registration is required to destroy the nests and eggs of resident Canada geese provided:~~

~~(a) the landowner or agent qualifies, registers and complies with all provisions of the Federal Nest and Egg Registry located at www.fws.gov/permits/mbpermits/GooseEggRegistration.html.~~

~~(b) The landowner reports to the state the date, location (including county) and number of eggs and nests destroyed, by October 1 of each year to the Wildlife Registration Coordinator.~~

~~R657-3-9. Release of Animals to the Wild -- Capture or Disposal of Escaped Wildlife.~~

~~(1) (a) Except as provided in this rule, the rules and regulations of the Wildlife Board, or Title 4, Chapter 37 of the Utah Code, a person may not release to the wild or release into any public or private waters any animal, including fish, without first obtaining authorization from the division.~~

~~(b) A violation of this section is punishable under Section 23-13-14.~~

~~(2) The division may seize or dispose of any illegally held animal.~~

~~(3) (a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live animal that escapes from captivity.~~

~~(b) The division may retain custody of any recaptured animal until the costs of recapture or care have been paid by its owner or keeper.~~

~~R657-3-10. Inspection of Animals, Facilities, and Documentation.~~

~~(1) A conservation officer or any other peace officer may require any person engaged in activities regulated by this rule to exhibit:~~

~~(a) any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession;~~

~~(b) any animal; or~~

~~(c) any device, apparatus, or facility used for activities~~

~~covered by this rule.~~

~~(2) Inspection shall be made during business hours.~~

~~R657-3-11. Certificate of Registration.~~

~~(1) (a) Except as provided in Subsection (8) a person shall obtain a certificate of registration before collecting, importing, transporting, possessing or propagating any species of animal or its parts classified as prohibited or controlled, except as otherwise provided in this rule, statute or rules and orders of the Wildlife Board.~~

~~(b) A certificate of registration is not required:~~

~~(i) to collect, import, transport, possess, or propagate any species or subspecies of animal classified as noncontrolled;~~

~~(ii) to export any species or subspecies of animal from Utah, provided that the animal is held in legal possession; or~~

~~(iii) to collect, transport or possess brine shrimp and brine shrimp eggs for personal use, provided:~~

~~(A) the brine shrimp and brine shrimp eggs are collected, transported and possessed together with water in a container no larger than one gallon;~~

~~(B) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and~~

~~(C) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River or any of their tributary waters.~~

~~(c) Applications for animals classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the animal meets the criteria provided in Subsections R657-3-20(1) (b) or R657-3-18(4) (b).~~

~~(2) (a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.~~

~~(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall expire effective upon the date of the representative's discontinuation of association with that entity.~~

~~(c) Certificates of registration do not provide the holder any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer or death of the COR holder.~~

~~(3) (a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.~~

~~(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for periodic regulation and monitoring by the division.~~

~~(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the animal~~

~~involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.~~

~~_____ (5) (a) Upon or before the expiration date of a certificate of registration, the holder must apply for a renewal of the certificate of registration to continue the activity.~~

~~_____ (b) The division may use the criteria provided in Section R657-3-14 in determining whether to renew the certificate of registration.~~

~~_____ (c) It is unlawful for a person to possess an animal for which a certificate of registration is required if that person;~~

~~_____ (i) does not have a valid certificate of registration authorizing possession of the animal; or~~

~~_____ (ii) fails to submit a renewal application to the division prior to the expiration of an existing certificate of registration authorizing possession of the animal.~~

~~_____ (d) If a renewal application is not submitted to the division by the expiration date, live or dead animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.~~

~~_____ (e) If a renewal application is submitted to the division before the expiration date of the existing certificate of registration, continued possession of the animal under the expired certificate of registration shall remain lawful while the renewal application is pending.~~

~~_____ (6) Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 or the terms of a certificate of registration may disqualify a person from renewing an existing certificate of registration or obtaining a new certificate of registration.~~

~~_____ (7) A certificate of registration may be suspended as provided in this rule, Section 23-19-9 and Rule R657-26.~~

~~_____ (8) (a) A certificate of registration is not required to import, possess, or transfer a live marine aquatic animal classified as noncontrolled, controlled or prohibited, provided the marine aquatic animal is:~~

~~_____ (i) imported, possessed, or transferred for purposes of immediate human consumption;~~

~~_____ (ii) possessed live no longer than 30 days from the date of importation or the date of receipt, if acquired from an intrastate source;~~

~~_____ (iii) held in a tank or aquaria with an effluent that discharges into a sewage treatment system or other area that does not drain into any surface water source;~~

~~_____ (iv) never released in any water source, including sewer systems;~~

~~_____ (v) acquired from a lawful source and documentation of purchase is retained; and~~

~~_____ (vi) imported and possessed in compliance with applicable state and federal laws, including the importation requirements in R657-3-25.~~

~~_____ (b) A certificate of registration is not required to import, possess, or transfer a dead aquatic animal or its parts classified as noncontrolled, controlled or prohibited, provided it is:~~

~~_____ (i) imported, possessed, or transferred for purposes of immediate human consumption;~~

~~_____ (ii) acquired from a lawful source and documentation of purchase is retained; and~~

~~_____ (b) imported and possessed in compliance with applicable state and federal laws.~~

~~R657-3-12. Application Procedures -- Fees.~~

~~_____ (1) (a) Initial and renewal applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.~~

~~_____ (b) Applications may require a minimum of 45 days for review and processing from the date the application is received.~~

~~_____ (c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.~~

~~_____ (2) (a) Legal tender in the correct amount must accompany the application.~~

~~_____ (b) The certificate of registration fee includes a nonrefundable handling fee.~~

~~_____ (c) Upon request, applicable fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies if, in the opinion of the division, the activity will significantly benefit the division, wildlife, or wildlife management.~~

~~R657-3-13. Retroactive Effect on Possession.~~

~~_____ A person lawfully possessing an animal prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited. The certificate of registration shall be obtained within six months of the reclassification. If a certificate of registration is not obtained possession of the animal thereafter shall be unlawful.~~

~~R657-3-14. Issuance Criteria.~~

~~_____ (1) The following factors shall be considered before the division may issue or renew a certificate of registration for the collection, importation, transportation, possession or propagation of an animal:~~

~~_____ (a) the health, welfare, and safety of the public;~~

~~_____ (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;~~

~~_____ (c) ecological and environmental impacts;~~

~~_____ (d) the suitability of the applicant's holding facilities;~~

~~_____ (e) the experience of the applicant for the activity requested; and~~

~~_____ (f) ecological or environmental impact on other states.~~

~~_____ (2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance or renewal of a certificate of registration for a scientific use of an animal;~~

~~_____ (a) the validity of the objectives and design;~~

~~_____ (b) _____ the likelihood the project will fulfill the stated objectives;~~

~~_____ (c) _____ the applicant's qualifications to conduct the research, including education or experience;~~

~~_____ (d) _____ the adequacy of the applicant's resources to conduct the study; and~~

~~_____ (e) _____ whether the scientific use is in the best interest of the animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.~~

~~_____ (3) _____ In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance or renewal of a certificate of registration for an educational use of an animal:~~

~~_____ (a) _____ the objectives and structure of the educational program; and~~

~~_____ (b) _____ whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility; and~~

~~_____ (c) _____ whether the individual is in possession of the required federal permits.~~

~~_____ (4) _____ The division may deny issuing or renewing a certificate of registration to any applicant, if:~~

~~_____ (a) _____ the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, proclamation or guidebook, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing or propagating an animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;~~

~~_____ (b) _____ the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;~~

~~_____ (c) _____ the applicant misrepresented or failed to disclose material information required in connection with the application; or~~

~~_____ (d) _____ holding the animal at the proposed location violates federal, state, or local laws.~~

~~_____ (5) _____ The collection or importation and subsequent possession of an animal may be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.~~

~~_____ (6) _____ The division, in making a determination under this section, may consider any available facts or information that is relevant to the issuance or renewal of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.~~

~~_____ (7) _____ If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.~~

~~_____ (8) _____ An appeal of the denial of an application may be made as provided in Section R657-3-37.~~

~~R657-3-15. Amendment to Certificate of Registration.~~

~~_____ (1) (a) _____ If circumstances materially change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.~~

~~_____ (b) The division may amend the certificate of registration or deny the request based on the criteria for initial and renewal applications provided in Section R657-3-14, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.~~

~~_____ (c) The division may charge a fee for amending the certificate of registration.~~

~~_____ (d) An appeal of a request for an amendment may be made as provided in Section R657-3-37.~~

~~_____ (2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.~~

~~_____ (3) (a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.~~

~~_____ (b) Animals or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.~~

~~R657-3-16. Records and Reports.~~

~~_____ (1) (a) From the date of issuance or renewal of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation authorized pursuant to this rule or the certificate of registration.~~

~~_____ (b) Records must be kept current and shall include the names, phone numbers, and addresses of persons to whom any animal has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.~~

~~_____ (c) The records required under this section must be maintained for two years from the expiration date of the certificate of registration.~~

~~_____ (2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.~~

~~_____ (3) Failure to submit the appropriate records and reports may result in denial or suspension of a certificate of registration.~~

~~R657-3-17. Collection, Importation or Possession for Personal Use.~~

~~_____ (1) A person may collect, import or possess live or dead animals or their parts for a personal use only as follows:~~

~~_____ (a) Certificates of registration are not issued for the collection, importation or possession of any live or dead animals or their parts classified as prohibited, except as provided in R657-3-36 or the rules and guidebooks of the Wildlife Board.~~

~~_____ (b) A certificate of registration is required for collecting, importing or possessing any live or dead animals or their parts classified as controlled, except as otherwise provided by this rule or the rules and guidebooks of the Wildlife Board.~~

~~_____ (c) A certificate of registration is not required for collecting, importing or possessing live or dead animals or their parts classified as noncontrolled.~~

~~_____ (2) Notwithstanding Subsection (1), a person may import or possess any dead animal or its parts, except as provided in Section R657-3-8, for personal use without obtaining a certificate of~~

registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

~~R657-3-18. Collection, Importation or Possession of a Live Animal for a Commercial Use.~~

~~_____ (1) (a) A person may not collect or possess a live animal for a commercial use or commercial venture for financial gain, unless otherwise provided in the rules and proclamations of the Wildlife Board.~~

~~_____ (b) Use of brine shrimp for culturing ornamental aquatic animal species is not a commercial use if the brine shrimp eggs or cysts are not sold, bartered, or traded and no more than 200 pounds are collected annually.~~

~~_____ (2) (a) A person may import or possess a live animal or parts thereof classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of animals may not be sold or traded unless they originate from a captive-bred population.~~

~~_____ (b) Complete and accurate records for native or naturalized species must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the animal has been obtained.~~

~~_____ (3) (a) A person may not import, collect or possess a live animal classified as controlled for a commercial use or commercial venture, without first obtaining a certificate of registration.~~

~~_____ (b) A certificate of registration will not be issued to sell or trade a native or naturalized species of animal classified as controlled unless it originates from a captive-bred population.~~

~~_____ (c) It is unlawful to transfer a live animal classified as controlled to a person who does not have a certificate of registration to possess the animal.~~

~~_____ (d) Complete and accurate records must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the animal has been obtained.~~

~~_____ (e) Complete and accurate records must be maintained and available for inspection for two years from the date of transfer, documenting the date, name, address and certificate of registration number of the person receiving the animal.~~

~~_____ (4) (a) A certificate of registration will not be issued for importing or possessing a live animal classified as prohibited for a commercial use or commercial venture, except as provided in Subsection (b) or R657-3-36.~~

~~_____ (b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, aquarium, or film company to import, collect or possess live species of animals classified as prohibited if, in the opinion of the division, the importation for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.~~

~~_____ (c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, aquarium, aviary or film company under this Subsection is restricted to those facilities~~

that keep the prohibited species of animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition, viewing, or filming.

— (5) — An entry permit, and a certificate of veterinary inspection are required by the Department of Agriculture to import a live animal classified as noncontrolled, controlled or prohibited.

~~R657-3-19. — Collection, Importation or Possession of Dead Animals or Their Parts for a Commercial Use.~~

— (1) — Pursuant to Sections ~~23-13-13~~ and ~~23-20-3~~, a person may not collect, import or possess any dead animal or its parts for a commercial use or commercial venture for financial gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.

— (2) — The restrictions in Subsection (1) do not apply to the following:

— (a) — the commercial use of a dead coyote, jackrabbit, muskrat, raccoon, or its parts;

— (b) — a business entity that has obtained a certificate of registration from the division to conduct nuisance wildlife control or carcass removal; and

— (c) — dead animals sold or traded for educational use.

~~R657-3-20. — Collection, Importation or Possession for Scientific or Educational Use.~~

— (1) — A person may collect, import or possess live or dead animals or their parts for a scientific or educational use only as follows:

— (a) — Certificates of registration are not issued for collecting, importing or possessing live or dead animals classified as prohibited, except as provided in Subsection (b), or R657-3-36.

— (b) — The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect, import or possess live or dead animals classified as prohibited if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

— (2) — A person shall obtain a certificate of registration before collecting, importing or possessing live or dead animals or their parts classified as controlled.

— (3) — A certificate of registration is not required to collect, import or possess live or dead animals classified as noncontrolled.

~~R657-3-21. — Classification and Specific Rules for Birds.~~

— (1) — The following birds are classified as noncontrolled for collection, importation and possession:

— (a) — Penguins, family Spheniscidae, (All species);

— (b) — Megapodes (Mound-builders), family Megapodiidae (All species);

— (c) — Coturnix quail, family Phasianidae (Coturnix spp.);

— (d) — Buttonquails, family Turnicidae (All species);

— (e) — Turacos (including Plantain eaters and Go-away-birds), family Musophagidae (All species);

— (f) — Pigeons and Doves, family Columbidae (All species not native

to North America);

~~— (g) Parrots, family Psittacidae (All species not native to North America);~~

~~— (h) Rollers, family Coraciidae (All species);~~

~~— (i) Motmots, family Momotidae (All species);~~

~~— (j) Hornbills, family Bucerotidae (All species);~~

~~— (k) Barbets, families Capitonidae and Rhamphastidae (Capitoninae) (All species not native to North America);~~

~~— (l) Toucans, families Ramphastidae and Rhamphastidae (Ramphastinae) (All species not native to North America);~~

~~— (m) Broadbills, family Eurylaimidae (All species);~~

~~— (n) Cotingas, family Cotingidae (All species);~~

~~— (o) Honeyeaters, Meliphagidae Family (All species);~~

~~— (p) Leafbirds and Fairy-bluebirds, family Irenidae (Irena spp., Chloropsis spp., and Aegithina spp.);~~

~~— (q) Babblers, family Timaliidae (All species);~~

~~— (r) White-eyes, family Zosteropidae (All species);~~

~~— (s) Sunbirds, family Nectariniidae (All species);~~

~~— (t) Sugarbirds, family Promeropidae (All species);~~

~~— (u) Weaver finches, family Ploceidae (All species);~~

~~— (v) Estrildid finches (Waxbills, Mannikins, and Munias) family Estrildidae, (Estrildidae) (Estrildinae) (All species); and~~

~~— (w) Vidua finches (Indigobirds and Whydahs) family Viduidae, Estrildidae (Viduinæ) (All species);~~

~~— (x) Finches and Canaries, family Fringillidae (All species not native to North America);~~

~~— (y) Tanagers (including Swallow-tanager), family Thraupidae (All species not native to North America); and~~

~~— (z) Icterids (Troupials, Blackbirds, Orioles, etc.), family Icteridae (All species not native to North America, except Central and South American Cowbirds).~~

~~(2) The following birds are classified as noncontrolled for collection and possession, and controlled for importation:~~

~~— (a) Cowbirds (Molothrus spp.) family Icteridae;~~

~~— (b) European Starling, family Sturnidae (Sturnus vulgaris);~~

~~— (c) House (English) Sparrow, family Passeridae (Passer domesticus); and~~

~~— (d) Domestic Pigeon (Rock Dove) (Columba livia) family Columbidae.~~

~~(3) The following birds are classified as prohibited for collection, importation and possession:~~

~~— (a) Ocellated turkey, family Phasianidae, (Meleagris ocellata).~~

~~(4) All species and subspecies of birds and their parts, including feathers, not listed in Subsection (1) through Subsection (3):~~

~~— (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;~~

~~— (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;~~

~~— (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and~~

possession.

~~(d) destruction of resident Canada goose eggs and nests is allowed provided the landowner complies with R657-3-8(3).~~

~~(5) Destruction of resident Canada goose eggs and nests is allowed provided the landowner complies with R657-3-8(3).~~

~~R657-3-22. Classification and Specific Rules for Crustaceans and Mollusks.~~

~~(1) Crustaceans are classified as follows:~~

~~(a) Asiatic (Mitten) Crab, family Grapsidae (Eriocheir, All species) are prohibited for collection, importation and possession;~~

~~(b) Brine shrimp, family Mysidae (All species) are classified as controlled for collection, and noncontrolled for importation and possession;~~

~~(c) Crayfish, families Astacidae, Cambaridae and Parastacidae (All species except Cherax quadricarinatus) are prohibited for collection, importation and possession;~~

~~(d) Pilose crayfish, (Pacifcastacus gambelii) is prohibited for collection, importation, and possession;~~

~~(e) Daphnia, family Daphnidae (Daphnia lumholtzi) is prohibited for collection, importation and possession;~~

~~(f) Fishhook water flea, family Cercopagidae (Cercopagis pengoi) is prohibited for collection, importation and possession; and~~

~~(g) Spiny water flea, family Cercopagidae (Bythotrephes cederstroemii) is prohibited for collection, importation and possession.~~

~~(h) Stygobromus utahensis, family Crangonnyctidae is prohibited for collection, importation and possession.~~

~~(2) Mollusks are classified as follows:~~

~~(a) Family Achatinidae (All species) is prohibited for collection, importation and possession;~~

~~(b) Brian Head mountainsnail, family Oreohelicidae (Oreohelix parawanensis) is controlled for collection, importation and possession;~~

~~(c) Dark falsemussel, (Mytilopsis leucophaeta) family Dreissenidae is controlled for collection, importation and possession;~~

~~(d) Desert mountainsnail, family Oreohelicidae (Oreohelix peripherica) is controlled for collection, importation and possession;~~

~~(e) Desert springsnail, (Pyrgulopsis deserta) family Hydrobiidae is controlled for collection, importation and possession;~~

~~(f) Desert valvata, (Valvata utahensis) family Valvatidae is prohibited for collection, importation and possession;~~

~~(g) Eureka mountainsnail, (Oreohelix eurekaensis) family Oreohelicidae is controlled for collection, importation and possession;~~

~~(h) Fat-whorled pondsnail, (Stagnicola bonnevillensis) family Lymnaeidae is controlled for collection, importation and possession;~~

~~(i) Fish Lake physa, (Physella microstriata) family Physidae is controlled for collection, importation and possession;~~

~~(j) Fish Springs marshsnail, (Stagnicola pilsbryi) family Lymnaeidae is prohibited for collection, importation and possession;~~

~~—— (k) Floater, (Anodonta spp. All species) family Anodontidae is controlled for collection, importation and possession;~~
~~—— (l) Glossy valvata, (Valvata humeralis) family Valvatidae is controlled for collection, importation and possession;~~
~~—— (m) Kanab ambersnail, (Oxyloma kanabense) family Succineidae is prohibited for collection, importation and possession;~~
~~—— (n) Lyrate mountainsnail, (Oreohelix haydeni) family Oreohelicidae is controlled for collection, importation and possession;~~
~~—— (o) New Zealand mudsnail, (Potamopyrgus antipodarum) family Hydrobiidae is prohibited for collection, importation and possession;~~
~~—— (p) Quagga mussel, (Dreissena bugenses) family Dreissenidae is prohibited for collection, importation and possession;~~
~~—— (q) Red-rimmed melania, (Melanoides tuberculatus) family Thiariidae is prohibited for collection, importation and possession;~~
~~—— (r) Springsnails or pyrgs (Prygulopsis spp., All species) family Hydrobiidae are controlled for collection, importation and possession.~~
~~—— (s) Southern tightcoil, (Ogaridiscus subrupicola) family Zonitidae is controlled for collection, importation and possession;~~
~~—— (t) Spruce snail, (Microphysula ingersolli) family Thysanophoridae is controlled for collection, importation and possession;~~
~~—— (u) Thickshell pondsnail, (Stagnicola utahensis) family Lymnaeidae is prohibited for collection, importation and possession;~~
~~—— (v) Utah physa, (Physella utahensis) family Physidae is controlled for collection, importation and possession;~~
~~—— (w) Western pearlshell, (Margaritifera falcata) family Margaritiferidae is prohibited for collection, importation and possession;~~
~~—— (x) Wet-rock physa, (Physella zionis) family Physidae is controlled for collection, importation and possession;~~
~~—— (y) Yavapai mountainsnail, (Oreohelix yavapai) family Oreohelicidae is controlled for collection, importation and possession; and~~
~~—— (z) Zebra mussel, (Dreissena polymorpha) family Dreissenidae is prohibited for collection, importation and possession.~~
~~—— (3) All native species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as controlled for collection, importation and possession.~~
~~—— (4) All nonnative species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as prohibited for collection, importation and possession.~~

R657-3-23. Classification and Specific Rules for Fish.

~~—— (1) All species of fish listed in Subsections (2) through (30) are classified as prohibited for collection, importation and possession, except:~~
~~—— (a) Koi, (Cyprinus carpio) family Cyprinidae is prohibited for collection, and noncontrolled for importation and possession;~~
~~—— (b) all species and subspecies of ornamental aquatic animal species not listed in Subsections (2) through (30) are classified~~

~~as prohibited for collection, and noncontrolled for importation and possession; and~~

~~(c) all native and nonnative species and subspecies of fish that are not ornamental aquatic animal species and not listed in Subsections (2) through (30) are classified as prohibited for collection, and controlled for importation and possession.~~

~~(2) Carp, including hybrids, family Cyprinidae (All species, except Koi).~~

~~(3) Catfish:~~

~~(a) Blue catfish, (*Ictalurus furcatus*) family Ictaluridae;~~

~~(b) Flathead catfish, (*Pylodictus olivaris*) family Ictaluridae;~~

~~(c) Giant walking catfish (airsac), family Heteropneustidae (All species);~~

~~(d) Labyrinth catfish (walking), family Clariidae (All species); and~~

~~(e) Parasitic catfish (candiru, carnero) family Trichomycteridae (All species).~~

~~(4) Herring:~~

~~(a) Alewife, (*Alosa pseudoharengus*) family Clupeidae; and~~

~~(b) Gizzard shad, (*Dorosoma cepedianum*) family Clupeidae.~~

~~(5) Killifish, family Fundulidae (All species).~~

~~(6) Pike killifish, (*Belonesox belizanus*) family Poeciliidae.~~

~~(7) Minnows:~~

~~(a) Bonytail, (*Gila elegans*) family Cyprinidae;~~

~~(b) Colorado pikeminnow, (*Ptychocheilus lucius*) family Cyprinidae;~~

~~(c) Creek chub, (*Semotilus atromaculatus*) family Cyprinidae;~~

~~(d) Emerald shiner, (*Notropis atherinoides*) family Cyprinidae;~~

~~(e) Humpback chub, (*Gila cypha*) family Cyprinidae;~~

~~(f) Least chub, (*Iotichthys phlegethontis*) family Cyprinidae;~~

~~(g) Northern leatherside chub, (*Lepidomeda copei*) family Cyprinidae;~~

~~(h) Red shiner, (*Cyprinella lutrensis*) family Cyprinidae;~~

~~(i) Redside shiner, (*Richardsonius balteatus*) family Cyprinidae;~~

~~(j) Roundtail chub, (*Gila robusta*) family Cyprinidae;~~

~~(k) Sand shiner, (*Notropis stramineus*) family Cyprinidae;~~

~~(l) Southern leatherside chub, (*Lepidomeda aliciae*) family Cyprinidae;~~

~~(m) Utah chub, (*Gila atraria*) family Cyprinidae;~~

~~(n) Virgin River chub, (*Gila seminuda*) family Cyprinidae; and~~

~~(o) Virgin spinedace, Cyprinidae Family (*Lepidomeda mollispinis*).~~

~~(p) Woundfin, (*Plagopterus argentissimus*) family Cyprinidae.~~

~~(8) Burbot, (*Lota lota*) family Lotidae.~~

~~(9) Suckers:~~

~~(a) Bluehead sucker, (*Catostomus discobolus*) family Catostomidae;~~

~~(b) Desert sucker, (*Catostomus clarki*) family Catostomidae;~~

~~(c) Flannelmouth sucker, (*Catostomus latipinnis*) family Catostomidae;~~

~~(d) June sucker, (*Chasmistes liorus*) family Catostomidae;~~

~~(e) Razorback sucker, (*Xyrauchen texanus*) family Catostomidae;~~

- ~~—— (f) Utah sucker, (Catostomus ardens) family Catostomidae; and~~
- ~~—— (g) White sucker, (Catostomus commersoni) family Catostomidae.~~
- ~~—— (10) White perch, (Morone americana) family Moronidae.~~
- ~~—— (11) Cutthroat trout, (Oncorhynchus clarki) (All subspecies) family Salmonidae.~~
- ~~—— (12) Bowfin, (All species) family Amiidae.~~
- ~~—— (13) Bull shark, (Carcharhinus leucas) family Carcharhinidae.~~
- ~~—— (14) Drum (All freshwater species), family Sciaenidae.~~
- ~~—— (15) Gar, (All species) family Lepidosteidae~~
- ~~—— (16) Jaguar guapote, (Cichlasoma managuense) family Cichlidae.~~
- ~~—— (17) Lamprey, (All species) family Petromyzontidae.~~
- ~~—— (18) Mexican tetra, (Astyanax mexicanus, except blind form) family Characidae.~~
- ~~—— (19) Mooneye, (All species) family Hiodontidae.~~
- ~~—— (20) Nile perch, (Lates, luciolates) (All species) family Centropomidae.~~
- ~~—— (21) Northern pike, (Esox lucius) family Esocidae.~~
- ~~—— (22) Piranha, (Serrasalmus, All species) family Characidae.~~
- ~~—— (23) Round goby, (Neogobius melanostomus) family Gobiidae.~~
- ~~—— (24) Ruffe, (Gymnocephalus cernuus) family Percidae.~~
- ~~—— (25) Snakehead, (All species) family Channidae.~~
- ~~—— (26) Stickleback, (All species) family Gasterosteidae.~~
- ~~—— (27) Stingray (All freshwater species) family Dasyatidae.~~
- ~~—— (28) Swamp eel, (All species) family Synbranchidae.~~
- ~~—— (29) Tiger fish or guavinus, (Hoplias malabaricus) family Erythrinidae.~~
- ~~—— (30) Tilapia, (Tilapia and Sarotherodon) (All species) family Cichlidae.~~

~~R657-3-24. Classification and Specific Rules for Mammals.~~

- ~~—— (1) Mammals are classified as follows:~~
- ~~—— (a) Monotremes (platypus and spiny anteaters), (All species) families Ornithorhynchidae and Tachyglossidae are prohibited for collection, and controlled for importation and possession;~~
- ~~—— (b) Marsupials are classified as follows:~~
- ~~—— (i) Virginia opossum, (Didelphis virginiana) family Didelphidae is noncontrolled for collection, prohibited for importation and controlled for possession;~~
- ~~—— (ii) Wallabies, wallaroos and kangaroos, (All species) family Macropodidae are prohibited for collection, importation and possession;~~
- ~~—— (c) Bats and flying foxes (All families, All species) (order Chiroptera), are prohibited for collection, importation and possession;~~
- ~~—— (d) Insectivores (all groups, All species) are controlled for collection, importation and possession;~~
- ~~—— (e) Hedgehogs (Erinaceidae) except white bellied hedgehogs are controlled for collection, importation and possession;~~
- ~~—— (f) Shrews, (Sorex spp. and Notisorex spp.) family Soricidae are controlled for collection, importation and possession;~~
- ~~—— (g) Anteaters, sloths and armadillos (All families, All species) (order Xenartha), are prohibited for collection, and controlled for importation and possession;~~
- ~~—— (h) Aardvark (Orycteropus afer) family Orycteropodidae is~~

~~prohibited for collection, and controlled for importation and possession;~~

~~(i) Pangolins or scaly anteaters (Manis spp.) (order Philodota) are prohibited for collection and importation, and controlled for possession;~~

~~(j) Tree shrews (All species) family Tupalidae are prohibited for collection, and controlled for importation and possession;~~

~~(k) Lagomorphs (rabbits, hares and pikas) are classified as follows:~~

~~(i) Jackrabbits, (Lepus spp.) family Leporidae are noncontrolled for collection, and controlled for importation and possession;~~

~~(ii) Cottontails, (Syvilagus spp.) family Leporidae are prohibited for collection, and controlled for importation and possession;~~

~~(iii) Pygmy rabbit, (Brachylagus idahoensis) family Leporidae is prohibited for collection, and controlled for importation and possession;~~

~~(iv) Snowshoe hare, (Lepus americanus) family Leporidae is prohibited for collection, and controlled for importation and possession;~~

~~(v) Pika, (Ochotona princeps) family Ochotonidae is controlled for collection, importation and possession;~~

~~(l) Elephant shrews (All species) family Macroscelididae are prohibited for collection, and controlled for importation and possession;~~

~~(m) Rodents (order Rodentia) are classified as follows:~~

~~(i) Beaver, (Castor canadensis) family Castoridae is controlled for collection, importation and possession;~~

~~(ii) Muskrat, (Ondatra zibethicus) family Muridae are noncontrolled for collection, and controlled for importation and possession;~~

~~(iii) Deer mice and related species, (Peromyscus spp.) family Muridae are controlled for collection, importation and possession;~~

~~(iv) Grasshopper mice, (Onychomys spp.) family Muridae are controlled for collection, importation and possession;~~

~~(v) Voles (All genera and species), family Muridae, subfamily Microtinae are controlled for collection, importation and possession;~~

~~(vi) Western harvest mouse, (Reithrodontomys megalotis) family Muridae is controlled for collection, importation and possession;~~

~~(vii) Woodrats, (Neotoma spp.) family Muridae are controlled for collection, importation and possession;~~

~~(viii) Nutria or coypu, (Myocastor coypus) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;~~

~~(ix) Pocket gophers (All species, except the Idaho pocket gopher (Thomomys idahoensis)) family Geomyidae are noncontrolled for collection, and controlled for importation and possession;~~

~~(x) Pocket mice, (Perognathus spp. and Chaetodipus intermedius) family Heteromyidae are controlled for collection, importation and possession;~~

~~(xi) Dark kangaroo mouse, (Microdipodops pallidus) family Heteromyidae is controlled for collection, importation and possession;~~

~~—— (xii) Kangaroo rats, (Dipodomys spp.) family Heteromyidae are controlled for collection, importation and possession;~~

~~—— (xiii) Abert's squirrel, (Sciurus aberti) family Sciuridae is prohibited for collection, importation and possession;~~

~~—— (xiv) Black-tailed prairie dog, (Cynomys ludovicianus) family Sciuridae is controlled for collection, and prohibited for importation and possession;~~

~~—— (xv) Gunnison's prairie dog, (Cynomys gunnisoni) family Sciuridae is controlled for collection, importation and possession;~~

~~—— (xvi) Utah prairie dog, (Cynomys parvidens) family Sciuridae is controlled for lethal take, and prohibited for live collection, importation and possession;~~

~~—— (xvii) White-tailed prairie dog, (Cynomys leucurus) family Sciuridae is controlled for collection, importation and possession;~~

~~—— (xviii) Chipmunks, All species except yellow-pine chipmunk (Neotamias amoenus) family Sciuridae are noncontrolled for collection, and controlled for importation and possession;~~

~~—— (xix) Yellow-pine chipmunk, (neotamias amoenus) family Sciuridae is controlled for collection, importation and possession;~~

~~—— (xx) Northern flying squirrel, (Glaucomys sabrinus) family Sciuridae is controlled for collection, importation and possession;~~

~~—— (xxi) Southern flying squirrel, (Glaucomys volans) family Sciuridae is prohibited for collection, importation and possession;~~

~~—— (xxii) Fox squirrel or eastern fox squirrel (Sciurus niger) family Sciuridae is prohibited for collection, importation, and possession;~~

~~—— (xxiii) Ground squirrel and rock squirrel, and antelope squirrels (All species, All genera), family Sciuridae are controlled for collection, importation and possession, except nuisance squirrels which are noncontrolled for collection;~~

~~—— (xxiv) Red squirrel, (Tamiasciurus hudsonicus) family Sciuridae are controlled for collection, importation and possession, except for nuisance animals, which are noncontrolled for collection;~~

~~—— (xxv) Yellow-bellied marmot, (Marmota flaviventris) family Sciuridae is controlled for collection, importation and possession;~~

~~—— (xxvi) Western jumping mouse, (Zapus princeps) family Zapodidae is controlled for collection, importation and possession;~~

~~—— (xxvii) Porcupine, (Erethizon dorsatum) family Erethizontidae is controlled for collection, importation and possession;~~

~~—— (xxviii) Degus and other South American rodents, family Octodontidae (All species) are prohibited for collection, importation and possession;~~

~~—— (xxvix) Dormice, families Gliridae and Selevinidae (All species) are prohibited for collection, importation and possession;~~

~~—— (xxx) African pouched rats, family Muridae (All species) are prohibited for collection, importation and possession;~~

~~—— (xxxii) Jirds, (Meriones spp.) family Muridae are prohibited for collection, importation and possession;~~

~~—— (xxxiii) Mice, (All species of Mus) family Muridae, except Mus musculus are prohibited for collection, importation and possession;~~

~~—— (xxxiiii) Spiny mice, (Acomys spp.) family Muridae are prohibited for collection, importation and possession;~~

~~—— (xxxiv) Hyraxes (All species) family Procaviidae are prohibited for collection, and controlled for importation and possession;~~

~~—— (xxxv) Idaho pocket gopher, (Thomomys idahoensis) family Geomyidae is controlled for collection, importation and possession.~~

~~—— (n) Hoofed mammals (Artiodactyla and Perissodactyla) are classified as follows:~~

~~—— (i) American bison or "buffalo" wild and free ranging, (Bos bison) family Bovidae is prohibited for collection, importation and possession;~~

~~—— (ii) Collared peccary or javelina, (Tayassu tajacu) family Tayassuidae is prohibited for collection, importation and possession;~~

~~—— (iii) Axis deer, (Cervus axis) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (iv) Caribou, wild and free ranging, (Rangifer tarandus) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (v) Caribou, captive-bred, (Rangifer tarandus) family Cervidae is prohibited for collection, and controlled for importation and possession;~~

~~—— (vi) Elk or red deer (Cervus elaphus), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;~~

~~—— (vii) Fallow deer, (Cervus dama), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;~~

~~—— (viii) Fallow deer, (Cervus dama) captive-bred, family Cervidae is prohibited for collection, and controlled for importation and possession;~~

~~—— (ix) Moose, (Alces alces) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (x) Mule deer, (Odocoileus hemionus) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xi) White-tailed deer (Odocoileus virginianus), family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xii) Rusa deer, (Cervus timorensis) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xiii) Sambar deer, (Cervus unicolor) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xiv) Sika deer, (Cervus nippon) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xv) Muskox, (Ovibos moschatus), wild and free ranging, family Bovidae is prohibited for collection, importation and possession;~~

~~—— (xvi) Muskox, (Ovibos moschatus), captive-bred, family Bovidae is prohibited for collection, and controlled for importation and possession;~~

~~—— (xvii) Pronghorn, (Antilocapra americana) family Antilocapridae is prohibited for collection, importation and possession;~~

~~—— (xviii) Barbary sheep or aoudad, (Ammotragus lervia) family Bovidae is prohibited for collection, importation and possession;~~

~~—— (xix) Bighorn sheep (Ovis canadensis) (including hybrids) family Bovidae are prohibited for collection, importation and possession;~~

~~—— (xx) Dall's and Stone's sheep (Ovis dalli) (including hybrids) family Bovidae are prohibited for collection, importation and possession;~~

~~—— (xxi) Exotic wild sheep (including mouflon, Ovis musimon; Asiatic or red sheep, Ovis orientalis; urial, Ovis vignei; argali, Ovis~~

~~ammon; and snow sheep, *Ovis nivicola*), including hybrids, family Bovidae are prohibited for collection, importation and possession;~~

~~(xxii) Rocky Mountain goat, (*Oreamnos americanus*) family Bovidae is prohibited for collection, importation and possession;~~

~~(xxiii) Ibex, (*Capra ibex*) family Bovidae is prohibited for collection, importation and possession;~~

~~(xxiv) Wild boar or pig (*Sus scrofa*), including hybrids, are prohibited for collection, importation and possession;~~

~~(o) Carnivores (Carnivora) are classified as follows:~~

~~(i) Bears, (All species) family Ursidae are prohibited for collection, importation and possession;~~

~~(ii) Coyote, (*Canis latrans*) family Canidae is prohibited for importation, and is controlled by the Utah Department of Agriculture for collection and possession;~~

~~(iii) Fennec, (*Vulpes zerda*) family Canidae is prohibited for collection, importation and possession;~~

~~(iv) Gray fox, (*Urocyon cinereoargenteus*) family Canidae is prohibited for collection, importation and possession;~~

~~(v) Kit fox, (*Vulpes macrotis*) family Canidae is prohibited for collection, importation and possession;~~

~~(vi) Red fox, (*Vulpes vulpes*) family Canidae, as applied to animals in the wild or taken from the wild, is noncontrolled for lethal take and prohibited for live collection, possession, or importation;~~

~~(vii) Gray wolf, (*Canis lupus*) except hybrids with domestic dogs, family Canidae is prohibited for collection, importation and possession;~~

~~(viii) Wild Cats (All species, including hybrids) family Felidae are prohibited for collection, importation, and possession;~~

~~(ix) Bobcat, (*Lynx rufus*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;~~

~~(x) Bobcat, (*Lynx rufus*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;~~

~~(xi) Cougar, puma or mountain lion, (*Puma concolor*) family Felidae is prohibited for collection, importation and possession;~~

~~(xii) Canada lynx, (*Lynx lynx*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;~~

~~(xiii) Eurasian lynx, (*Lynx lynx*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;~~

~~(xiv) American badger, (*Taxidea taxus*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xv) Black-footed ferret, (*Mustela nigripes*) family Mustelidae is prohibited for collection, importation or possession;~~

~~(xvi) Ermine, stout, or short-tailed weasel, (*Mustela erminea*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xvii) Long-tailed weasel (*Mustela frenata*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xviii) American marten, (*Martes americana*) wild and free ranging, family Mustelidae is prohibited for collection, importation and possession;~~

~~(xix) American marten, (*Martes americana*) captive-bred, family Mustelidae is prohibited for collection, controlled for importation~~

and possession;

~~(xx) American mink, (Neovison vison) except domestic forms, family Mustelidae is prohibited for collection, importation and possession;~~

~~(xxi) Northern river otter, (Lontra canadensis) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xxii) Striped skunk, (Mephitis mephitis) family Mephitidae is prohibited for collection, importation, and possession, except nuisance skunks, which are noncontrolled for collection;~~

~~(xxiii) Western spotted skunk, (Spilogale gracilis) family Mephitidae is prohibited for collection, importation, and possession;~~

~~(xxiv) Wolverine, (Gulo gulo) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xxv) Coatis, (Nasua spp. and Nasuella spp.) family Procyonidae are prohibited for collection, importation and possession;~~

~~(xxvi) Kinkajou, (Potos flavus) family Procyonidae is prohibited for collection, importation and possession;~~

~~(xxvii) Northern Raccoon, (Procyon lotor) family Procyonidae is prohibited for importation, and controlled by the Department of Agriculture for collection and possession;~~

~~(xxviii) Ringtail, (Bassariscus astutus) family Procyonidae is prohibited for collection, importation and possession;~~

~~(xxix) Civets, genets and related forms, (All species) family Viverridae are prohibited for collection, importation and possession;~~

~~(p) Primates are classified as follows:~~

~~(i) Lemurs, (All species) family Lemuridae are prohibited for collection, importation and possession;~~

~~(ii) Dwarf and mouse lemurs, (All species) family Cheirogaleidae are prohibited for collection, importation and possession;~~

~~(iii) Indri and sifakas, (All species) family Indriidae are prohibited for collection, importation and possession;~~

~~(iv) Aye aye, (Daubentonia madagascensis) family Daubentonidae is prohibited for collection, importation and possession;~~

~~(v) Bush babies, pottos and lorises, (All species) family Lorisidae are prohibited for collection, importation and possession;~~

~~(vi) Tarsiers, (All species) family Tarsiidae are prohibited for collection, importation and possession;~~

~~(vii) New World monkeys, (All species) family Cebidae are prohibited for collection, importation and possession;~~

~~(viii) Marmosets and tamarins, (All species) family Callitrichidae are prohibited for collection, importation and possession;~~

~~(ix) Old-world monkeys, (All species) which includes baboons and macaques, family Cercopithecidae are prohibited for collection, importation and possession;~~

~~(x) Great apes (All species), which include gorillas, chimpanzees and orangutans, family Hominidae are prohibited for collection, importation and possession;~~

~~(xi) Lesser apes (Siamang and gibbons, All species), family Hylobatidae are prohibited for collection, importation and possession;~~

~~(2) All species and subspecies of mammals and their parts, not~~

~~listed in Subsection (1):~~

~~_____ (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;~~

~~_____ (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;~~

~~_____ (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.~~

~~R657-3-25. Importation of Animals into Utah.~~

~~_____ (1) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any live animal may be imported into Utah.~~

~~_____ (2) (a) All live aquatic animals, including marine aquatic animals, imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:~~

~~_____ (i) common or scientific names of the aquatic animals;~~

~~_____ (ii) name and address of the consignor and consignee;~~

~~_____ (iii) origin of shipment;~~

~~_____ (iv) final destination;~~

~~_____ (v) number of aquatic animals shipped; and~~

~~_____ (vi) certificate of veterinary inspection, Utah entry permit number issued by the Utah Department of Agriculture and Food, and any other health certifications.~~

~~_____ (b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, Aquaculture Act and the rules promulgated there under.~~

~~_____ (3) Subsection (2) (a) does not apply to dead fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.~~

~~R657-3-26. Transporting Live Animals Through Utah.~~

~~_____ (1) Any controlled or prohibited species of animal may be transported through Utah without a certificate of registration if:~~

~~_____ (a) the animal remains in Utah no more than 72 hours; and~~

~~_____ (b) the animal is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah; and~~

~~_____ (c) the animal is a raptor used for falconry purposes in compliance with the requirements in R657-20.~~

~~_____ (2) A certificate of veterinary inspection is required from the state of origin as provided in Rule R58-1 and proof of legal possession must accompany the animal.~~

~~_____ (3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.~~

~~_____ (4) None of the provisions in this section will be construed to supersede R657-20-14 and R657-20-30.~~

~~R657-3-27. Importing Animals into Utah for Processing.~~

~~—— (1) A person shipping animals directly to a state or federally regulated establishment for immediate euthanasia and processing is not required to obtain a certificate of registration or certificate of veterinary inspection provided the animals or their parts are accompanied by a waybill or other proof of legal ownership describing the animals, their source, and indicating the destination.~~

~~—— (2) Any water used to hold or transport fish may not be emptied into a stream, lake, or other natural body of water.~~

~~R657-3-28. Transfer of Possession.~~

~~—— (1) A person may possess an animal classified as prohibited or controlled only after applying for and obtaining a certificate of registration from the division or Wildlife Board as provided in this rule.~~

~~—— (2) Any person who possesses an animal classified as prohibited or controlled may transfer possession of that animal only to a person who has first applied for and obtained a certificate of registration for that animal from the division or Wildlife Board.~~

~~—— (3) The division may issue a certificate of registration granting the transfer and possession of that animal only if the applicant meets the issuance criteria provided in Section R657-3-14.~~

~~—— (4) A certificate of registration does not provide the holder any rights of succession.~~

~~R657-3-29. Propagation.~~

~~—— (1) A person may propagate animals classified as noncontrolled for possession.~~

~~—— (2) A person may propagate animals classified as controlled for possession only after obtaining a certificate of registration from the division, or as otherwise authorized in Sections R657-3-30, R657-3-31, and R657-3-32.~~

~~—— (3) A person may not propagate animals classified as prohibited for possession, except as authorized in Sections R657-3-30, R657-3-31, R657-3-32, and R657-3-36.~~

~~R657-3-30. Propagation of Raptors.~~

~~—— (1) A person may propagate raptors only as provided in this section, R657-20-30, and 50 CFR 21.30, 2011 which are incorporated herein by reference. All applicants for captive breeding permits must become familiar with this rule and other applicable state and federal regulations.~~

~~—— (2) A person must apply for a federal raptor propagation permit and a certificate of registration from the division to propagate raptors.~~

~~—— (3) If the applicant requests authority to use raptors taken from the wild, the division's avian program coordinator must determine the following:~~

~~—— (a) whether issuance of the permit would have significant effect on any wild population of raptors;~~

~~—— (b) the length of time the wild caught raptor has been in captivity;~~

~~—— (c) whether suitable captive stock is available; and~~

~~—— (d) whether wild stock is needed to enhance the genetic~~

~~variability of captive stock; and~~

~~_____ (c) whether a federal permit to use a wild caught raptor for propagation has been issued.~~

~~_____ (4) Raptors may not be taken from the wild for captive breeding, except as provided in Subsection (3) and R657-20-30.~~

~~_____ (5) A person must obtain authorization from the division before importing raptors or raptor semen into Utah. The authorization shall be noted on the certificate of registration.~~

~~_____ (6) A person may sell a captive-bred raptor properly marked with a band approved by the U.S. Fish and Wildlife Service or issued by the U.S. Fish and Wildlife Service to a resident raptor breeder or falconer who has a valid Utah falconry certificate of registration or to a nonresident state and federally licensed apprentice, general or master class falconer or raptor breeder.~~

~~_____ (7) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.~~

~~_____ (8) A raptor imported into Utah is required to have:~~

~~_____ (a) a certificate of veterinary inspection from the state, tribe, country or territory of origin; and~~

~~_____ (b) an import authorization number issued through the Utah Department of Agriculture and Food.~~

~~_____ (9) A permittee may use raptors held in possession for propagation in the sport of falconry only if such use is designated on both the permittee's propagation permit and the falconry certificate of registration.~~

~~_____ (a) Formal approval from the division is required to transfer a raptor from a falconry certificate of registration to propagation use that exceeds 8 months in duration.~~

~~_____ (b) A licensed raptor propagator may temporarily possess and use a falconry raptor for propagation without division approval, provided the propagator possesses;~~

~~_____ (i) a signed and dated statement from the falconer authorizing the temporary possession; and~~

~~_____ (ii) a copy of the falconer's original FWS Form 3-186A for that raptor.~~

~~_____ (10) Raptors considered unsuitable for release to the wild from rehabilitation projects, and certified as not releasable by the rehabilitator and a licensed veterinarian, may be placed with a licensed propagator upon written request to the division from the licensed propagator that is endorsed by the rehabilitator and in concurrence with the U.S. Fish and Wildlife Service.~~

~~_____ (11) A copy of the propagator's annual report of activities required by the U.S. Fish and Wildlife Service must be sent to the division as specified on the certificate of registration.~~

~~_____ (12) None of the provisions in this section will be construed to supersede R657-20-30.~~

R657-3-31. Propagation of Bobcat, Lynx, and Marten.

~~_____ (1) (a) A person may propagate captive-bred bobcat, lynx (Canada and/or Eurasian), or American marten only after obtaining a certificate of registration from the division.~~

~~_____ (b) The certificate of registration must be renewed annually.~~

~~_____ (c) Renewal of a certificate of registration will be subject~~

~~to submission of a report indicating:~~

~~—— (i) the number of progeny produced;~~

~~—— (ii) the animal's disposition; and~~

~~—— (iii) a certificate of inspection by a licensed veterinarian verifying that the animals are maintained under healthy and nutritionally adequate conditions.~~

~~—— (2) (a) Any person engaged in propagation must keep at least one male and one female in possession.~~

~~—— (b) Live bobcat, lynx, and American marten may not be obtained from the wild for use in propagation.~~

~~—— (c) Bobcat, lynx, and American marten held for propagation shall not be maintained as pets and shall not be declawed or defanged.~~

~~—— (3) The progeny and descendants of any bobcat, lynx, or American marten may be pelted or sold.~~

~~—— (4) (a) If any bobcat, lynx, or American marten is sold live to a person residing in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.~~

~~—— (b) The offense of selling or transferring a live bobcat, lynx, or American marten to a person who has not obtained a certificate of registration shall be punishable against both the transferor and the transferee.~~

~~—— (5) (a) Each pelt must have attached to it a permanent possession tag before being sold, bartered, traded, or transferred to another person.~~

~~—— (b) Permanent possession tags may be obtained at any regional division office and shall be affixed to the pelt by a division employee.~~

~~—— (6) The progeny of bobcat, lynx, or American marten may not be released to the wild.~~

~~—— (7) Nothing in this section shall be construed to allow a person holding a certificate of registration for propagation to use or possess a bobcat, lynx, or American marten for any purpose other than propagation without express authorization on the certificate of registration.~~

~~R657-3-32. Propagation of Caribou, Fallow Deer, Musk-ox, and Reindeer.~~

~~—— (1) (a) A person may propagate captive-bred caribou, fallow deer, musk-ox, or reindeer only after obtaining a certificate of registration from the division.~~

~~—— (b) The certificate of registration must be renewed annually.~~

~~—— (c) Renewal of a certificate of registration will be subject to submission of a report indicating;~~

~~—— (i) the disposition of each animal held in possession during the year; and~~

~~—— (ii) a certificate of inspection by a licensed veterinarian verifying that the animals are maintained under healthy and nutritionally adequate conditions.~~

~~—— (2) (a) If any live caribou, fallow deer, musk-ox, or reindeer is sold, traded, or given to another person as a gift in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.~~

~~—— (b) The offense of selling or transferring a live caribou, fallow deer, musk-ox, or reindeer to a person who has not obtained~~

~~a certificate of registration shall be punishable against both the transferor and the transferee.~~

~~(3) If, at any time, the division determines that the possession or propagation of caribou, fallow deer, musk-ox, or reindeer has a significantly detrimental effect to the health of any population of wildlife, the division may:~~

~~(a) terminate the authorization for propagation; and~~

~~(b) require the removal or destruction of the animals at the owner's expense.~~

~~R657-3-33. Violations.~~

~~(1) Any violation of this rule shall be punishable as provided in Section 23-13-11.~~

~~(2) Nothing in this rule shall be construed to supersede any provision of Title 23, of Utah Code which establishes a penalty greater than an infraction. Any provision of this rule which overlaps a provision of Title 23 is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.~~

~~R657-3-34. Division Responsibilities.~~

~~(1) The division, in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:~~

~~(a) reviewing:~~

~~(i) petitions to reclassify species and subspecies of animals; and~~

~~(ii) requests for variances to this rule; and~~

~~(b) making recommendations to the Wildlife Board.~~

~~(2) The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.~~

~~R657-3-35. Request for Species Reclassification.~~

~~(1) A person may request to change the classification of a species or subspecies of animal provided in this rule.~~

~~(2) A request for reclassification must be made to the division by submitting an application for reclassification.~~

~~(3) (a) The application shall include:~~

~~(i) the petitioner's name, address, and phone number;~~

~~(ii) the species or subspecies for which the application is made;~~

~~(iii) the name of all interested parties known by the petitioner;~~

~~(iv) the current classification of the species or subspecies;~~

~~(v) a statement of the facts and reasons forming the basis for the reclassification; and~~

~~(vi) copies of scientific literature or other evidence supporting the change in classification.~~

~~(b) In addition to the information required under Subsection (a), the applicant must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.~~

~~(4) (a) The division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation~~

~~to the Wildlife Board.~~

~~(b) The division shall send a copy of its recommendation to the applicant and other interested parties specified on the application.~~

~~(5) (a) At the next available Wildlife Board meeting, the Wildlife Board shall:~~

~~(i) consider the division recommendation; and~~

~~(ii) any information provided by the applicant or other interested parties.~~

~~(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-3-14.~~

~~(6) A change in species classification shall be made in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act.~~

~~R657-3-36. Request for Variance.~~

~~(1) A person may request a variance to this rule for the collection, importation, propagation, or possession of an animal classified as prohibited under this rule by submitting a variance request to the division.~~

~~(2) (a) A variance request shall include the following:~~

~~(i) the name, address, and phone number of the person making the request;~~

~~(ii) the species or subspecies of animal and associated activities for which the request is made; and~~

~~(iii) a statement of the facts and reasons forming the basis for the variance.~~

~~(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.~~

~~(3) The division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.~~

~~(4) At the next available Wildlife Board meeting the Wildlife Board shall:~~

~~(a) consider the division recommendation; and~~

~~(b) any information provided by the person making the request.~~

~~(5) (a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-3-14.~~

~~(b) If the request applies to a broad class of persons and not to the unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.~~

~~(6) (a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.~~

~~(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.~~

~~R657-3-37. Appeal of Certificate of Registration Denial.~~

~~(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request consistent with~~

~~R657-2.~~

~~(2) The request must be made within 30 days after the date of the denial.~~

~~KEY: wildlife, animal protection, import restrictions, zoological animals~~

~~Date of Enactment or Last Substantive Amendment: August 9, 2018~~

~~Notice of Continuation: February 3, 2023~~

~~Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14; 63C-7-101 et seq.~~

~~R657. Natural Resources, Wildlife Resources.~~

~~R657-22. Commercial Hunting Areas.~~

~~R657-22-1. Purpose and Authority.~~

~~Under authority of Section 23-17-6, this rule provides the procedures and requirements for establishing, maintaining, and operating a CHA.~~

~~R657-22-2. Definitions.~~

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

~~(2) In addition:~~

~~(a) "CHA" means Commercial Hunting Area.~~

~~(b) "Commercial hunting area" means a parcel of land where pen-raised or propagated game birds are released for the purpose of allowing hunters to take them for a fee.~~

~~(c) "Game bird" means, for the purpose of this rule only, all species or sub-species of partridge, pheasant, and quail authorized for release on a CHA.~~

~~(d) "Operator" means a person, group, or business entity, including their agents, employees and contractors, that manages, owns, administers, or oversees the activities and operations of a CHA. Operator further includes any person, group or business entity that employs or contracts another to serve or act as an operator.~~

~~R657-22-3. Application for a Certificate of Registration.~~

~~(1)(a) A certificate of registration is required before any person may operate a CHA.~~

~~(b) An application for a CHA certificate of registration must be completed and returned to the regional office where the proposed CHA is located.~~

~~(2)(a) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~

~~(b) Discovery of property after issuance of the CHA certificate of registration, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~

~~(3)(a) The application must be accompanied by:~~

~~(i) Detailed maps depicting boundaries, game bird holding facilities and ownership of all parcels within the CHA; and~~

~~(ii) Large scale maps depicting the location of the CHA relative to the nearest city or town;~~

~~(iii) evidence of ownership of the property, such as a copy of a title, deed, or tax notice that provides evidence the applicant is the owner of the property described; or~~

~~(iv) a lease agreement for the period of the CHA certificate of registration, listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;~~

~~(v) the address of any propagation or game bird holding facility not located on the CHA property; and~~

~~(vi) the annual CHA certificate of registration fee for the first year of operation.~~

~~(4) The division may return any application that is incomplete, completed incorrectly, or that is not accompanied by the information required in Subsection (3).~~

- ~~—— (5)(a) Review and processing of the application may require up to 60 days.~~
- ~~—— (b) More time may be required to process an application if the applicant requests authorization from the Wildlife Board for a variance to this rule.~~
- ~~—— (6) Applications are not accepted for a CHA that is within 1/4 mile of any existing state wildlife or waterfowl management area without requesting a variance from the Wildlife Board.~~
- ~~—— (7) The division may deny any application or impose provisions on the CHA certificate of registration that are more restrictive than this rule in the interest of wildlife or wildlife habitat.~~
- ~~—— (8) Commercial Hunting Area certificates of registration are effective from the date issued through June 30 of the third consecutive year.~~
- ~~—— (9) The annual CHA certificate of registration fee for the second and third years of operation must be submitted when invoiced.~~
- ~~—— (10) Rights granted by a CHA certificate of registration are not transferable or assignable.~~

~~R657-22-4. Renewal of Certificate of Registration.~~

- ~~—— (1) A certificate of registration may be renewed by completing a renewal application and paying a CHA certificate of registration renewal fee.~~
- ~~—— (2)(a) Renewal applications must be completed and submitted to the division regional office in which the CHA is located by May 1 immediately prior to the June 30 expiration date identified on the current CHA certificate of registration.~~
- ~~—— (b) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~
- ~~—— (c) Discovery of property during the CHA certificate of registration period, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~
- ~~—— (3)(a) The renewal application must be accompanied by:~~
 - ~~—— (i) a lease agreement extending through the period of the CHA certificate of registration being applied for listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;~~
 - ~~—— (ii) an annual report as provided in Subsection R657-22-6(2); and~~
 - ~~—— (iii) Detailed maps depicting boundaries, game bird holding facilities and ownership of all parcels within the CHA; and~~
 - ~~—— (iv) Large scale maps depicting the location of the CHA relative to the nearest city or town;~~

~~R657-22-5. Conditions for Approval Initial and Renewal Applications.~~

- ~~—— (1) Initial and renewal applications may be denied by the division if the applicant or operator, or any of its agents or employees:~~
 - ~~—— (a) violated any provision of this rule, the Wildlife Resources Code, a CHA certificate of registration, or the CHA application;~~
 - ~~—— (b) obtained or attempted to obtain a CHA certificate of registration by fraud, deceit, falsification, or misrepresentation;~~

~~_____ (c) is employed, contracted through writing or verbal agreement, assigned, or requested to apply and act as the operator by a person, group, or business entity that will directly or indirectly benefit from the CHA, but would otherwise be ineligible under this rule or by virtue of suspension under Section 23-19-9 to operate a CHA if they applied directly as the operator; or~~

~~_____ (d) engaged in conduct that results in the conviction of, a plea of no contest to, a plea held in abeyance, or a diversion agreement to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a CHA operator bears a reasonable relationship to the operator's or applicant's ability to safely and responsibly operate a CHA.~~

~~_____ (2) Initial and renewal applications may be denied by the division if CHA operations may present unacceptable risk to wildlife populations.~~

~~_____ (3) If an application is denied, the division shall state the reasons in writing within 30 days of denial.~~

R657-22-6. Records and Reports.

~~_____ (1) The operator of a CHA shall maintain complete and accurate records of:~~

~~_____ (a) the number, species, and source of any game birds purchased or propagated;~~

~~_____ (b) health certificates for all game birds purchased from outside the state of Utah;~~

~~_____ (c) the number, species and season the game birds are released; and~~

~~_____ (d) the number, species and season of game birds taken within the CHA boundary, including wild game birds~~

~~_____ (e) the number, species and date of unusual mortality events due to sickness, disease, diet or unknown cause; and~~

~~_____ (f) copies of the bill of sale issued to hunters and any other person who purchases game birds.~~

~~_____ (2) Each operator must submit an annual report on a form provided by the division within 30 days of the close of the season or at the time of renewal, including:~~

~~_____ (a) the number of game birds by species that were released and the total number of game birds taken by hunters or sold;~~

~~_____ (b) the date, source, and number of the game birds purchased; and~~

~~_____ (c) the number of game birds by species held in possession for carryover breeding stock at the close of the season.~~

~~_____ (3) All records must be maintained on the hunting premises or the principal place of business for three years and must be available for inspection by the division.~~

~~_____ (4) Falsifying or fabricating any record or report is prohibited and may result in forfeiture of CHA opportunities.~~

~~_____ (5) The operator of a CHA shall notify the Division of any large mortality events due to sickness, disease, diet or unknown cause within 72 hours of the event.~~

R657-22-7. Boundary Marking.

~~_____ (1) The CHA area must be posted:~~

~~_____ (a) at least every 300 yards along the outer boundary of all hunted areas; and~~

~~_____ (b) on all corners, streams, rivers, drainage divides, roads, gates, trails, rights-of-way, dikes, canals, and ditches crossing the boundary lines.~~

~~_____ (2) Each sign used to post the property must be at least 8-1/2 by 11 inches and~~

must clearly state:

- ~~_____ (a) the name of the CHA as designated on the CHA certificate of registration;~~
- ~~_____ (b) the words "No Trespassing"; and~~
- ~~_____ (c) wording indicating the sign is located on the CHA boundary.~~
- ~~_____ (3)(a) If the CHA operator fails to renew a CHA certificate of registration or a renewal application is denied, all signs shall be immediately removed.~~
- ~~_____ (b) The division may remove and dispose of any signs that are not removed within 30 days after the termination of the CHA certificate of registration.~~
- ~~_____ (4) Commercial hunting area activities may only be conducted on property properly posted and specifically authorized in the CHA certificate of registration.~~
- ~~_____ (5) Commercial hunting area operators may not post or otherwise restrict public access on public roads, right-of-ways, or easements within the CHA.~~

~~R657-22-8. Acreage Requirements.~~

- ~~_____ (1)(a) The minimum acreage accepted for a CHA is 160 acres in a single contiguous tract.~~
- ~~_____ (b) Disjunct areas may be included under a single CHA COR if each area is 160 acres or larger and all areas can be contained within an circular area 10 miles in diameter.~~
- ~~_____ (b) The maximum acreage accepted for a CHA is 5,760 acres.~~
- ~~_____ (2) A CHA may not be established closer than 1/4 mile of a wildlife management area, waterfowl management area, or migratory bird refuge unless otherwise allowed by a variance of the Wildlife Board.~~

~~R657-22-9. Bill of Sale Required.~~

- ~~_____ (1) The operator of a CHA shall issue a bill of sale to each person who has taken a game bird from the CHA.~~
- ~~_____ (2) The bill of sale shall be issued prior to the transportation of any bird from the CHA.~~
- ~~_____ (3) The bill of sale must include:~~
 - ~~_____ (a) the person's name;~~
 - ~~_____ (b) the date the game birds were taken or purchased;~~
 - ~~_____ (c) the species, number of game birds, and sex of the game birds; and~~
 - ~~_____ (d) the name of the CHA where the game birds were taken or purchased.~~

~~R657-22-10. Importation.~~

- ~~_____ (1) A CHA certificate of registration allows the importation of live game birds provided the operator first obtains a valid certificate of veterinary inspection covering each imported game bird, and further receives an import permit from the Utah Department of Agriculture and Food consistent with the requirements of Rule R58-1.~~
- ~~_____ (2) The health certificate must contain an entry permit number from the Department of Agriculture as provided in Section R58-1-4.~~

~~R657-22-11. Disease Protocol.~~

- ~~_____ (1) The division may:~~
 - ~~_____ (a) investigate any reported disease and take any necessary action to control a~~

~~contagious or infectious disease affecting domestic animals, wildlife, or public health; or~~

~~— (b) order a veterinarian or certified pathologist's report of a suspected disease at the operator's expense, and may order quarantine, immunization, testing, or other sanitary measures.~~

~~— (2)(a) The division may order the destruction and disposal of any game bird found to have an untreatable disease which poses a potential threat or health risk to domestic poultry, humans, or wildlife, as determined by the division, the Department of Agriculture, or the Department of Health.~~

~~— (b) Actions taken pursuant to Subsection (a) shall be:~~

~~— (i) at the operator's expense; and~~

~~— (ii) accomplished by following procedures acceptable to the division that ensure the disease is not transmitted to wildlife, domestic animals, or humans.~~

~~— (3)(a) Commercial hunting area operators must take reasonable precautions to prevent and control the spread of infectious diseases among pen-raised game birds under their control including the requirements as provided in Subsection (b) and Section R657-22-10.~~

~~— (b) Commercial hunting area operators must obtain a statement from a veterinarian before release that the birds have tested negative for Mycoplasma gallisepticum, Mycoplasma synoviae, Avian Influenza virus and Salmonella pullorum or come from a source flock that participates in the National Poultry Improvement Plan (NPIP).~~

~~— (c) Commercial hunting area operators who have a current CHA certificate of registration must comply with the requirement in Subsection (b) within six months from the effective date of this rule.~~

R657-22-12. Authorized Species.

~~— The only game birds that may be released or propagated under the authority of a CHA certificate of registration are species or subspecies of partridge, pheasant, or quail specifically authorized on a certificate of registration.~~

R657-22-13. Inspection of Game Birds, Premises, and Records.

~~— (1)(a) Certificates of registration are issued upon the express condition that the operator agrees to permit the division and public health and safety officials to enter and inspect the premises, facilities, and all required records and health certificates to ensure the CHA is in compliance with this rule and other applicable laws.~~

~~— (b) Commercial hunting area operators must allow the division and public health and safety officials reasonable access to conduct the inspections authorized in Subsection (1)(a).~~

~~— (2) Inspections shall be made during reasonable hours.~~

R657-22-14. Restrictions on Release and Harvest.

~~— (1)(a) Except as provided in Subsection R657-22-16(2)(e), game birds raised or held in possession under this rule may be released only on the CHA property.~~

~~— (b) Each game bird released must be healthy, capable of flight, free of disease and suitable for human consumption.~~

~~— (c) A person may not retard or restrict a game bird's ability to fly or run during~~

~~hunting activities in any manner other than dizzying or tucking heads under wings before release.~~

~~_____ (2) A minimum of 100 game birds of each authorized species, shall be released on the CHA during the current operating year.~~

~~_____ (3)(a) Operators may not allow the harvest of more than 85% of each species released, except as provided in Subsection (b).~~

~~_____ (b) There is no limit to the percentage of game birds that may be harvested that are not, in the opinion of the division, established as a wild population in the vicinity of the CHA. Any variance to Subsection (a) shall be indicated on the CHA certificate of registration.~~

~~_____ (4) Only those game birds obtained from the following sources may be released or held in possession on a CHA:~~

~~_____ (a) an aviculturist, certified as provided in Rule R657-4;~~

~~_____ (b) a CHA, certified under this rule; or~~

~~_____ (c) a source located outside of Utah provided the game birds are imported as provided in Rule R58-1.~~

~~_____ (5) Protected wildlife not authorized for release on the CHA may be hunted only during their respective seasons as provided in the rules and proclamations of the Wildlife Board.~~

~~R657-22-15. Recapture.~~

~~_____ (1)(a) Trapping game birds alive or retrapping game birds that have been released is permitted only:~~

~~_____ (i) within the CHA area boundaries;~~

~~_____ (ii) from September 1 through April 2; and~~

~~_____ (iii) for wild species listed on the CHA certificate of registration as not established in the area.~~

~~_____ (b) Any game bird that escapes from the CHA becomes the property of the state of Utah and may not be recaptured.~~

~~_____ (2) Any game bird trapped alive may not be recounted or added to the total number of birds released when computing the number which may be taken as provided in Subsection R657-22-14(3).~~

~~R657-22-16. Propagation.~~

~~_____ (1) The CHA certificate of registration allows the propagation of those species of game birds held in possession as indicated on the CHA certificate of registration.~~

~~_____ (2) Any game birds held in possession under this rule must be released on the CHA or may be sold:~~

~~_____ (a) to a private wildlife farm, certified as provided in Rule R657-4;~~

~~_____ (b) a CHA, certified under this rule;~~

~~_____ (c) to a person located outside of Utah;~~

~~_____ (d) to a person for consumption; or~~

~~_____ (e) for use in training dogs or the sport of falconry as provided in Rule R657-46.~~

~~_____ (3) Authorization for the possession of live game birds for any primary purpose other than being released to allow hunters to take them for a fee may be obtained under the provisions of Rule R657-4 or Rule R657-46.~~

~~R657-22-17. Season Dates.~~

- ~~_____ (1) Hunting on CHA areas is permitted from September 1 through March 31.~~
- ~~_____ (2) If September 1 falls on a Sunday, the season will open on August 31.~~

~~R657-22-18. Hunting Hours and Hunter Requirements.~~

- ~~_____ (1) Game birds may be taken on a CHA only one half hour before sunrise through one half hour after sunset.~~
- ~~_____ (2) Any person hunting within the state on any CHA must meet requirements as provided in Section 23-17-6.~~

~~R657-22-19. Suspension.~~

~~_____ The division may suspend a CHA certificate of registration for a CHA as authorized under Section 23-19-9 and Rule R657-26.~~

~~KEY: game birds, wildlife, wildlife law~~

~~Date of Enactment or Last Substantive Amendment: March 25, 2019~~

~~Notice of Continuation: May 2, 2012~~

~~Authorizing, and Implemented or Interpreted Law: 63G-4-203; 23-17-6~~

R657. Department of Natural Resources, Wildlife Resources.

R657-46. The Use of Game Birds in Dog Field Trials and Training.

R657-46-1. Purpose and Authority.

Under authority of Sections 23-14-18, 23-14-19 and 23-17-9 this rule provides the requirements, standards, and application procedures for the use of game birds in dog field trials and training.

R657-46-2. Definitions.

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

(2) In addition:

(a) "Field trial" means an organized event where the abilities of dog handlers and their dogs are evaluated, including the ability of the dogs to hunt or retrieve game birds.

(b) "Game bird" means:

(i) crane;

(ii) dusky, ruffed, sage, sharp-tailed, and spruce grouse;

(iii) chukar, red-legged, and gray partridges;

(iv) pheasant;

(v) band-tailed pigeon;

(vi) northern bobwhite, California, Gambel's, Montezuma, mountain, and scaled quail;

(vii) waterfowl;

(viii) common ground, Inca, mourning, and white-winged dove;

(ix) wild or pen-reared wild turkey of the following subspecies:

(A) eastern;

(B) Florida or Osceola;

(C) Gould's;

(D) Merriam's;

(E) ocellated; and

(F) Rio Grande; and

(x) ptarmigan.

(c) "Quad flyer test" means throwing pen-reared game birds by hand from four fixed stations and shooting of the pen-reared game birds one immediately after the other.

(d) "Train" or "training" means the informal handling, exercising, teaching, instructing, and disciplining of dogs in the skills and techniques of hunting and retrieving game birds characterized by absence of fees, judging, or awards.

R657-46-3. Application for a Field Trial Certificate of Registration.

(1)(a) A person may conduct a field trial using pen-reared game birds provided that person applies for and obtains a certificate of registration from the Division of Wildlife Resources, except as provided in Subsection (b).

(b) A person may conduct a field trial using pen-reared game birds on a commercial hunting area without obtaining a certificate of registration.

(2) Applications are available at any division office.

(3) The application must include written permission from the owner, lessee, or

land management agency of the property where the field trial is to be conducted.

~~—— (4)(a) Applications must be submitted to the appropriate regional division office where the field trial is being held.~~

~~—— (b) Applications must be received at least 45 days prior to the date of the field trial.~~

~~—— (5) The division will not approve any application for an area where, in the opinion of the division, the field trial or the release of pen-reared game birds interferes with wildlife, wildlife habitat or wildlife nesting periods.~~

~~—— (6) Field trials may be held only during the dates and within the area specified on the field trial certificate of registration.~~

~~R657-46-4. Use of Pen-Reared Game Birds for Field Trials.~~

~~—— (1) Legally acquired pen-reared game birds may be possessed or used for field trials.~~

~~—— (2) Any person using pen-reared game birds must have an invoice or bill of sale in their possession showing lawful personal possession or ownership of such birds.~~

~~—— (3) Pen-reared game birds may not be imported into Utah without a valid veterinary health certificate as required in Rules R58-1 and R657-4.~~

~~—— (4)(a) Each pen-reared game bird must be marked with an aluminum leg band or other permanent marking before being released in the field trial, except as provided in Subsection (d).~~

~~—— (b) Aluminum leg bands may be purchased at any division office.~~

~~—— (c) The aluminum leg band or other permanent marking must remain attached to the pen-reared game bird.~~

~~—— (d) Each pen-reared game bird used in a field trial that is conducted on a commercial hunting area may be released without marking each pen-reared game bird, as with an aluminum leg band.~~

~~—— (5) Pen-reared game birds used for a field trial may be released only on the property specified in the certificate of registration where the field trial is conducted.~~

~~—— (6) After release, pen-reared game birds may be taken:~~

~~—— (a) by the person who released the pen-reared game birds, or by any person participating in the field trial; and~~

~~—— (b) only during the dates of the field trial event as specified in the certificate of registration.~~

~~—— (7) Wild game birds may be taken only during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.~~

~~—— (8) Pen-reared game birds acquired for a field trial that are not released may be held in possession:~~

~~—— (a) no longer than 60 days; or~~

~~—— (b) longer than 60 days provided the person possessing the pen-reared game birds first obtains a private aviculture certificate of registration as provided in Rule R657-4.~~

~~—— (9) Pen-reared game birds that leave the property where the field trial is held at the end of the field trial shall become the property of the state of Utah and may not be taken, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.~~

~~R657-46-5. Use of Pen-Reared Game Birds for Dog Training.~~

~~———— (1) A person may train a dog using legally acquired pen-reared game birds provided:~~

~~———— (a) the person using the pen-reared game birds has an invoice or bill of sale in their possession showing lawful personal possession or ownership of the pen-reared game birds;~~

~~———— (b) each pen-reared game bird must be marked with an aluminum leg band or other permanent marking before being released for training, except as provided in Subsection (3)(a);~~

~~———— (c) any pheasant released during training must be marked with a visible streamer or tape at least 12 inches in length before being released, and any pheasant killed during training must have the streamer or tape attached when killed; and~~

~~———— (d) the use of dogs complies with Rules R657-6, R657-9, and R657-54.~~

~~———— (2) Aluminum leg bands may be purchased at any division office.~~

~~———— (3)(a) Each pen-reared game bird used for dog training that is conducted on a commercial hunting area may be released without marking each pen-reared game bird with an aluminum leg band or other permanent marking.~~

~~———— (b) Any pheasant released during training on a commercial hunting area may be released without marking as provided in Subsections (1)(b) and (1)(c).~~

~~———— (4) The training may not consist of more than four dogs at any time, except the training may consist of more than four dogs provided:~~

~~———— (a) the dogs exceeding four in number are eight months of age or younger; and~~

~~———— (b) no live ammunition is in possession of the person or persons engaged in training the dogs.~~

~~———— (5) A person or group of persons may not release more than ten pen-reared game birds per day or three pen-reared game birds per dog per day, whichever is greater.~~

~~———— (6) A person or group of persons may not use more than three firearms at any time, except four firearms may be used when training retrievers using the American Kennel Club quad flyer test.~~

~~———— (7) Pen-reared game birds acquired for training that are not released may be held in possession:~~

~~———— (a) no longer than 60 days; or~~

~~———— (b) longer than 60 days provided the person possessing the pen-reared game birds first obtains a private aviculture certificate of registration as provided in Rule R657-4.~~

~~———— (8) Pen-reared game birds that are not recovered on the day of the training or pen-reared game birds that escape shall become property of the state of Utah and may not be recaptured or taken, except during legal hunting seasons as specified in the Upland Game and Waterfowl proclamations of the Wildlife Board.~~

~~———— (9) A person training dogs on official dog training areas, designated by the division, is not required to comply with Subsection (1)(c) or Subsections (4), (5) or (6).~~

~~R657-46-6. Use of Wild Game Birds for Dog Training.~~

~~———— (1) A person may train a dog on wild game birds provided:~~

~~_____ (a) the dog, or the person training the dog, may not harass, catch, capture, kill, injure, or at any time, possess any wild game birds, except during legal hunting seasons as provided in the Upland Game or Waterfowl proclamations of the Wildlife Board;~~

~~_____ (b) the use of dogs complies with Rules R657-6, R657-9, and R657-54;~~

~~_____ (c) the person training a dog on wild game birds, except during legal hunting seasons:~~

~~_____ (i) may not possess a firearm, except a pistol firing blank cartridges;~~

~~_____ (ii) must comply with city and county ordinances pertaining to the discharge of any firearm;~~

~~_____ (iii) must obtain written permission from the landowner for training on properly posted private property.~~

~~_____ (2) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed weapon to hunt or take wildlife.~~

KEY: ~~wildlife, birds, dogs, training~~

Date of Enactment or Last Substantive Amendment: ~~August 11, 2014~~

Notice of Continuation: ~~May 20, 2019~~

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SPENCER J. COX
Governor

DIEDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

TO: Wildlife Board and Regional Advisory Council Members

FROM: Chad Wilson, Private Lands/Public Wildlife Coordinator

DATE: April 25, 2023

SUBJECT: 2023 Cooperative Wildlife Management Unit (CWMU) variance requests

The North Peaks and Avintaquin Canyon CWMUs applied to add non-contiguous land to their CWMUs. North Peaks has two separate pieces of land they are requesting to add: one is 973 acres and the other is 520 acres. Avintaquin Canyon CWMU is requesting 480 acres of non-contiguous land to be added.

Both requests were heard by the CWMU advisory committee on February 7, 2023, date. At that meeting, the CWMU advisory committee recommended the non-contiguous lands be included as part of the CWMUs. The DWR recommendation is also to include the non-contiguous lands as part of the CWMUs.



State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Wildlife Resources - Native Aquatic Species

TRANSLOCATION MANAGEMENT PLAN:

**Strategy for Moving Displaced Desert Tortoises
in the Upper Virgin River Recovery Unit**

**Publication Number 23-01
Utah Division of Wildlife Resources
1594 W. North Temple
Salt Lake City, Utah
Justin J. Shirley, Director**

TRANSLOCATION MANAGEMENT PLAN:
Strategy for Moving Displaced Desert Tortoises
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By

Ann M. McLuckie
Richard A. Fridell

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INTRODUCTION AND BACKGROUND

The Mojave desert tortoise (*Gopherus agassizii*) is a herbivorous, burrowing reptile that occurs in the Mojave Desert, western Sonoran or Colorado Deserts in California, Nevada, Arizona and southwestern Utah (Berry et al. 2021, USFWS 1994, USFWS 2011). As a result of range wide population declines, the Mojave desert tortoise was listed as a Threatened species in 1990 under the Endangered Species Act of 1973, as amended (USFWS 1990). Declines in desert tortoise populations are primarily attributed to habitat degradation and loss, disease, predation, human related loss (e.g., road kill mortality, illegal pet collection), and stochastic events including drought and wildfires (Alison and McLuckie 2018; Berry et al. 2021). The loss or degradation of habitats to urbanization, invasion of exotic fine textured grasses, habitat conversion from wildfires, and increased presence of humans on the landscape place the desert tortoise at increased risk of extirpation (USFWS 2011).

Five distinctive recovery units were identified across the range of the species that were necessary to conserve the genetic, behavioral, morphometric, and ecological diversity for the long-term protection and sustainability of the population (USFWS 2011). Two recovery units occur in Washington County, Utah: the Upper Virgin River Recovery Unit (UVRU) which occurs east of the Beaver Dam Mountains, and the Northeastern Mojave Recovery Unit (NEMRU) located on the west side of the Beaver Dam Mountains. Due to its proximity to urban growth and small size, the UVRU is considered highly threatened and the most at-risk recovery unit (USFWS 1994). The UVRU is significantly smaller than other recovery units, making up roughly 2% of critical habitat across its range (USFWS 2011). The Beaver Dam Wash National Conservation Area (BDW NCA) and Beaver Dam Slope Critical Habitat Unit (BDS) is located in extreme southwest Utah, within the NEMRU.

Washington County has experienced explosive human population growth in the last three decades, with an estimated growth of 271% since the tortoise was listed in 1990 (U.S. Census Bureau 2020). The habitat conservation planning process was initiated in Washington County, Utah, in 1991, to resolve conflicts between wide spread urban development and desert tortoise conservation. Washington County completed a Habitat Conservation Plan (HCP) in 1996 and the Restated and Amended HCP in 2020 (WCC 1995, WCC 2020). The HCP identified measures to minimize and mitigate development of tortoise habitat by establishing the Red Cliffs Desert Reserve (Reserve), which includes critical habitat for the long term protection of tortoise populations in perpetuity (USFWS 1996; WCC 1995). Federal land within Management Zones 1 through 5 of the Reserve was designated as a National Conservation Area (NCA) under the Omnibus Public Land Management Act of 2009 (Pub.L. 111-11, H.R. 146). The Red Cliffs NCA is comprised of approximately 45,000 acres of BLM-administered lands in southcentral Washington County and is within the UVRU.

The Reserve has uniquely diverse topography with tortoises occupying a mosaic of flats and slopes dominated by creosote bush scrub, Navajo sandstone outcrops, rugged rocky canyons, rocky slopes, and basalt-capped ridges interspersed with sand dunes, valleys, and ephemeral washes (Bury et al. 1994, Fridell et al. 1995). Vegetation is transitional between the Colorado Plateau, Mojave Desert, and Great Basin Desert and composed mainly of creosotebush-white bursage, blackbrush, desert sand sagebrush, warm desert riparian and warm season grassland

communities dominated by creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), blackbrush (*Coleogyne ramosissima*), sand sage (*Artemisia filifolia*), Nevada ephedra (*Ephedra nevadensis*), desert almond (*Prunus fasciculata*), and big galleta (*Pleuraphis rigida*; Provencher et al. 2011). Shelters are important to their survival, providing temporary refuge from thermal extremes, protection from predators, and to help minimize water loss. Tortoises spend a majority of time underground in deep rock dens, soil burrows, pallets, rock overhangs and crevices (Berry and Murphy 2019). Soils must be friable enough for digging burrows but firm enough so that burrows do not collapse. Depending on variety of factors, a tortoise's home range is variable, ranging from 2 ha to 80 ha, with males typically using larger home ranges searching and mating with multiple females (Duda et al. 1999, Harless et al. 2009, O'Connor et al. 1994). The USFWS (1994, 2011) identified the following essential features necessary to sustain tortoise populations: 1) sufficient space to support viable populations within the recovery units and to provide for movement, dispersal, and gene flow, 2) sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species, 3) suitable substrates for burrowing, nesting, and overwintering, 4) available burrows, caliche caves, and other shelter sites, 5) sufficient vegetation to reduce soil temperatures and provide protection from predators, and 6) habitat protected from disturbance and human-caused mortality.

The life history of the desert tortoise is characterized by delayed sexual maturity, long life span, low reproduction rate and fecundity, and low juvenile survival (Berry and Murphy 2019; USFWS 2011). Moderate downward fluctuations in adult survival rates can result in rapid population declines making recovery difficult. High survivorship of adult populations is critical to the species persistence and their recovery. Maintaining genetic variability and ecological heterogeneity within and among populations will allow tortoises to adopt to a changing environment and allow populations to persist over time (Scott et al. 2020).

Translocation, the human-mediated movement from one area and release in another area, can be an effective management tool for animals that have been displaced from natural habitat (e.g., incidental take areas) as well as to repopulate areas with low-density resident populations (Field et al. 2007; Nussear et al. 2000; Nussear et al. 2012; USFWS 2021a). The HCP established Management Zone 4, a 5,318 acre area (21.52 km²) within the Reserve, as an experimental area to translocate tortoises displaced from their habitat (WCC 1995). Healthy wild desert tortoises, found prior to development on private lands, were removed, blood tested to determine exposure to the Upper Respiratory Tract Disease, and translocated into Management Zone 4, in the spring (March 15 to May 15) or fall (August 20 to September 30) annually. This area was selected as a translocation site because it contained relatively few native tortoises and disease transmission risks to native tortoise populations elsewhere in the Reserve (Zones 2, 3, and 5) was low. In addition, it is effectively isolated from the rest of the Reserve with natural and human made barriers as it is bounded by the Virgin River on the south, Quail Creek Reservoir on the southwest, and I-15 on the west.

The Utah Division of Wildlife Resources (UDWR) has been monitoring tortoises within the Reserve as an ongoing effort to track population trends, demographics and the effectiveness of the translocation program. Over a 23 year period (1999 to 2021), 566 tortoises were relocated to 3,753 acres of previously unoccupied desert tortoise habitat within Management Zone 4, and some of those tortoises have remained on site since they were first translocated several decades

earlier (McLuckie 2022). Prior to translocation, Management Zone 4 was thought to contain few desert tortoises with transects revealing limited tortoise sign with no live animals. Since translocation efforts, long term density trends (1987 to 2017) are increasing within Management Zone 4 indicating that translocated tortoises have successfully established a population with relatively high survival and low mortality; frequent observations of juvenile or immature tortoises indicate adult tortoises are reproducing and maintaining a sustaining population (McLuckie et al. 2019).

The translocation program has created a significant conservation benefit to the UVRU and minimized the impact of incidental take, effectively repopulating unoccupied or low density habitats with potentially persistent and viable populations (USFWS 2021b). Furthermore, the translocation program supports strategic elements of the 2011 Mojave Desert Tortoise Recovery Plan, augmenting depleted populations through a strategic program, and fulfills the biological goals and objectives of the Washington County HCP, helping recover tortoise populations in southwest Utah (WCC 1995; WCC 2020; USFWS 2011; USFWS 2021a). The Restated and Amended HCP (2020) charges UDWR, along with agency partners, to identify other locations within the UVRU that might be suitable for strategic desert tortoise population translocation and triggers for utilizing such alternatives (Amended HCP 6.3.2.4 2020).

Due to declines of tortoise populations and their associated threats, translocation is considered an important tool for the conservation of desert tortoises in the UVRU (USFWS 2011). However, continued threats to the landscape, such as the increase in non-native grasses, extended and future drought in the southwest, and long term impact of wildfires on the landscape, emphasize the need to address the threats and implement restoration actions in conjunction with translocation. Ultimately, if the causes of tortoise populations are not addressed, simply releasing displaced animals in the wild will not result in sustained recovery.

PURPOSE

The Translocation Management Plan outlines how displaced desert tortoises from developed areas are to be used to enhance desert tortoise recovery efforts in southwest Utah. Specifically, the UDWR plans to translocate native desert tortoises displaced through the Washington County HCP incidental take process and relocate them to conservation areas or habitat refugia within the UVRU to augment relatively low density populations. The goal of this Plan is to: 1) strategically move displaced tortoises to relatively low-density areas to provide the best conservation need and enhance populations within the UVRU and BDS, 2) identify translocation areas that contain criteria necessary to sustain populations, and 3) supplement core populations and augment connectivity between conservation areas.

The experimental translocation program, initiated in 1999 as part of the Washington County HCP, has demonstrated that it is effective in repopulating previously unoccupied or low density areas (McLuckie et al. 2019). This Plan expands translocation to other areas within the UVRU as deemed appropriate by USFWS and agency partners, through the adaptive management process. The Plan identifies the process and management procedures to be used for the Washington County HCP. However, as circumstances change or new information becomes available, the Plan will be evaluated and amended as appropriate. For example, we may evaluate

the efficacy of juvenile translocation in the future using an adaptive management approach. The process to evaluate and monitor tortoise release sites will be identified following the establishment of populations within each area or as displaced tortoises become available from larger projects. USFWS (2021a) identifies two sources of translocatees: 1) displaced wild tortoises from construction projects and urban areas, and 2) head-starting facilities. This Plan focuses on the former, that is, the strategy for moving displaced tortoises in the UVRU.

OBJECTIVES

Translocation is an important recovery action that can help recover tortoise populations within designated Recovery Units (USFWS 2011). The USFWS identifies augmentation of desert tortoises in relatively low density populations as an important strategic element and recovery tool (USFWS 2021a). Unique to the UVRU, is the high number of displaced tortoises removed relative to the size of the Recovery Unit. These excess tortoises can continue to contribute to recovery by strategically placing them in targeted translocation sites, areas with relatively low densities, to reduce impacts to native populations and contribute to recovery within the UVRU. Specific objectives for this plan include:

1. Identify and summarize the protocols and guidelines for moving and releasing displaced tortoises.
2. Identify the facility to house displaced tortoises and the process to obtain displaced tortoises for translocation.
3. Identify steps to minimize the spread of disease of both translocated and resident desert tortoise populations.
4. Identify the process to translocate displaced tortoises in target areas, including the responsible agencies.
5. Identify potential translocation or augmentation sites within the UVRU and associated primary threats.
6. Establish triggers for adaptive management decisions regarding potential translocation sites.
7. Receive State of Utah approvals for translocation of displaced tortoises. *The movement of listed species is governed by the State of Utah (§Utah Code 23-14-21) and would require coordination between the tribal, local, state and federal agencies as well as review boards (e.g., Resource Development Coordinating Committee, Utah Wildlife Resources Regional Advisory Councils, State of Utah Wildlife Board). This plan is intended to meet these requirements.*
8. Implement aspects of the recovery objectives, strategic elements and recovery actions as indicated below in accordance with the Mojave Desert Tortoise Recovery Plan and Washington County HCP by promoting the survival of both wild and translocated

tortoises and strategically moving displaced tortoises to low density sites to help achieve recovery:

Revised Recovery Plan for the Mojave Population of the Desert Tortoise (USFWS 2011):

- Recovery Objective 1 – Maintain self-sustaining populations of desert tortoises within each recovery unit into the future where tortoise numbers are increasing over at least 25 years (a single tortoise generation), as measured a) by extensive, range-wide monitoring across tortoise conservation areas (TCAs) within each recovery unit, and b) by direct monitoring and estimation of vital rates (recruitment, survival) from demographic study areas within each recovery unit.
- Recovery Objective 2 – Maintain well-distributed populations of desert tortoises throughout each recovery unit in that distribution of desert tortoises throughout each tortoise conservation area is increasing over at least 25 years.
- Strategic Element 3.0 – Augment relatively low density populations through a strategic program by completing the following recovery actions: 1) develop protocols and guidelines for the translocation program, 2) identify potential sites to move displaced tortoises, and 3) implement translocation in target areas to augment populations using a scientific, research-based approach.
- Strategic Element 6.0 – Implement an Adaptive Management Program and amend plans as needed to implement recovery actions.

Habitat Conservation Plan for Washington County, Utah, Restated and Amended (WCC 2020)

- Section 6.1.2, Objective 7 – Translocating healthy Mojave Desert Tortoise (MDT) individuals from areas affected by Covered Activities to the Reserve, thereby minimizing the impacts of the Covered Activities on the MDT and expanding the protected MDT population.
- Section 6.1.2, Objective 8 – Monitoring MDT population trends and MDT threats in the Permit Area to support adaptive management actions.

TECHNIQUES AND DISEASE MANAGEMENT

Management objectives for population augmentation is to promote survival of both wild and translocated tortoises and minimize the spread of disease (USFWS 2021a). The upper respiratory tract disease (URTD) is implicated in declines of the desert tortoise throughout its range and, while other pathogens and diseases do exist that could have significant impacts on populations, URTD is currently the most important infectious disease for desert tortoises (Berry and Murphy 2019). Because desert tortoises are long-lived, a disease outbreak that causes the death of adult tortoises may result in significant population losses, making it difficult for the population to recover (Homer 1998; USFWS 2011).

Wildlife populations are not disease free, and tortoise populations within the Upper Virgin River Recovery Unit are no exception (McLuckie et al. 2019). Rideout (2015) emphasized that the purpose of disease risk minimization is not to maintain a disease-free state within a population but rather to maintain resilient and self-sustaining populations capable of adequately responding to disease occurrences. Health assessments, conducted prior to translocation, are used to minimize the risk of spreading disease, protect resident tortoises, and increase survival of translocated tortoises (Rideout 2015). Enzyme-linked immunosorbent assay (ELISA) have been used to detect the presence of antibodies to *Mycoplasma agassizii* and *M. testudineum*, thought to be the cause of URTD in desert tortoises (Jacobson 1994). Currently, ELISA tests are recommended to evaluate populations, not individuals, and, to that end, USFWS (2020) does not recommend collection of biological samples (e.g., ELISA test) for projects that include a small number of adult tortoises.

To reduce the potential for disease transmission, the USFWS (2020) recommends that each tortoise undergo a minimum of two health assessments, completed 14-30 days apart, prior to release into relatively low-density recipient populations. Additional assessments (beyond 30 days) may be conducted, but a narrow window is necessary to identify animals with intermittent clinical signs. Given that tortoise densities are relatively high within the Reserve compared to the rest of the Mojave, the focus is to minimize spread of disease for resident tortoise populations (Alison and McLuckie 2018). Further, the USFWS (2020) recommends keeping adult densities at translocation sites within one standard error of the mean density of the nearest Recovery Unit.

To increase success of translocation projects and avoid outbreeding depression, tortoises used in population augmentation should be of appropriate origin and genotype to the specific areas to be augmented, and located no more than 200 km straight-line distance from their origin (Averill-Murray and Hagerty 2014). Interestingly, Scott (2020) found that individual high heterozygosity, rather than geographic or genetic similarity, was a greater predictor of translocation success. The USFWS (2020) identified the following criteria that should be addressed when identifying augmentation sites: 1) low-density recipient tortoise population within conservation areas or population linkages, 2) habitat suitable for all life stages, 3) no evidence of an active outbreak of disease, such as high prevalence of clinical signs of disease, 4) no major unfenced roads (i.e., high traffic volumes/speed limits and no desert tortoise exclusion fence), highways, or human development that would pose a risk to desert tortoises, 5) no detrimental rights-of-way or other encumbrances that would pose ongoing risks to successful establishment of translocated tortoises, and 6) compatible management with continued desert tortoise occupancy.

USFWS criteria (2020) were used to evaluate ten potential augmentation areas (Figure 1) within the HCP Plan area (Appendix C). Our evaluation of these potential sites ranks Zone 3 of the Red Cliffs Desert Reserve / NCA as the highest priority for augmentation beginning in 2023. Although more specific site selection will occur prior to translocation, the Grapevine area, within the East Cottonwood Analytical Unit (AU), currently supports low density tortoise populations with high quality habitat for all life stages (USFWS 2021). Although large scale fires in adjacent areas (e.g., Middleton, Cottonwood Wash) including the Mill Creek fire (2005), Reserve Fire (2012), Turkey Farm Fire (2020), and Cottonwood Trail Fire (2020) have degraded habitat resulting in high mortality and a decline in tortoise abundance (Kellam et al. 2022), translocation in this area, in conjunction with habitat restoration, may help tortoise populations recover. This

area represents the largest contiguous block of habitat in the Reserve, supports high-intra-Reserve connectivity (USFWS 2021) due to its central location, has reduced threats and encumbrances relative to adjacent areas, and thus provides the best opportunity to enhance depleted populations meeting our recovery objective.

Based on the number of adult tortoises translocated annually to Management Zone 4 in the past 15 years, we anticipate that a relatively small number of displaced adults and juveniles will be translocated annually (McLuckie 2022). Monitoring a few translocated tortoises annually would lack the statistical power to evaluate and determine translocation effectiveness (USFWS 2020). In Zone 4, for example, effectiveness monitoring for the translocation program was conducted in 2018, roughly 19 years after the first release of displaced tortoises in 1999 (McLuckie et al. 2019). Effectiveness monitoring, such as in Management Zone 4, will be conducted periodically when a significant number of displaced adult tortoises have been released to the target translocation site.

When the post-translocation density of the target site (e.g., Grapevine in Zone 3) exceeds one standard error above the mean density for the surrounding area (e.g., RC NCA), the adaptive management process will be triggered and alternate sites will be reviewed and considered (USFWS 2020). Similarly, if future effectiveness monitoring indicates a decreasing tortoise density, alternate translocation sites will be reviewed through the adaptive management process. Other potential triggers for reconsideration of augmentation sites, include but are not limited to, significant threats such as wildfire, disease outbreak, habitat degradation, predation, or issues with development, utilities, or recreation. Regardless of any of the potential triggers mentioned above, the plan will be reviewed by agency partners (e.g., UDWR, USFWS, BLM, and Washington County) at least every 3-5 years.

The movement of listed species is governed by the State of Utah (§Utah Code 23-14-21) and would require coordination between the tribal, local, state and federal agencies as well as review boards (e.g., Resource Development Coordinating Committee, Regional Advisory Council, Wildlife Board). The UDWR outlined translocation procedures, based on Nussear (2012) research in Washington County, and began implementing translocation in 1999 (McLuckie et al. 2019). The USFWS has provided translocation guidance (2020, 2021), health assessment procedures (2019), and a comprehensive disease risk analysis (2015) to assist agencies implementing translocation. As the lead agency responsible for managing wildlife within the state of Utah, UDWR has the following responsibilities regarding the translocation of native wildlife: 1) maintaining the integrity of wild and free-ranging protected wildlife, 2) investigating and controlling the spread of disease-causing pathogens in terrestrial wildlife, 3) preventing the spread of disease-causing pathogens from terrestrial animals to other terrestrial animals transferred from one site to another, and 4) enforcing laws and rules made by the Wildlife Board governing the collection, importation, transportation, and possession of animals (UDWR Policy 501, Administration Rule R657).

The process to translocate displaced tortoises within the Upper Virgin River Recovery Unit is briefly described in the Amended and Restated Washington County Habitat Conservation Plan (2020; Appendix A). Based on current research and knowledge of translocation, we have further developed the methods and techniques for translocating displaced tortoises within the Upper

Virgin River Recovery Unit. Additional details of the process are outlined in the Disposition Flow Chart in Appendix B. Potential translocation sites, which satisfy the USFWS (2020) identified criteria include Grapevine and Cottonwood Wash; a complete list, including their criteria status, is identified in Appendix C. To optimize the conservation use of displaced tortoises, those animals that have moderate to severe clinical signs of URTD or are identified as long term captives will be placed in: 1) UDWR adoption program, 2) research institute for scientific study, 3) outreach at conservation facility or, as a last resort, 4) euthanized.

1. Obtain displaced, native tortoises through the following means:
 - a. Clearance surveys under the Washington County HCP incidental take process and pro-active clearances on private properties,
 - b. Wild, native tortoises received by Washington County HCP partners and processed through UDWR's Urban Wildlife Program
2. Process the displaced tortoise and complete an initial health assessment (see Appendix D for Desert Tortoise Visual Health Assessment Datasheet):
 - a. Assign a file number (Cagle 1939), measure carapace length, determine shell wear, assess marginal and carapace anomalies, and determine sex, if possible.
 - b. Describe physical condition, identify evidence of trauma, assign body condition score, and assess for clinical signs of URTD and oral lesions (Berry and Christopher 2001, USFWS 2019, 2020).
 - c. Tortoises must have mild to no clinical signs of URTD to be translocated into a Conservation Area (Berry and Christopher 2001, USFWS 2019)
3. If a displaced tortoise is located less than 300 m from a Conservation Area (e.g., Reserve, Red Cliffs NCA, Temple Quarry area, Warner Valley ACEC) they can be released following the initial health assessment. Relocated tortoises will be released to their area of origin, in an adjacent Conservation Area.
4. Displaced tortoises, found > 300 m from a Conservation Area, will be temporarily housed at the Temporary Care Facility (TCF), a 5-acre facility located in Hurricane, on the south side of the Virgin River, at the confluence of Ash and La Verkin Creeks. This facility is managed by Washington County.
5. Prior to translocation, a final visual health assessment will be conducted during the tortoise active period (March 15 to September 30th). Tortoises eligible for translocation are those that exhibit appropriate attitude and activity; acceptable body condition (Body Condition Score 4-7), no mucoid and not more than mild serous nasal discharge; no oral lesions; and no other condition that may impact its survival (USFWS 2019). Tortoises will be held in isolation, in individual pens within the TCF, until final disposition is determined.
6. Depending on the translocation site, tortoises that have a carapace length greater than 140 mm may be pit tagged prior to release.

7. Tortoises approved for translocation will be released to a designated translocation site during the following activity periods: March 15 thru May 15 and August 20 thru September 30.
 - Translocation sites will be determined prior to release and release sites will be reassessed every 3-5 years, at a minimum, using the adaptive management process.
 - At least 24 hours prior to translocation, tortoises to be translocated will be dropped off to UDWR Washington County Field Office in Hurricane, Utah for final processing and health assessment.
 - Prior to release, all tortoises will be soaked in fresh water for a minimum of 20 minutes.
 - Tortoises must be transported to their release sites in clean, ventilated containers. If re-used, these containers must be cleaned and disinfected before being used for another tortoise.
 - Tortoises will be translocated to a recipient site that provides the essential features necessary to sustain tortoise populations (USFWS 2011).
 - Tortoises will be placed in an unoccupied soil burrow, caliche cave, rock overhang or in the shade of a shrub, with adult males spaced a minimum of 50 m apart.
 - Translocation or recipient sites will be located in conservation areas that contain the translocation criteria outlined by the USFWS (2020) such as Red Cliffs NCA (e.g., Babylon area, Grapevine, Cottonwood Wash, Middleton), Warner Valley ACEC, and BDS (Figure 1). See Appendix C for a list of potential Conservation Areas and their translocation criteria status (USFWS 2020).
 - Sterile gloves must be used when handling tortoises at all times. Measuring and filing equipment must be disinfected and sanitized after each use (USFWS 2019).
 - If reproduction occurs at the Temporary Care Facility in Hurricane, final disposition of juvenile tortoises will be assessed on a case by case basis to best benefit conservation and recovery objectives.
8. During Exception Drought conditions, agency partners (USFWS, UDWR, Washington County) will determine what, if any, modifications to the translocation program may be prudent. If it is determined that a temporary suspension of translocation is appropriate, the suspension will stay in effect until drought conditions abate below the threshold or upon receiving clearance from the USFWS to resume translocation activities.
9. If a novel disease, or clinical signs of the disease indicate the presence of URTD exceeds 25% of the population, agency partners may suspend translocations into the Reserve. Partners will discuss alternative translocation options and possible treatment for affected tortoises, subject to financial constraints and practicability.
10. UDWR will complete an annual report on the number of tortoise translocated, their demography (e.g., sex, size, health assessment, body condition), translocation site, origin location and date released. This annual report will be distributed to agency partners at the end of each calendar year.

IMPLEMENTATION SCHEDULE

The listed activities are planned through the duration of the Washington County HCP, from 2022 to 2045. The goal of this plan is to optimize conservation use of desert tortoises by releasing individuals in relatively low-density recipient sites to help achieve recovery in the UVRRU. This Plan is to be adaptive to meet the needs of the Washington County HCP and recovery objectives of the USFWS. UDWR will complete an annual report on the number of tortoises translocated, their demography (e.g., sex, size, health assessment, body condition), origin location, and the date released. In addition, translocation sites and implementation will be reviewed and summarized in the annual report. The USFWS, UDWR and Washington County HCP will meet, at a minimum, every 3-5 years to review translocation activities, evaluate progress towards desired recovery goals, and develop ongoing priorities.

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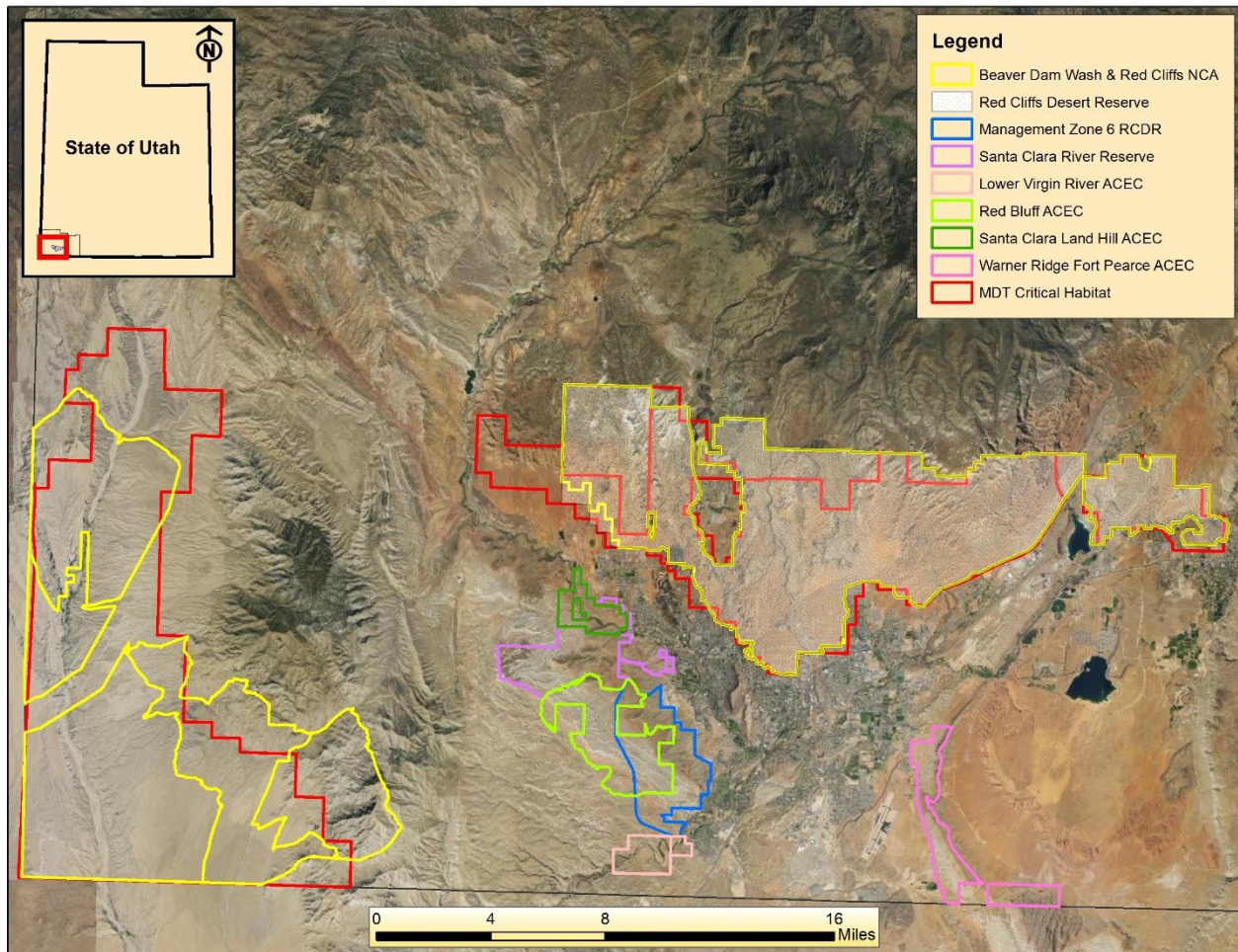
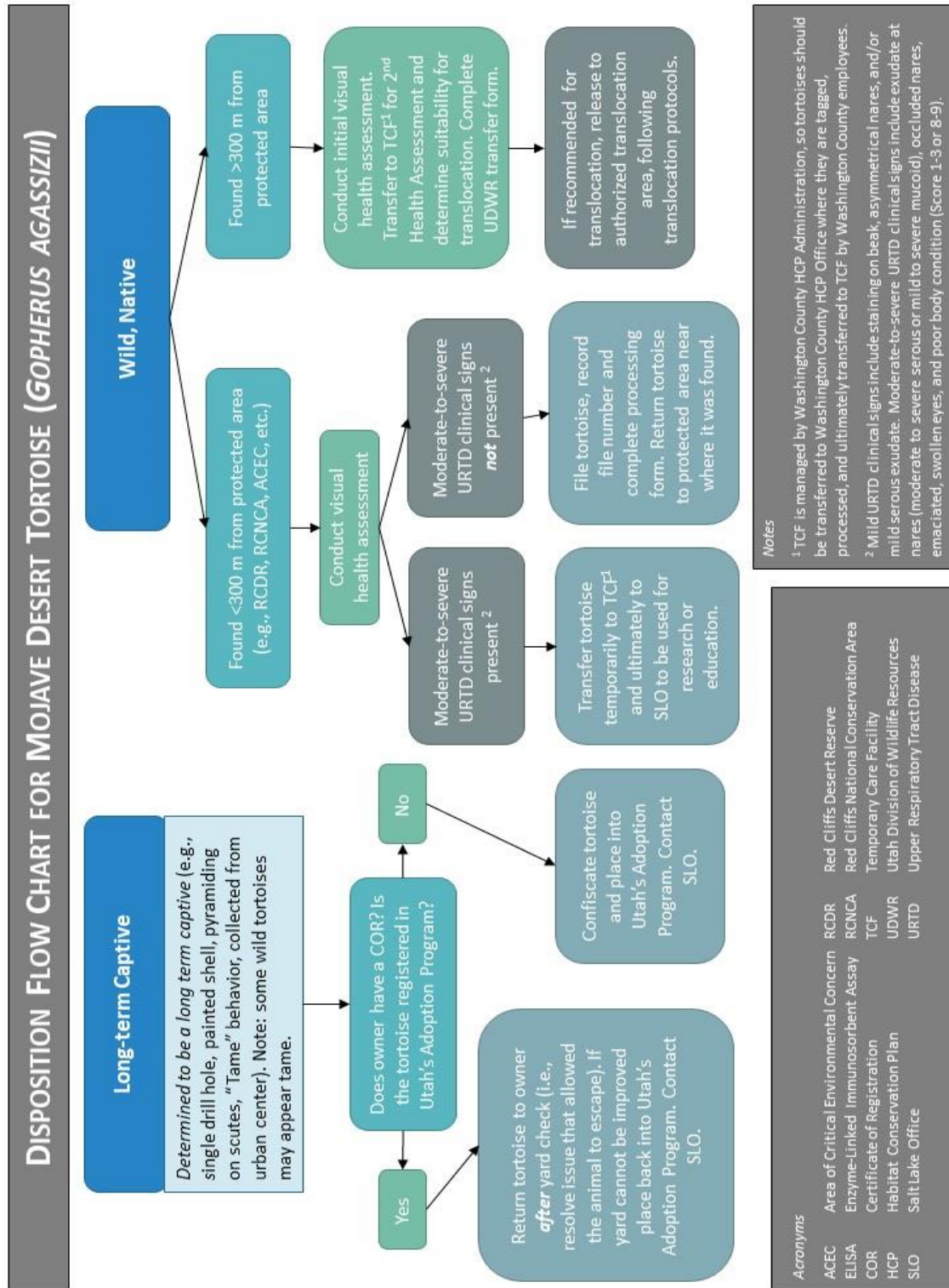


Figure 1. Location of Mojave Desert Tortoise (MDT) critical habitat and potential translocation sites including the Red Cliffs Desert Reserve (Zones 1-6), Red Cliffs National Conservation Area (NCA), Beaver Dam Wash NCA, Santa Clara River Reserve, and Areas of Critical Environmental Concern (i.e., Lower Virgin River, Red Bluff, Santa Clara Land Hill, and Warner Ridge Fort Pearce). Federal land within the Reserve is designated as the Red Cliffs National Conservation Area under the Omnibus Public Land Management Act of 2009 (Pub.L. 111-11, H.R. 146).

Appendix A. The process to relocate displaced Mojave Desert tortoises (MDT) within the Upper Virgin River Recovery Unit, as described in the Amended and Restated Washington County Habitat Conservation Plan (2020).

- Washington County will continue to implement the clearance protocols that are part of the Development Protocols, through the Renewed/amended ITP Term or until all lands outside of the Reserve subject to the clearance protocols are either develop or proactively cleared and fenced.
- The County will continue to operate a temporary holding facility for the immediate disposition and care of collected MDT prior to transfer to UDWR or other USFWS-approved entity for relocation, translocation, adoption, or other USFWS-approved purpose.
- The USFWS coordinates with the County, UDWR, and the BLM to plan for the translocation or other appropriate disposition of collected MDT and provides oversight for such activities.
- The USFWS provides specific procedures for handling MDT that include considerations for tortoise hydration, temperature extremes, disease and parasites, capture, processing, movement, and release. The USFWS also provides guidance in the form of Health Assessment Procedures to assess the condition of collected MDTs and determine their suitability for translocation.
- UDNR-UDWR receives collected MDT from Washington County and performs health screenings of collected individuals to assess overall fitness and disease risk.
- UDNR-UDWR coordinates with BLM and Washington County to release healthy MDT into the Reserve or other USFWS-approved location, or places unsuitable candidates for translocation and individuals originating from captivity into an adoption program.
- BLM has agreed to allow for the translocation of healthy, collected MDT to certain of its lands within the Reserve, in accordance with the HCP. Subject to BLM approval, this may be expanded to lands outside the Reserve with a recommendation from the HCAC as an adaptive management measure.
- During Exception Drought conditions, the County will meet and confer with the USFWS and the UDNR- UDWR (the lead agency of the translocation program) to determine what, if any, modifications to the conservation program may be prudent. If the County, the USFWS, and UDWR determine that a temporary suspension of MDT translocation is prudent, the County shall direct its HCP Partners to temporarily suspend MDT translocations into the Reserve. This temporary suspension of MDT translocations will stay in effect until drought conditions abate below the threshold or upon receiving clearance from the USFWS to resume translocation activities.
- If a novel disease, or clinical signs of the disease indicate the presence of URTD exceeds 25% of the population, the County will consult with the USFWS and UDWR about suspending MDT translocations into the Reserve. The County, UDWR, and the USFWS will discuss alternative translocation options and possible treatment for affected tortoises, subject to financial constraints and practicability.

Appendix B. Disposition flow chart for the Mojave Desert Tortoise (*Gopherus agassizii*) in Washington County, Utah.



Appendix C. Potential translocation sites and suitability based on USFWS (2020) criteria and biological knowledge (USFWS 2021b). The following criteria addressed when identifying potential augmentation sites include: 1) relative density of recipient tortoise population or population linkages, 2) available suitable habitat for all life stages, 3) evidence of clinical signs of disease, 4) presence of major unfenced roads, tortoise exclusion fence or human development that would pose a risk to desert tortoises, and 5) detrimental rights-of-way or other encumbrances to successful establishment of translocated tortoises. Only areas that contained an additional layer of management protection compatible with desert tortoise long term management (e.g., Area of Critical Environmental Concern, National Conservation Area, Reserve status) were included in the table.

| Conservation Area | Suitability |
|---|--|
| Beaver Dam Slope Critical Habitat Unit Beaver Dam Wash NCA | <ol style="list-style-type: none"> 1) low-density recipient tortoise population; moderate to poor linkage potential to UVR and none within UVR, could support linkages within NEMRU, 2) contains habitat suitable for all life stages; large scale fires (2006) in area have degraded habitat, 3) historical outbreak of disease in early 1990's, 4) State Road 91 unfenced, 5) no encumbrances for tortoise establishment. |
| Red Cliffs Desert Reserve Red Cliffs NCA | <ol style="list-style-type: none"> 1) relatively low density recipient populations in Grapevine, Cottonwood and Middleton; high density in most remaining areas; linkage potential within UVR variable between Management Zones, 2) contains habitat suitable for all life stages; several large scale fires have degraded prime habitat (e.g., 2005, 2012, 2020) in Cottonwood and Middleton areas, 3) disease present in pockets; URTD clinical signs low, 4) no major unfenced roads; majority of southern boundary fenced, 5) low to moderate encumbrances for tortoise establishment (e.g., SITLA land within RC NCA and Reserve boundary; competitive sports events and high impact recreation in Management Zone 6). |
| Santa Clara River Reserve | <ol style="list-style-type: none"> 1) low to moderate density recipient tortoise population; low to moderate linkage potential within UVR and NEMRU, 2) contains habitat suitable for all life stages, 3) no evidence of URTD, 4) State Road 91 unfenced; Reserve boundary unfenced; adjacent to proposed Western Corridor ROW, 5) moderate to high encumbrances (Western Corridor ROW). |
| Lower Virgin River ACEC | <ol style="list-style-type: none"> 1) low-density recipient tortoise population; poor linkage potential within UVR, moderate linkage potential to NEMRU, 2) contains habitat suitable for all life stages, 3) no evidence of URTD, 4) Interstate 15 unfenced; ACEC boundary unfenced; adjacent to Western Corridor ROW, 5) moderate to high encumbrances (Western Corridor ROW). |
| Red Bluff ACEC | <ol style="list-style-type: none"> 1) low to high density recipient tortoise population; moderate linkage potential within UVR, moderate linkage to NEMRU, 2) contains habitat suitable for all life stages, 3) minimal observations of URTD clinical signs, 4) adjacent to proposed Western Corridor ROW; ACEC boundary unfenced, 5) moderate to high encumbrances (Western Corridor ROW). |

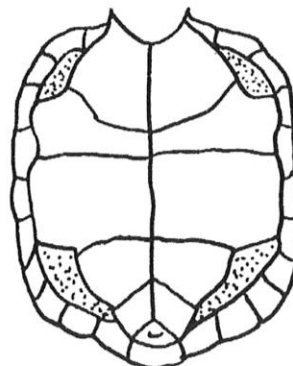
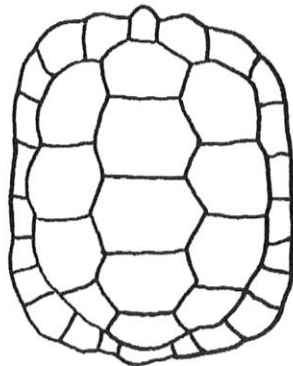
| | |
|---------------------------------|---|
| Santa Clara Land Hill ACEC | <ol style="list-style-type: none"> 1) low to medium density recipient tortoise population; moderate linkage to UVRRU to NEMRU, 2) contains habitat suitable for all life stages, 3) minimal observations of URTD clinical signs, 4) south of Santa Clara city; State Road 91 unfenced; ACEC boundary unfenced, 5) moderate to high encumbrances (e.g., recreation, competitive sports events). |
| Warner Ridge ACEC | <ol style="list-style-type: none"> 1) low-density recipient tortoise population; poor linkage within UVRRU and NEMRU, 2) contains habitat suitable for all life stages; vegetation and shrubs sparse in many areas, 3) no evidence of URTD, 4) Southern Parkway fenced; adjacent to proposed development, 5) moderate to high encumbrances (e.g., future development). |
| Beaver Dam Mountains Wilderness | <ol style="list-style-type: none"> 1) low density recipient tortoise population; poor linkage potential within UVRRU, moderate to good linkage to NEMRU, 2) contains habitat suitable for all life stages; vegetation and shrubs sparse in many areas, 3) no evidence of URTD, 4) Virgin river and steep terrain are possible barriers; I-15 unfenced, 5) minimal encumbrances. |

Appendix D. Desert Tortoise Visual Health Assessment Datasheet

Desert Tortoise Visual Health Assessment Datasheet

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|--|--|--|---|---|--|
| Observer(s): | | Date (mm/dd/yy): Time: S ____ E ____ | | Location found (General description): | |
| Health Assessment: #1 or #2 (circle one) | | # days since previous assessment: | | UTM (NAD83): _____ X _____ Y Error _____ | |
| File Number: | Epoxy Tag: | Pit Tag: | Sex: M F U | Scute Count: M ____ C ____ | |
| MCL (mm): | M3 (post): | M7/8: | Height: | | |
| Attitude/Activity/Posture (circle all that apply): Alert, Responsive, Lethargic-weak, Appendages limp, Head hanging, Other: | | Beak (circle one): Physical defect, Staining, Evidence of foraging | | Body Condition Score (circle one): 1 2 3 4 5 6 7 8 9 | |
| Breathing/Respiration (circle all that apply): Clear, Normal, Wheezing, Rasping, Bubbly, Increased effort, Abnormal Sounds (describe): | | | Weight (grams): | | Shell Wear (circle one): 1 2 3 4 5 6 7 |
| L naris (circle one): Normal Eroded Occluded | L naris discharge/severity: None Serous: 1 2 3 Mucous: 1 2 3 Bubbles present: N Y | | L eye (circle all that apply): Normal, Sunken, Corneal opacity, Partially closed, Fully closed, Serous discharge, Mucous discharge, Periocular swelling, Periocular redness, Conjunctival swelling, Conjunctival redness | | |
| R naris (circle one): Normal Eroded Occluded | R naris discharge/severity: None Serous: 1 2 3 Mucous: 1 2 3 Bubbles present: N Y | | R eye (circle all that apply): Normal, Sunken, Corneal opacity, Partially closed, Fully closed, Serous discharge, Mucous discharge, Periocular swelling, Periocular redness, Conjunctival swelling, Conjunctival redness | | |
| Oral cavity (circle one): normal Not examined, Hyper salivation, Impaction, Crust-Plaque-Ulcer | | Tongue color: White, Pink, Red, Other: | Choana: Not examined, White, Pink, Red | Void (circle all that apply): No, Yes: color _____, Urates, Feces | |
| Shell Characteristics (draw below): Normal, Sunken scutes, Premature depressions, Whitish flaking-shell fungus, Scute laminae peeling, Trauma | | | If shell trauma present: Active / Inactive | Ticks: None / # of ticks: Collected? Y N | |
| Lesions Present: N Y Distribution: 1 2 3 Severity: 1 2 3 Active: No Yes | | Lesion Location (Draw on diagram): Head, Neck, L/R forelimb, L/R axillary region, L/R hindlimb, L/R pre-femoral region, Vent-tail, Shell | | Comments: | |

Draw file marks, gular, injuries, anomalies, and depressions on diagram.



Parowan Front Wildlife Management Area

Habitat Management Plan

RDCC Project Number and Submission Date:

Habitat Council Review Date:

RAC Review Date:

Director's Approval: _____
Director

Date: _____

Parowan Front

WILDLIFE MANAGEMENT AREA



HABITAT MANAGEMENT PLAN

March 2023

Prepared by:

UTAH DIVISION OF WILDLIFE RESOURCES – SOUTHERN REGION



Habitat Management Plan for Parowan Front Wildlife Management Area

Executive Summary – March 2023

PRIMARY PURPOSE OF PAROWAN FRONT WMA

The Parowan Front WMA is used primarily to protect and enhance mule deer winter range, while also providing habitat for other big game, upland game and non-game species. In addition, many other types of terrestrial and aquatic wildlife, along with their habitats, will similarly receive protection and enhancement. Recreation uses that are allowed include hunting, wildlife viewing, hiking, and horseback riding. Dispersed camping is allowed but not promoted.

WILDLIFE SPECIES

The Parowan Front WMA provides habitat for mule deer, elk, upland game, and a host of non-game species. Golden and bald eagles can be spotted throughout the year foraging across the WMA.

Mammalian species that use the WMA include mule deer, elk, jackrabbits, and cottontail rabbits. Mule deer and elk use the property year-round with seasonal increases in fall and winter.

Common avian species that can be found on the WMA include wild turkeys, mourning doves, and pinyon jays. The WMA provides year-round habitat for many non-migratory species and habitat for migrating birds.

HABITAT IMPROVEMENT

Vegetation treatments to conserve and enhance sagebrush shrublands will be utilized. Treatments to remove encroaching pinyon and juniper, including the maintenance of previous treatments, will be utilized. Shrub transplanting and/or seeding will take place if necessary to enhance available browse forage. Treatments to enhance riparian and mesic habitats will also be utilized.

ACCESS MANAGEMENT

Motorized access to the WMA is provided through a series of roads. Some of which are seasonally closed. Overland travel is limited to foot and horse traffic. The use of E-bikes is prohibited outside of the identified open and seasonally closed roads. Creation of new roads and trails is prohibited. Roads designated as seasonally closed or closed will be signed. In addition to the identified open and seasonally closed roads, there are several additional administrative roads that serve as access for maintenance and management purposes.

MAINTENANCE ACTIVITIES

Typical annual maintenance actions include weed control, fence maintenance, road maintenance and signage. Fence maintenance will include walking the perimeter and interior fences as well as working with the law enforcement and wildlife sections to identify fencing that is problematic to deer and replacing it with wildlife friendly fencing. Road maintenance and signage will involve working with the law enforcement section to address illegal use of trails and roads on the WMA and keeping signage current and legible throughout the year. Water developments will also be maintained and improved to provide water for wildlife and permitted livestock.

Table of Contents

| | |
|---|-----------|
| I. BACKGROUND INFORMATION | 3 |
| INTRODUCTION..... | 3 |
| PURPOSE OF DIVISION OWNERSHIP | 3 |
| HISTORIC USES | 4 |
| PUBLIC RECREATION OPPORTUNITIES | 4 |
| <i>PUBLIC ACCESS</i> | 4 |
| <i>CAMPING</i> | 4 |
| KEY WILDLIFE SPECIES | 4 |
| GRAZING | 4 |
| II. PROPERTY INFORMATION | 6 |
| PROPERTY DESCRIPTION..... | 6 |
| LAND ACQUISITION HISTORY | 7 |
| ENCUMBRANCES..... | 8 |
| <i>WATER RIGHTS/DEVELOPMENTS</i> | 8 |
| <i>MINERAL DEVELOPMENT</i> | 8 |
| <i>RIGHTS OF WAY</i> | 9 |
| III. PROPERTY INVENTORY | 10 |
| EXISTING CAPITAL IMPROVEMENTS | 10 |
| <i>ROADS</i> | 10 |
| <i>FENCING</i> | 10 |
| <i>PHYSICAL FACILITIES</i> | 11 |
| <i>HABITAT PROJECTS</i> | 11 |
| <i>IRRIGATION</i> | 12 |
| CULTURAL RESOURCES..... | 12 |
| SPECIES OF GREATEST CONSERVATION NEED..... | 13 |
| IMPORTANT FISH AND WILDLIFE HABITATS..... | 14 |
| GENERAL CONDITIONS OF HABITATS | 15 |
| <i>HABITAT TYPES</i> | 15 |
| <i>RANGE AND WATERSHED CONDITIONS</i> | 15 |
| <i>RIPARIAN CORRIDORS AND WETLANDS</i> | 15 |
| <i>HABITAT LIMITATIONS</i> | 15 |
| HUMAN USE RELATED PROBLEMS | 16 |
| ADJACENT LAND USES AND POTENTIAL IMPACTS..... | 16 |
| ZONING AND LAND USE ORDINANCES | 17 |
| DWR STRATEGIC PLAN | 18 |
| WILDLIFE ACTION PLAN..... | 19 |
| <i>GAMBEL OAK</i> | 19 |
| <i>LOWLAND SAGEBRUSH</i> | 20 |
| <i>MOUNTAIN SAGEBRUSH</i> | 20 |
| WILDLIFE SPECIES MANAGEMENT PLANS..... | 21 |
| LOCAL RESOURCE MANAGEMENT PLANS..... | 21 |
| V. STRATEGIES FOR PROPERTY MANAGEMENT | 23 |
| DEVELOPMENT AND ANNUAL MAINTENANCE ACTIVITIES | 23 |

| | |
|---|-----------|
| VI. STRATEGIES FOR HABITAT IMPROVEMENT | 24 |
| HABITAT IMPROVEMENT PLAN | 24 |
| ACCESS MANAGEMENT PLAN | 24 |
| FIRE MANAGEMENT PLAN | 24 |
| WOOD PRODUCTS..... | 25 |
| VII. SUMMARY STATEMENT OF PROPOSED USES..... | 26 |
| VIII. MONITORING AND EVALUATION | 27 |
| IX. APPENDICES | 28 |
| APPENDIX A – PAROWAN FRONT ACCESS MANAGEMENT PLAN | 28 |
| THE PUBLIC WILL BE INFORMED THROUGH SIGNS AT MAJOR ACCESS POINTS, AND ON FENCE LINES. THE COUNTY WILL ALSO BE NOTIFIED OF OUR INTENT TO CLOSE ROADS AND GIVEN A CHANCE TO PROVIDE INPUT. SIGNAGE WILL BE DONE AS A COURTESY TO THE PUBLIC RATHER THAN BEING NECESSARY FOR ENFORCEMENT (UTAH CODE SECTION 41-22-10.1)..... | 29 |
| APPENDIX B - MAPS..... | 30 |
| MAP 1 – GENERAL LOCATION MAP OF PAROWAN FRONT WILDLIFE MANAGEMENT AREA . | 30 |
| MAP 2 – PARAGONAH UNIT..... | 31 |
| MAP 3 - MAPLE SPRINGS UNIT | 32 |
| MAP 4 - SUMMIT NORTH UNIT..... | 33 |
| MAP 5 –SOUTH SUMMIT UNIT | 34 |
| MAP 6 – ELLIKER BASIN UNIT | 35 |
| MAP 7 – ADJACENT LAND OWNERSHIP OF THE PAROWAN FRONT WMA | 36 |
| MAP 8 – MULE DEER HABITAT MAP IN PAROWAN VALLEY | 37 |
| MAP 9 – MULE DEER MIGRATION CORRIDORS ON PAROWAN FRONT | 38 |
| APPENDIX C - DEEDS | 39 |
| APPENDIX D - WATER RIGHTS INFORMATION | 40 |
| TABLE 1- PAROWAN FRONT WMA WATER RIGHTS..... | 40 |
| APPENDIX E – LIST OF HMP COMMITTEE MEMBERS | 42 |

Habitat Management Plan for Parowan Front Wildlife Management Area

March 2023

I. BACKGROUND INFORMATION

INTRODUCTION

This Habitat Management Plan (HMP) has been developed to guide management on lands owned and managed by the Utah Division of Wildlife Resources (DWR) along the foothills from the town of Paragonah south to Cedar City, in Iron County, Utah. These lands were acquired over a span of years from 1952 to 2013. The Parowan Front WMA is split into five management units including the Paragonah Unit, Maple Spring Unit, Summit North Unit, Summit South Unit, and Elliker Basin Unit.

In September of 2022, an advisory committee was formed to assist the DWR in updating and revising the HMP. The committee was composed of 9 official members representing constituency groups including hunters, the Bureau of Land Management (BLM), adjacent landowners, a livestock permittee, conservation district staff, Iron County staff, and an elected official (see appendix E). In addition, staff from the DWR habitat, wildlife, and law enforcement sections attended the committee meetings to serve as subject matter experts and to help gather the information compiled by the committee.

The committee met two times during the fall of 2022 and winter of 2023 to brainstorm and frame ideas they would like to see addressed by the HMP. These ideas have been incorporated into this HMP where they are applicable.

PURPOSE OF DIVISION OWNERSHIP

The Parowan Front WMA was purchased to protect big game winter range but also provides seasonal and year-round habitat for upland game, turkey and other game and non-game species. In addition, the WMA provides access for hunters to enjoy these resources. The WMA is bordered by federal lands (BLM and US Forest Service) and often serves as an access point for those lands.

HISTORIC USES

All of the Parowan Front WMA was used historically to graze sheep and cattle. Small portions of the Summit North, Summit South, and Elliker Basin Units have been farmed in the past; however, very little evidence of agricultural use remains today.

PUBLIC RECREATION OPPORTUNITIES

PUBLIC ACCESS

The Parowan Front WMA is open to the public year-round with some restrictions related to motor vehicle use. These restrictions include no overland travel, and roads identified as seasonally closed in the access management plan (See appendix A). Parking areas and walk-through gates are provided at several locations that help enforce the seasonal road closures.

CAMPING

Dispersed camping is allowed on the Parowan Front WMA for no greater than 10 days (see R657-28-4). There are no developed campgrounds or pads on the WMA. In the event that camping becomes detrimental to wildlife, DWR will consider action(s) to address the adverse effects.

KEY WILDLIFE SPECIES

While the Parowan Front WMA was originally purchased to protect mule deer winter range, it also provides habitat for many species of game and non-game wildlife. These species include but are not limited to elk, upland game, and songbirds. An undetermined number of amphibian and reptile species also inhabit the WMA.

There are 2 inactive colonies of the federally listed (threatened) Utah prairie dog (UPD) in the Summit North Unit and one in the Summit South Unit of the WMA. The last UPD sighting on the Summit North Unit was in 1997, and one UPD was counted on the South Summit Unit in 2015.

GRAZING

The DWR may use domestic livestock grazing to manage vegetation on Division lands if the Division determines that such grazing is beneficial for the maintenance or improvement of wildlife habitat. Grazing has historically been permitted through a formal grazing permit that

includes both the South and North Summit Units. This permit has historically allowed for 75 Animal Unit Months (AUM) between May 15th and June 20th. This permit is renewed annually, depending on the condition of the habitat for wildlife. The permittee alternates use between the north and south unit annually providing for a rest-rotation system. Additionally, the permittee also helps maintain fencing and the water system at Third Spring.

The Maple Spring Unit is surrounded by BLM land without any exclusionary fencing. Grazing is currently permitted on the BLM land and therefore livestock have used the Maple Spring Unit as well. The updated land use rule R657-28 will allow DWR to pursue formalizing a permit on the Maple Springs Unit, in conjunction with the neighboring BLM land.

The WMA is also eligible for use as a grassbank property and can be made available for grazing as in-kind trade for conservation actions on public or private lands, emergency forage for DWR grazing permittees or any other purpose designated by the DWR.

II. PROPERTY INFORMATION

PROPERTY DESCRIPTION

The Parowan Front WMA is a large complex of individual parcels of land located within Iron County, Utah. The WMA is 7,507 acres, all of which are within the closed drainage of the Little Salt Lake in the Sevier River drainage basin. This WMA was assembled from eleven transactions beginning in 1952, with the most recent occurring in 2013. Transactions included purchases and trades from private, BLM and Utah School and Institutional Trust Lands Administration (SITLA) sources.

The WMA is divided into five management units.

The northernmost unit is the **Paragonah Unit**, which consists of two parcels of land totaling approximately 910 acres, located near the town of Paragonah (see appendix B-2). The Robinson Parcel is closest to Paragonah and is a 121-acre piece approximately a quarter of a mile southeast of the town. It is located in Township 34 south, Range 8 west, section 4. The second parcel is the Red Creek Parcel and is a 790-acre piece located approximately 3.5 miles east of the town of Paragonah. This parcel includes all of section 1 and part of section 12 in Township 34 south, Range 8 west.

The **Maple Spring Unit** is a 961-acre parcel of land located approximately 2 miles southwest of Parowan city (see appendix B-3). It is located in Township 34 south, Range 9 west, parts of sections 25, 26, 27, 33, 34, and 35.

The **Summit North Unit** is 1520 acres located approximately a half mile east of Summit town (see appendix B-4). It is located in Township 34 south, Range 9 west, including parts of sections 29, 30, 31, and all of section 32.

The **Summit South Unit** is 1120 acres in Township 35 south, Range 10 west, including parts of sections 1,2, and 11. This unit is located approximately 1 mile southwest of Summit town (see appendix B-5).

The **Elliker Basin Unit** adjoins the Summit South Unit on its western edge totaling 2996 acres (see appendix B-6). The unit is located approximately 2 miles southwest of Summit town, in Township 35 south, Range 10 west, including portions of sections 3, 9, 10, 14, 15, 16, 20, 21, 22, and 23.

LAND ACQUISITION HISTORY

The Parowan Front WMA was purchased from many different sources. The first 618 acres of the Red Creek Parcel of the Paragonah Unit was purchased on May 16, 1961, from Alma and Bessie M. Stubbs (see appendix C). On July 3, 1961, the 121-acre Robinson Parcel of the Paragonah Unit was purchased from Gilbert and Erma Ipson Robinson. The remaining 172 acres of the Red Creek Parcel were purchased from the BLM on May 19, 1966.

Two purchases were made to form the Maple Spring Unit. The first 441 acres were purchased from E. Ray and Anna M. Lyman on December 6, 1952, with the use of a federal aid grant. An additional 520 acres was purchased from Wesley and Ila Lowe Bauer on September 15, 1954.

The first piece of the Summit North Unit (439 acres) was purchased from Albert T. and Belle P. Lawrence on August 28, 1961. On April 17, 1984, a land trade was completed with the BLM wherein the DWR traded land in Washington County for 2,271 acres along the Parowan Front. Of the land acquired in the trade, 440 acres has become part of the Summit North Unit. A 641-acre section of land was purchased from SITLA on March 26, 1985, which also became part of the Summit North Unit.

The land trade referenced above was the first acquisition of the Summit South Unit and yielded 880 acres. On February 19, 2013, a land trade was completed with SITLA for 661 acres, of which 240 acres became part of the Summit South Unit.

Part of the Elliker Basin Unit (988 acres) was purchased from Noah Henry Elliker on February 26, 1955. On October 24, 1966, 638 acres of the Elliker Basin Unit was purchased from Ralph M. and Fannie Louise Clendenin. An additional 950 acres of the previously mentioned BLM land trade makes up a portion of the Elliker Basin Unit. The remainder of the unit is made up of 420 acres acquired in the above mentioned 2013 trade with SITLA.

A Pitman-Robertson federal aid grant was used for all land purchases in the Parowan Front WMA. The land in Washington County traded to the BLM for land along the Parowan Front was also purchased with federal aid dollars, so federal regulations still apply.

ENCUMBRANCES

WATER RIGHTS/DEVELOPMENTS

On the Summit North Unit, SITLA reserved the water rights to an unnamed spring above Third Spring (Water Right 75-1315). Summit Culinary Water Users Inc. own the water rights to Second Spring (Big Spring) (Water Right 75-557, a19566). On October 20, 1986, the Division granted an easement to Summit Special Service District to construct and maintain a culinary water pipeline from Second Spring across the unit to the town of Summit. The Summit Special Service District holds easements for a water tank and a waterline running from the tank to the town of Summit. The Summit Irrigation Company has an irrigation pond that services the irrigation system. This pond is at the southeast corner of the Summit North Unit.

Security Title of Southern Utah has an established point of diversion out of the East Fork of Braffits Creek (Water Right 73-566) on the Elliker Basin Unit. The BLM has a water right to water stock out of Jones Dairy Creek (Water Right 73-1527).

On the Paragonah Unit the BLM has a point of diversion out of the South Fork of Red Creek (Water Right 75-738). The entirety of the Red Creek Parcel is subject to all vested and accrued water rights that existed at the time of purchase from the BLM. See appendix D for table of water right information.

MINERAL DEVELOPMENT

The previous owners reserved the mineral rights to the Robinson Parcel of the Paragonah Unit. On the Red Creek Parcel the federal government reserved the mineral rights in addition to a clause that states that said land must be used for the original grant purpose and is subject to all vested and accrued water rights, ditches, reservoirs, and rights of ways for ditches and canals. The federal government reserved mineral and mining rights, and rights associated with mining including prospecting and removal of material on this unit as well. In the mid-1970s Chevron Oil Company conducted a soil and temperature survey on the Red Creek Parcel of the unit.

The federal government reserved the mineral rights on the land received from the BLM in the Summit North Unit. The State of Utah reserved the mineral rights to section 32 of the Summit North Unit.

The federal government reserved all mineral rights on the Summit South Unit. A permit was given to Grant Geophysical to conduct seismic surveys on the Summit South Unit in 1984. Grant Geophysical was also permitted to perform seismic surveys on the Elliker Basin Unit.

RIGHTS OF WAY

The BLM retained rights of ways for all existing ditches, reservoirs, and canals that existed on the Red Creek Parcel at the time of purchase from the BLM.

On October 20, 1986, the DWR granted an easement to Summit Special Service District to construct and maintain a culinary water pipeline from Second Spring across the Unit to the town of Summit. The Summit Special Service District holds easements for a water tank and a waterline running from the tank to the town of Summit. All ditches and canals that existed at the time of the 1984 transfer from the BLM were given rights of way previously, which are still in effect. The Division granted an easement across the Summit North Unit to U.S. West Communications Inc. for construction and maintenance of a fiber optic line on January 28, 1994.

The Robinson Family maintains a road right of way through the North Parcel of the Elliker Basin Unit to adjacent private land. Frank W. and Celestia Nichols have a road right of way through the South Parcel of the Elliker Basin Unit to the adjacent BLM and private land.

III. PROPERTY INVENTORY

EXISTING CAPITAL IMPROVEMENTS

ROADS

A portion of the Red Creek Reservoir Road, which is maintained by Iron County, runs through the northeast corner of the Red Creek Parcel of the Paragonah Unit. An unimproved road runs through the Robinson Parcel (see appendix B-2).

There are two roads running through the Maple Spring Unit, which are rocky and unimproved (see appendix B-3). One of the roads runs through the unit onto adjacent BLM lands to Mahogany Seep. The other runs to Maple Spring, and then continues to a dead end on adjacent BLM land.

On the Summit North Unit there are also several roads that run into and through the property (see appendix B-4). One of the roads is the Summit Canyon Road, which is maintained by Iron County. Another road runs through the unit west of Second Mound and into the Red Hills Subdivision. Old highway 91 runs through the north edge of the unit and is maintained by the Iron County.

The Summit South Unit includes several unimproved roads (see appendix B-5). A portion of the road that comes south out of the town of Summit is claimed as a county road until it crosses onto private property. There are also several administrative-access only roads used for maintenance on the northwest edge of the unit.

The Elliker Basin Unit includes multiple unimproved roads and one asphalt road with a complex history. The asphalt road was initially intended to provide access to a private development in Braffits Creek above the WMA. The development ultimately went bankrupt and forfeited on the plans that would have granted a right-of-way easement. A portion of this road is managed as a seasonally closed road, and ultimately if the development ever proceeds, a new right-of-way easement will need to be negotiated (see appendix B-6).

FENCING

Portions of the WMA are fenced to manage livestock and maintain property boundary lines.

On the Paragonah Unit the Red Creek parcel has fencing along both the eastern and western boundary. Much of this fence is in poor condition, however the eastern boundary has been improved over the past couple of years working cooperatively with an adjacent private landowner. These enhancements should better control livestock trespass on both the WMA and the private property accessed through the WMA.

The Maple Spring Unit is unfenced; however, Maple Spring has been fenced to protect the riparian area from cattle.

The Summit North unit is fenced on the north and west sides.

The Summit South Unit is fenced on the north side and partially on the west side along the private property border.

The Elliker Basin Unit is fenced on the north and west sides.

PHYSICAL FACILITIES

There are no physical facilities on the Parowan Front WMA.

HABITAT PROJECTS

Habitat projects have been conducted on the Parowan Front WMA since the 1960's, though there are limited records of practices and dates. Since the creation of the Watershed Restoration Initiative (WRI) in 2006 just over 2,500 acres have been treated, primarily to enhance mule deer winter range. These treatments (WRI projects 546, 1468, 1496, 3070, 3435, 4961, 4990, 5748, and 5758) generally have been pinyon and juniper tree removal and seeding. In 2020, 580 acres of the Summit South and Elliker Basin Units were masticated and seeded along with neighboring BLM and SITLA lands (WRI project 4990). An additional 550 acres were lopped and scattered in 2022 on the Elliker Basin, Maple Spring, Summit North and South Units (WRI project 5758). In 2023 a mastication and seeding project has been proposed (WRI project 5948). If approved it will treat 465 acres on the Maple Spring unit that will complement mastication on the adjacent BLM. Additionally, the water system in Maple Spring will be replaced and provide water to the BLM and the WMA for better distribution of wildlife and livestock.

Since 2018 the Dedicated Hunter Program has used volunteers to plant bitter brush to increase browse on the WMA. With the development of applications for smart phones, volunteers were

able to begin mapping the areas that they seeded starting in 2021 (WRI project 4961). This will help the DWR monitor and measure success.

Fencing is used to manage the use of livestock and distinguish property boundaries on the Parowan Front WMA. Fencing can also pose a threat to mule deer and other wildlife because of entanglement and collision. In 2022, 1.07 miles of boundary fence was reconstructed with wildlife friendly fencing on the Summit South Unit (WRI project 6103).

Future projects may include browse planting, sagebrush restoration, fence removal and construction, as well as erosion control intended for improving mesic and riparian habitats.

IRRIGATION

There are no active or planned areas for irrigation on the Parowan WMA.

CULTURAL RESOURCES

As of 2023, approximately 12% of the WMA has been surveyed for cultural resources over the past three decades. The most recent survey efforts were associated with vegetation management projects. Within the previously surveyed area, 96 archaeological sites have been recorded. The majority of these sites are prehistoric artifact scatters, primarily consisting of lithic materials. A significant portion of the 96 recorded sites is from the historic period and generally consist of historic artifact scatters with occasional diagnostic artifacts. Approximately one quarter of the recorded archaeological sites were determined to be eligible for the National Register of Historic Places, though none have been listed. The remaining sites were determined not eligible for the National Register. While the limited number of completed archaeological surveys may not be representative of the site density across the entire WMA, these surveys show the area generally has high archaeological site densities at approximately one site per fifteen acres. Statewide, site densities average one site per sixty acres.

There is a lathe and plaster walled dugout cabin just west of First Spring adjacent to the road that runs north south through the Summit North Unit. Next to the dugout there is a dugout root cellar, and above the dugout there is a building foundation. The structures are in a severe state of disrepair; both the root cellar and dugout are filled with silt. The roofs are mostly missing on the dugout and the root cellar, and the foundation's floorboards are rotting and weathered.

There is a small complex of ruins on the Elliker Basin Unit North Parcel. The ruins are a complex of rock walls and rooms measuring about 250 feet north-south by 100 feet east-west.

SPECIES OF GREATEST CONSERVATION NEED

The Utah Wildlife Action Plan was created “to manage native wildlife species and their habitats, sufficient to prevent the need for additional listings under the Endangered Species Act.” The State of Utah has identified several Species of Greatest Conservation Need (SGCN), which “do, or potentially could, present the possibility of an ESA listing.” Threats to these species are described in the Utah Wildlife Action Plan. Up to 8 SGCNs could potentially occur on lands managed under this plan. For many of these, very little is known about the species and surveys have not been conducted in this area.

Utah prairie dog (*Cynomys parvidens*)

There are 2 inactive colonies of the federally listed (threatened) Utah prairie dog (UPD) in the Summit North Unit and one in the Summit South Unit of the WMA. The last UPD sighting on the Summit North Unit was in 1997, and one UPD was counted on the South Summit Unit in 2015. The colony on the Summit South Unit extends west to I-15 and active portions on adjacent private property are within a half mile of the Summit South Unit’s northwest border.

Pinyon jay (*Gymnorhinus cyanocephalus*)

There are historic records and recent observations of Pinyon Jays within the Parowan Front WMA and within one half mile radius of the WMA.

Bald eagle (*Haliaeetus leucocephalus*)

There are current and historic records of bald eagle within a half mile radius of the Parowan Front WMA. Wintering bald eagles are known to forage nearby and perch in trees found on the WMA.

Golden eagle (*Aquila chrysaetos*)

There are resident golden eagles that are often observed foraging in the open sagebrush areas and neighboring rangelands.

Pygmy rabbit (*Brachylagus idahoensis*)

There are no documented sightings of pygmy rabbits on the WMA, although the WMA does provide suitable habitat.

Peregrine Falcon (*Falco peregrinus*)

Peregrine Falcons have not been documented on the Parowan Front WMA, but local birders have reported identifying peregrine falcons near the WMA. Habitat conditions on the WMA and nearby are suitable for peregrine falcons.

Ferruginous hawk (*Buteo regalis*)

Ferruginous Hawks have not been documented on the Parowan Front WMA, but local birders have reported identifying ferruginous hawks near the WMA. Habitat conditions on the WMA and nearby are suitable for ferruginous hawks.

Burrowing owl (*Athene cunicularia*)

Burrowing owls have not been documented on the Parowan Front WMA. Suitable habitat for burrowing owls is found within the WMA.

An unidentified species of springsnail has been found in a spring on the Summit North Unit. In accordance with the Conservation Agreement for Springsnails in Nevada and Utah, springsnails and their habitat on the Parowan Front WMA will be protected by maintaining spring source fencing and preventing spring water depletion.

IMPORTANT FISH AND WILDLIFE HABITATS

In addition to the SGCNs listed above, the Parowan Front WMA provides crucial habitat for mule deer, elk, turkey and several other upland game species. The exclusion fencing along Interstate 15 in Iron County has severely impacted seasonal migrations of big game to historic winter habitat west of Interstate 15. Due to this fragmentation the Parowan Front WMA is a critical part of the winter range for the Panguitch Lake Wildlife Management Unit (Unit 28).

GENERAL CONDITIONS OF HABITATS

HABITAT TYPES

The Parowan Front WMA consists of several vegetation types including Basin Big (*Artemesia tridentata tridentata*) and Wyoming sagebrush (*Artemesia tridentata wyomingensis*), Pinyon Pine (*Pinus edulis*) and Utah Juniper (*Juniperus osteosperma*), and Gambel Oak (*Quercus gambelii*) ecological sites. The WMA is characterized as a sagebrush lowland transitioning to pinyon-juniper hillsides with gambel oak ridges mixed with bitterbrush (*Purshia tridentata*) and mountain mahogany (*Cercocarpus ledifolius*). Surface water is seasonal besides Second Spring on the Summit North unit, which is fenced off from livestock. The spring is collected and piped to a trough which overflows into a small earthen-bank depression.

RANGE AND WATERSHED CONDITIONS

There are four DWR Range Trend monitoring sites (2 on the WMA and 2 on adjacent BLM land) and a monitoring site on one of the WRI treatments on the WMA. The four Range Trend sites indicate stable to declining range conditions due to invasive species, primarily cheatgrass (*Bromus tectorum*), dominance of introduced species crested wheatgrass (*Agropyron cristatum*) and intermediate wheatgrass (*Thinopyrum intermedium*), pinyon and juniper encroachment, and lack of age class diversity in the sagebrush. The WRI site was established prior to a mastication and seeding project that took place in 2019. Post treatment data in 2022 show favorable response to the treatment with large increases in seeded species that were present prior to the mastication. Cheatgrass is present and has increased post treatment.

RIPARIAN CORRIDORS AND WETLANDS

Water is limited on the WMA and there are no perennial streams. Surface water is seasonal.

HABITAT LIMITATIONS

Drought conditions have had negative effects on the Parowan Front WMA. The WMA has experienced a decline in plant vigor and poor production due to drought conditions. As drought conditions persist, the establishment of younger sagebrush and other browse may be negatively affected. Drought should be a consideration in the WMA management to promote healthy stands of sagebrush that continue to recruit new plants.

Invasive species management is critical for future management of this WMA. Cheatgrass and other weeds will need to be managed to sustain the desired wildlife habitat values. As other invasive species are documented, rapid response strategies are needed to prevent further spread.

HUMAN USE RELATED PROBLEMS

Allowed human uses will include hunting, livestock grazing, wildlife viewing, hiking, and horseback riding. OHV use will be allowed on the Parowan Front WMA only on designated right of ways and marked open roads. Destruction and/or degradation of wildlife habitat from any of these uses may result in further restrictions to protect the resources. Litter is a problem on this unit and has degraded wildlife habitat. Creation and use of unauthorized roads is also a concern on the WMA. Winter road use causes unnecessary stress on wintering mule deer.

The creation of new roads and trails on the Parowan Front WMA will be limited in an effort to continue to conserve and enhance habitat for wildlife in this area. New roads may only be allowed after considering the potential effects on wildlife and following DWR protocol. As per the Access Management Plan (Appendix A) roads and trails that serve no purpose and damage wildlife habitat by deviating from established roads and reducing browse, forbs, and grass species will be permanently closed.

ADJACENT LAND USES AND POTENTIAL IMPACTS

BLM, Forest Service, private lands and SITLA lands border the Parowan Front WMA. Livestock grazing occurs on most of the adjacent federal lands. Much of the private and SITLA land is grazed as well. In addition, many private lands adjacent to or nearby the WMA are farmed, with alfalfa being the main crop. Some of the adjacent private land is being developed and subdivided, further diminishing the already limited quantity of winter range for deer east of Interstate 15. Fence maintenance is important to avoid livestock trespass. Habitat improvement is important to minimize wildlife depredation on surrounding agricultural lands and to counteract the loss of habitat in surrounding areas due to development.

ZONING AND LAND USE ORDINANCES

The Parowan Front WMA is zoned for agriculture. It should also be noted that many of the private lands adjacent to the WMA have been converted from agricultural zoning to residential subdivision zoning. This has increased the market value of Division lands but decreased the value of wildlife habitat in these areas.

IV. MANAGEMENT GOALS AND OBJECTIVES

The management of the Parowan Front WMA considers the goals, objectives, and strategies of other DWR planning efforts, as well as county and state resource management plans. These plans include, but are not limited to, the DWR Strategic Plan, the Utah Wildlife Action Plan, and species-specific management plans. Some of these plans are briefly discussed below. *Note: this is not a comprehensive review of the listed plans, but a summary of relevant objectives and strategies contained within those plans.*

DWR STRATEGIC PLAN

The management of the Parowan Front WMA will be consistent with the goals and objectives of the DWR Strategic Plan:

- Agency goal: Create a culture of respect, innovation, efficiency and effectiveness within the Utah Division of Wildlife Resources.
 - Objective A6 - Increase our coordination with partners, including local, state and federal agencies; non-governmental organizations; universities and others.
- Constituency goal: Strengthen support for wildlife management by demonstrating the value and importance of wildlife to all Utahns.
 - Objective C1 - Increase participation in fishing, hunting, and other wildlife-related activities.
 - Objective C5 - Increase understanding of how the broader public views and values wildlife - and how it contributes to their quality of life - and take reasonable steps to address their needs, wishes, and priorities.
 - Objective C6 - Increase hunting and fishing opportunities.
- Resource goal: Conserve, enhance and actively manage Utah's protected wildlife populations.
 - Objective R1 - Increase, decrease or maintain wildlife populations, as needed, to meet the objectives in our management plans.

- Objective R2 - Maintain existing wildlife habitat and increase the quality of critical habitats and watersheds throughout the state.
- Objective R4 - Decrease risks to species and their habitats through integrated implementation of the Wildlife Action Plan, species recovery plans, conservation agreements and other management plans.

Objective R7 - Decrease the number of wildlife – related incidents – including property damage, crop depredation and threaten or endanger species – that negatively affect private property owners.

WILDLIFE ACTION PLAN

The 2015 Utah Wildlife Action Plan (WAP) was created with the goal “to manage native wildlife species and their habitats, sufficient to prevent the need for additional listings under the Endangered Species Act.” The WAP identifies wildlife species most in need of conservation attention and the habitats they require for survival. The WAP includes a statewide threat assessment, which identifies threats to each key habitat and then ranks the impact of that threat according to the number of SGCN’s that could be affected. The Parowan Front WMA contains multiple key habitats listed in the WAP. The threats listed below are not a comprehensive list of statewide threats identified for these habitats but are those that may be most relevant on the WMA. Management activities on the WMA will attempt, to the extent possible, to address these priority threats, and will use the suggested strategies for management as outlined in the WAP.

GAMBEL OAK

Priority threats include:

- Invasive Plant Species – Non-native (Medium)
- Inappropriate Fire Frequency and Intensity (High)

Strategies for management include:

- Promoting policies and management that allow fire to return to a more natural regime.

- Promoting and funding restoration that reduces the uncharacteristic class, including cutting/mulching of invading pinyon and juniper trees, and herbicide or mechanical treatment of non-native invasive species such as cheatgrass and smooth brome.
- Continuing the funding and support for weed abatement programs, including “early detection – rapid response” programs.

LOWLAND SAGEBRUSH

Priority threats include:

- Inappropriate Fire Frequency and Intensity (Very High)
- Droughts (High)
- Invasive Plant Species - Non-native (Very High)
- Housing and Urban Areas (Medium)

Strategies for management include:

- Creating and maintaining fuel breaks to prevent fire from reaching remaining unburned acres.
- Enhancing the prevention and suppression of ignitions in these unburned areas.
- Enhancing the prevention and suppression of ignitions in areas that have burned once, which often retain a component of recovering native vegetation and are good candidates for otherwise-passive restoration.
- Utilize the latest and best technology (such as herbicides) for control of invasive annual grasses.
- Continuing the search for effective plant-restoration materials and methods that can be affordably translated from the research plot scale, to the operational project scale.

MOUNTAIN SAGEBRUSH

Priority threats include:

- Invasive Plant Species – Non-native (Medium)
- Roads – Transportation Network (Medium)
- Droughts (High)
- Inappropriate Fire Frequency and Intensity (Medium)

- Housing and Urban Areas (Medium)
- Improper Grazing (current) (High)

Strategies for management include:

- Promoting policies and management that allow fire to return to a more natural regime.
- Promoting policies that reduce inappropriate grazing by domestic livestock and wildlife.
- Promoting and funding restoration that reduces the Uncharacteristic and surpluses of older age class, including: Dixie/chain harrow, brush mowing or other treatments that reduce the older age class and stimulate the younger/mid age classes; herbicide or mechanical treatment of non-native invasive species such smooth brome; single tree mulching/cutting of invading conifer.
- Continuing the development of new plant materials, especially native forbs.
- Promoting zoning/policies/laws that lead to responsible human/energy intrusion and development.
- Promoting management that includes seeding a diversity of grasses, forbs and shrubs that will lead to increased resiliency and resistance in the plant community.

WILDLIFE SPECIES MANAGEMENT PLANS

Unit management plans for deer and elk on Unit 28 call for direct range improvements on winter range, working with partners through Utah’s Watershed Restoration Initiative for fire rehabilitation, managing vehicle access on DWR lands to limit disturbance to wintering big game, and addressing pinyon and juniper encroachment through the use of proactive treatments. The State of Utah Turkey Management Plan places a high priority on winter habitat and medium priority on improving breeding and summer habitat. Similar to the unit management plans for deer and elk, the wild turkey plan addresses the need for maintaining range conditions, reducing disturbances, and proactive habitat improvements to support wild turkey populations. All these directives have historically been implemented and will continue to be implemented on the Parowan Front WMA.

LOCAL RESOURCE MANAGEMENT PLANS

In 2015, the Utah Legislature passed H.B. 323 which required each county to develop a Resource Management Plan (RMP) as part of the county’s general plan. The State of Utah aggregated the land use decisions and directives that emerged from the county plans, and in

2018 published a RMP for the State of Utah. These local resource management plans were created to address and remedy a disconnect between local land use needs/desires and federal land use planning. The county and state RMPs are intended to provide a basis for coordinating with the federal government. Counties also utilize their RMP's as a basis for coordinating with State planning activities.

Under Utah State Code 63L-10-104, "State agencies and political subdivisions shall refer to and substantially conform to the statewide resource management plan when making plans for public lands or other public resources in the state."

Local RMPs applicable to the Parowan Front WMA include the statewide RMP and the Iron County RMP. Management of the WMA will be consistent with these local resource management plans to the extent possible.

V. STRATEGIES FOR PROPERTY MANAGEMENT

DEVELOPMENT AND ANNUAL MAINTENANCE ACTIVITIES

As discussed in the introduction, an advisory committee met two times during fall of 2022 and winter of 2023 to brainstorm and frame ideas they would like to see addressed on the WMA. Several of these ideas are outlined below and will be carried out in the development and annual maintenance activities on the WMA. In addition to these ideas, typical annual maintenance duties include weed control, fence maintenance, road maintenance and signage:

- Work with law enforcement and wildlife sections to identify fence(s) that are problematic to deer and replace with wildlife friendly fence(s).
- Work with law enforcement to address illegal use of trails and roads on the WMA. Keep signage current and legible throughout the year.
- Maintain and improve water developments to provide water for wildlife and permitted livestock.

VI. STRATEGIES FOR HABITAT IMPROVEMENT

HABITAT IMPROVEMENT PLAN

The advisory committee developed ideas for the habitat improvement plan outlined below:

- Continue with removal of encroaching pinyon and juniper including the maintenance of previous treatments.
- Plant bitterbrush seed using volunteers and division personnel using hand planters and the “bitterbrush planter”. Target plantings in areas that are in early successional states and or have recently burned.
- Locate areas for planting sagebrush in recently treated areas to increase the amount of available browse on the landscape.
- Conduct experimental use of herbicides such as Rejuvra® and Plateau® to control invasive cheatgrass. Expand on these using lessons learned from previous treatments.
- Install low-tech erosion control structures, primarily hand-built rock, or wood structures (Zeedyk Structures), enhancing the seasonal stream and associated riparian woody species, and hand seed around these structures with forbs to increase the amount of forage on the landscape.

ACCESS MANAGEMENT PLAN

Motorized access to the WMA is provided through a series of roads. Some of which are seasonally closed. Overland travel is limited to foot and horse traffic. The use of E-bikes is prohibited outside of the identified open and seasonally closed roads. Creation of new roads and trails is prohibited. Roads designated as seasonally closed or closed will be signed. In addition to the identified open and seasonally closed roads, there are several additional administrative roads that serve as access for maintenance and management purposes (See Appendix A).

FIRE MANAGEMENT PLAN

Fire suppression is the general practice within the Parowan Front WMA. Protecting browse species for wintering wildlife is the highest priority due to the difficulty associated with restoring browse species. Some limited prescribed fire may be used in the future in conjunction with the US Forest Service, BLM, and the Utah Division of Forestry, Fire, and State Lands in the oak communities as mentioned elsewhere in this plan.

In order to balance fire suppression practices on the WMA, an aggressive and proactive habitat restoration program has been and will continue to be implemented on the WMA. These restoration projects serve to reduce fire receptivity and behavior. Future projects will also focus on creating defensible space on our uphill borders that will allow for fire to be used on the upslope properties while mitigating risk to the winter range.

WOOD PRODUCTS

Cedar posts and firewood are the most likely available wood products available on the Parowan Front WMA, with little potential for Christmas trees. None of these are available in large enough quantities for commercial harvest, but individual use permits may be obtained through the Southern Region office.

VII. SUMMARY STATEMENT OF PROPOSED USES

The primary purpose of the Parowan Front WMA is to provide winter range for big game species. In addition, there is vital, high-quality turkey habitat on some of the units. Allowed recreation uses include hunting, wildlife viewing, hiking, and horseback riding. Dispersed camping will also be allowed but not promoted. OHV use will be allowed on the WMA only on designated right of ways and marked open roads. Destruction and/or degradation of wildlife habitat from any of these uses may result in further restrictions to protect the resource.

VIII. MONITORING AND EVALUATION

The district wildlife biologist in conjunction with the area habitat restoration biologist and other habitat staff will evaluate the habitat and prepare habitat improvement proposals. The district conservation officer will monitor human use of the Parowan Front WMA and propose management modifications if problems exist with input from habitat and wildlife staff. The Habitat Section of the Southern Region of DWR will present improvement projects to the Watershed Restoration Initiative, Habitat Council, and other sources for approval and funding.

IX. APPENDICES

APPENDIX A – PAROWAN FRONT ACCESS MANAGEMENT PLAN

Parowan Front WMA Access Management Plan

The Parowan Front WMA is crucial winter range for big game in the Panguitch Lake herd (unit 28). Due to the sensitive nature of wintering big game and the potential for human use to further stress animals the DWR has developed this access management plan to direct public access on the property.

Road Designation

The roads on the Parowan Front WMA will be designated in one of three categories: Open roads, Seasonally Closed Roads, and Permanently Closed Roads.

Open roads

These are roads that will be left open to the public year-round and are roads on established rights of way granted to Iron County, private landowners with land only accessible through WMA lands, or state agencies. Some additional roads that are less damaging to wintering wildlife and do not damage habitat may be left open for public access.

Seasonally Closed Roads

All roads will be closed seasonally from January 1st to April 30th each year that are not on established rights of way but are necessary for public access to the WMA. This will be done to limit disturbance of wintering big game. Seasonal closures will also help to remedy the winter depredation problems on surrounding private land by allowing big game to winter on the WMA undisturbed. All roads will be closed between these dates unless posted open (Utah Code section 41-22-10.1).

Permanently Closed Roads

All roads that are damaging to wildlife habitat and are unnecessary for public access or WMA management will be permanently closed (Utah Code section 41-22-13). The roads will be closed using signs, water bars, fencing and other obstructions. Some of the roads will be

plowed and reseeded. Others in low traffic areas will be blocked and allowed to return to a natural state.

Carrying out Closures

The Parowan Front WMA HMP revision committee worked together to determine the classification status for each road. The Iron County Commission will also be given a chance to review. See appendix B for maps of road designations.

Upon approval by the Director of DWR of the Habitat Management Plan, DWR will carry out closures and signing.

OHVs (including E-bikes)

OHVs will be allowed on open and seasonally closed roads only (Utah Code section 41-22-10.1). Use on seasonally closed roads is limited to the period of May 1 – December 31 annually. There are no existing legal OHV trails on the WMA (Utah Code section 41-22-13). There are roads that run through the WMA to access U.S. Forest Service administered lands; these will remain open, and allow OHV access to the WMA and adjacent federal land.

Enforcement of Closures

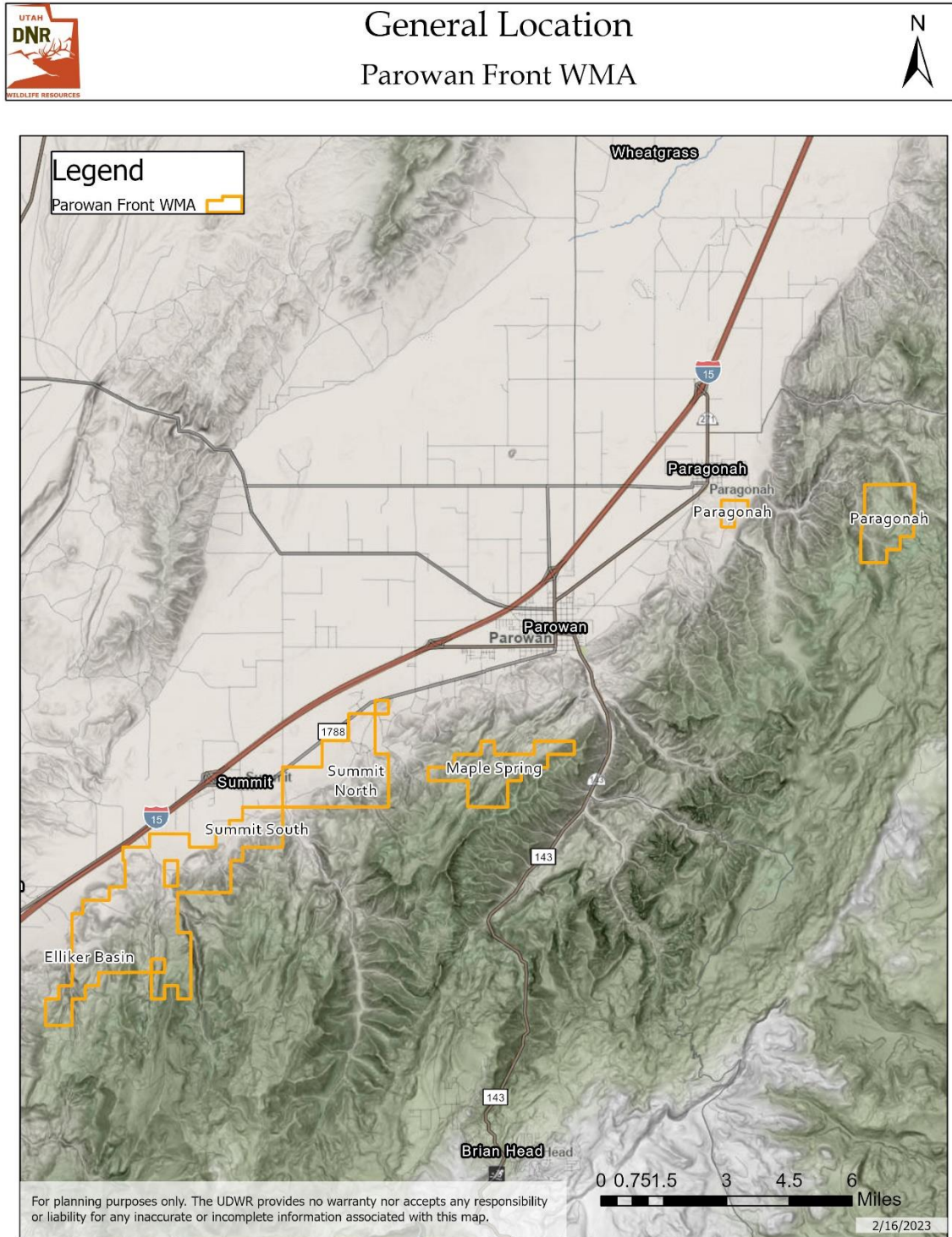
DWR Conservation Officers will carry out the enforcement of road closures. Iron County Sheriff's Department will also have jurisdiction (Utah Code Section 41-22-16). Trespass on closed roads is punishable as a class C misdemeanor and a monetary fine.

Informing the Public

The public will be informed through signs at major access points, and on fence lines. The county will also be notified of our intent to close roads and given a chance to provide input. Signage will be done as a courtesy to the public rather than being necessary for enforcement (Utah Code section 41-22-10.1).

APPENDIX B - MAPS

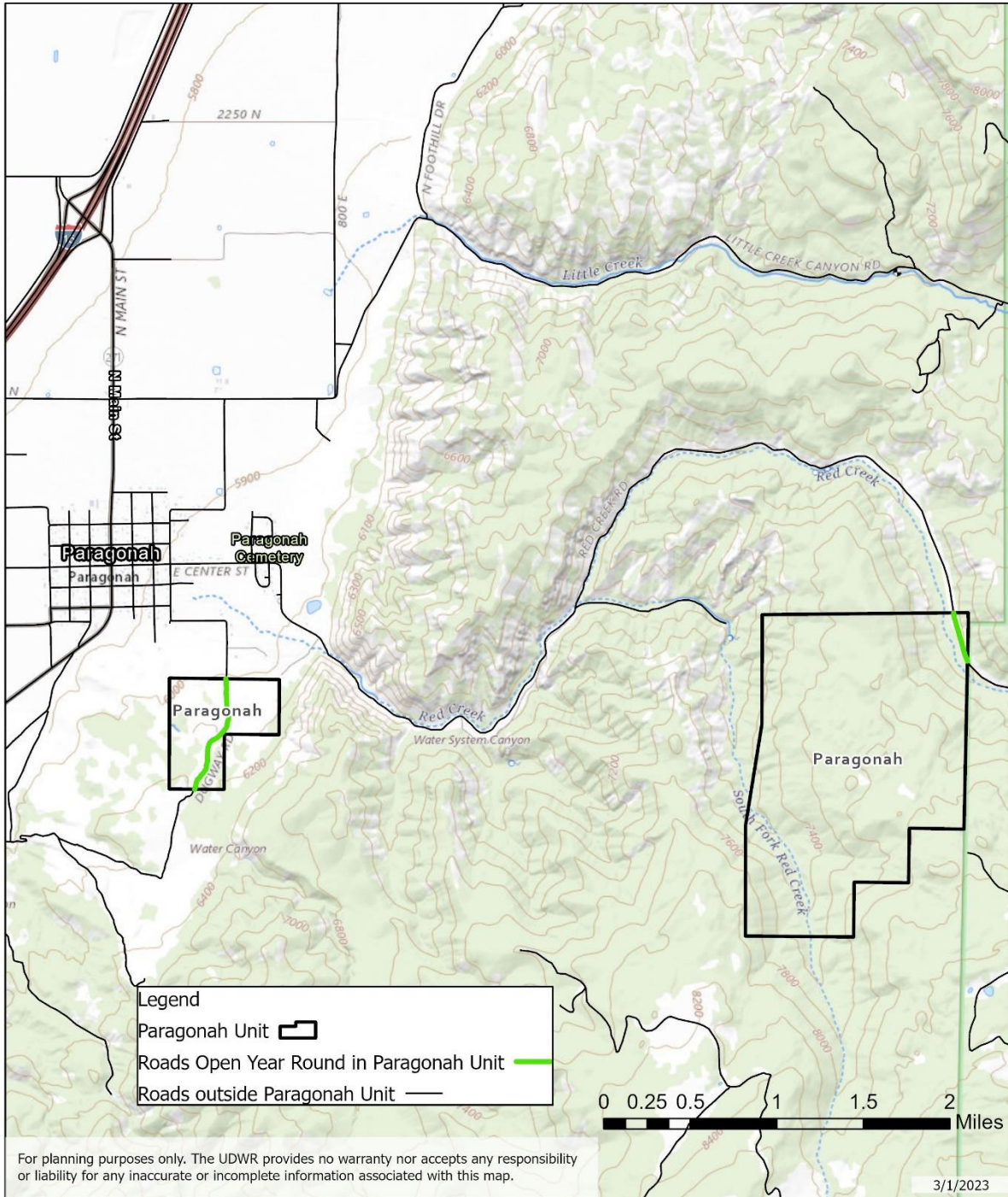
MAP 1 – GENERAL LOCATION MAP OF PAROWAN FRONT WILDLIFE MANAGEMENT AREA



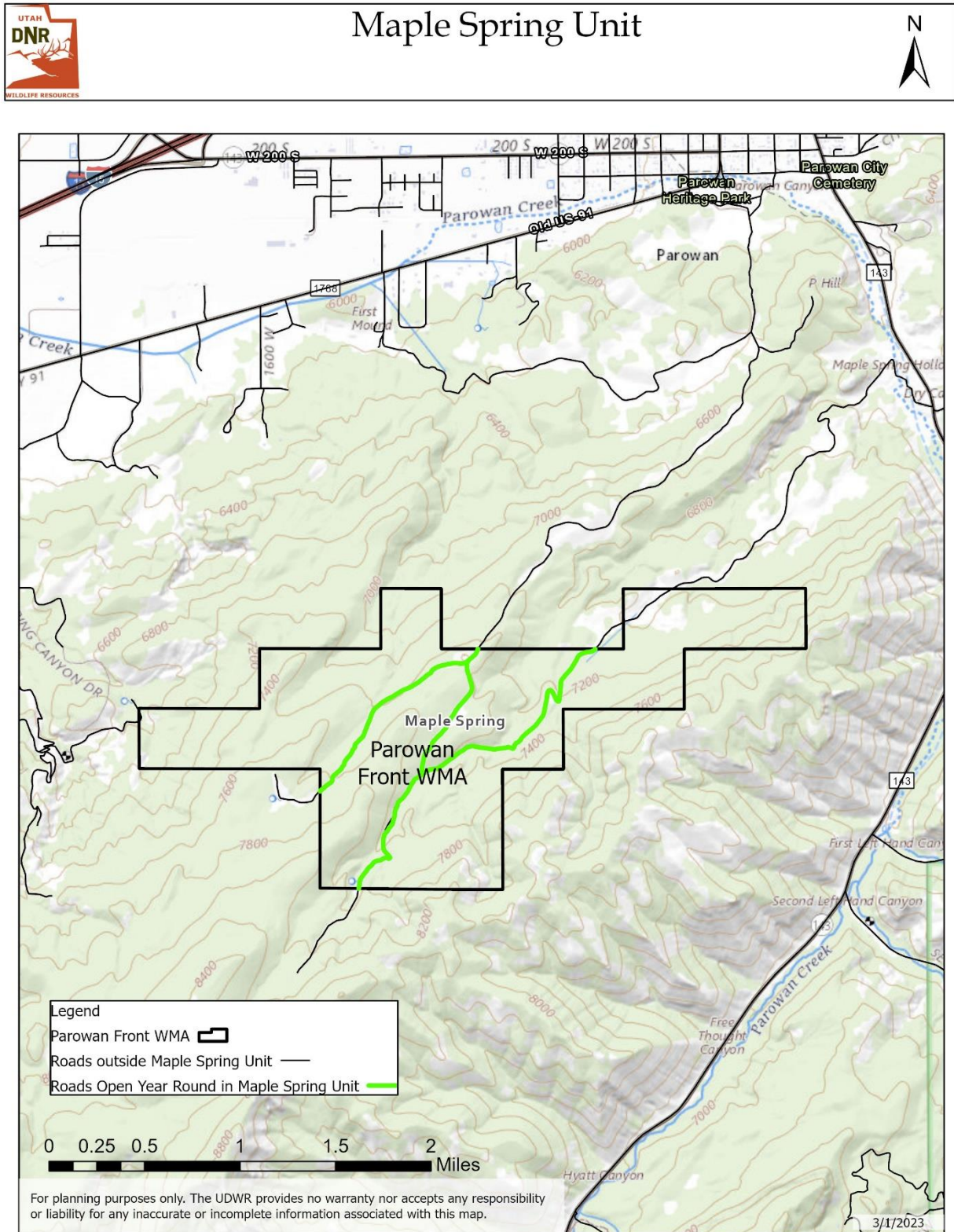
MAP 2 – PARAGONAH UNIT



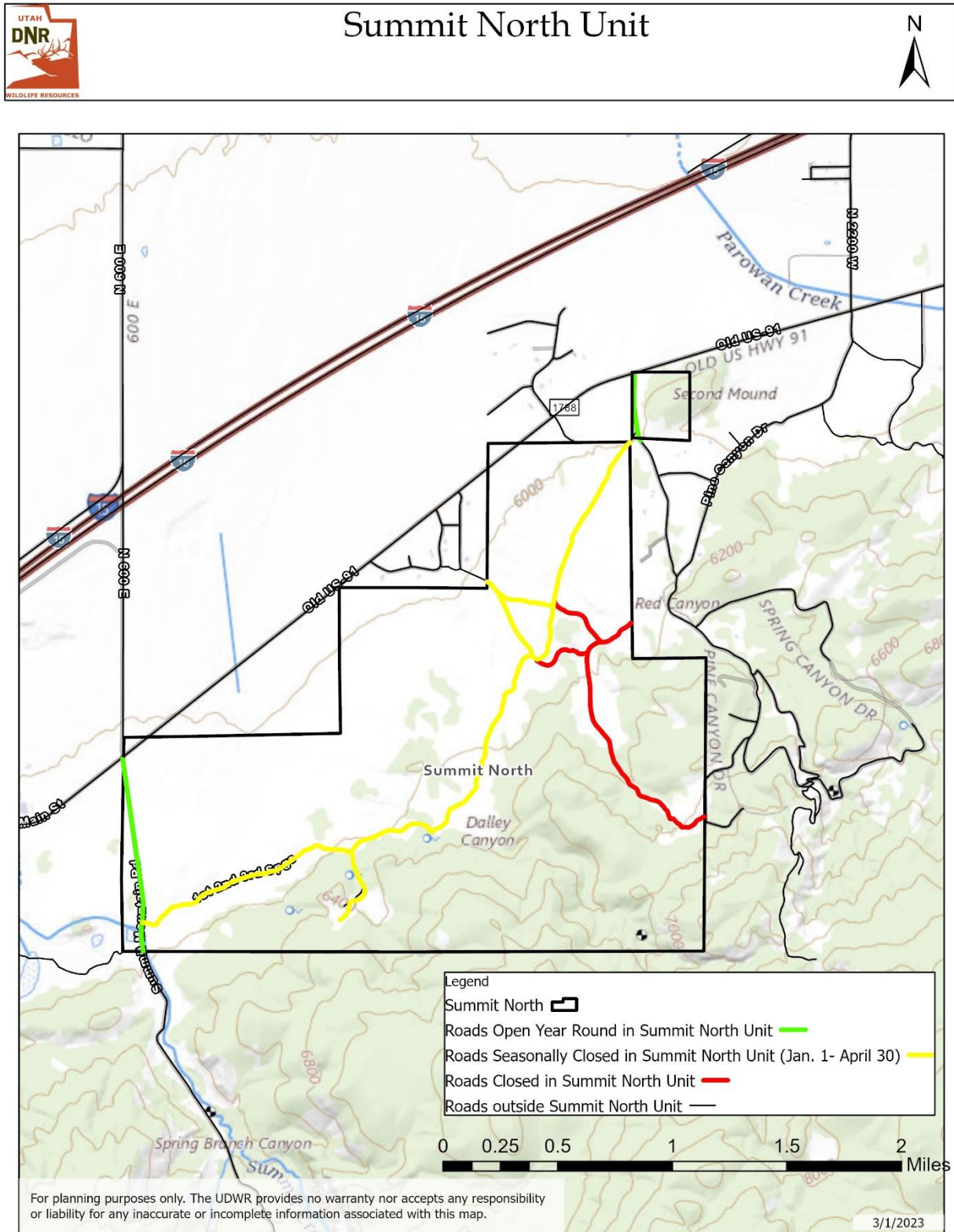
Paragonah Unit



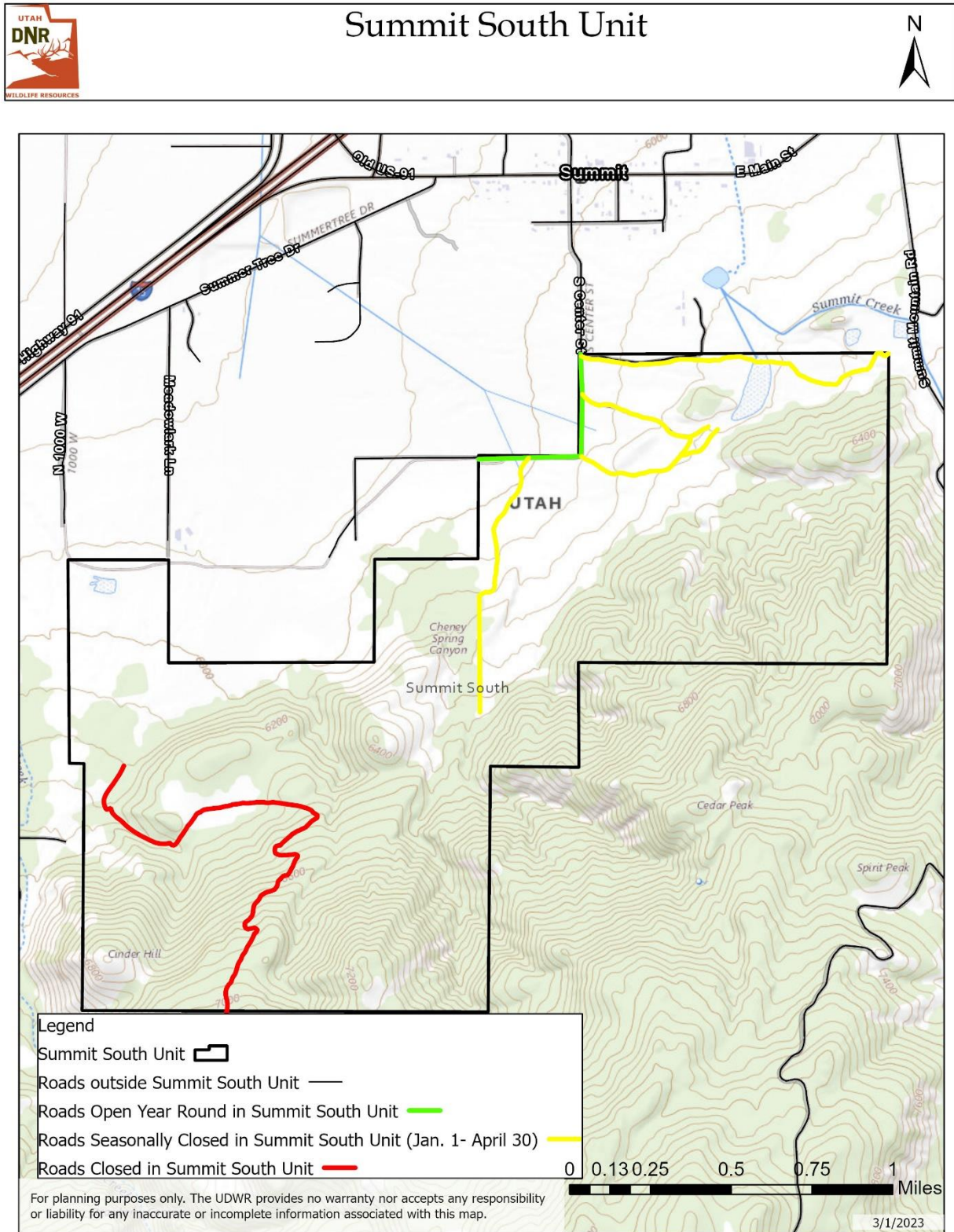
MAP 3 - MAPLE SPRINGS UNIT



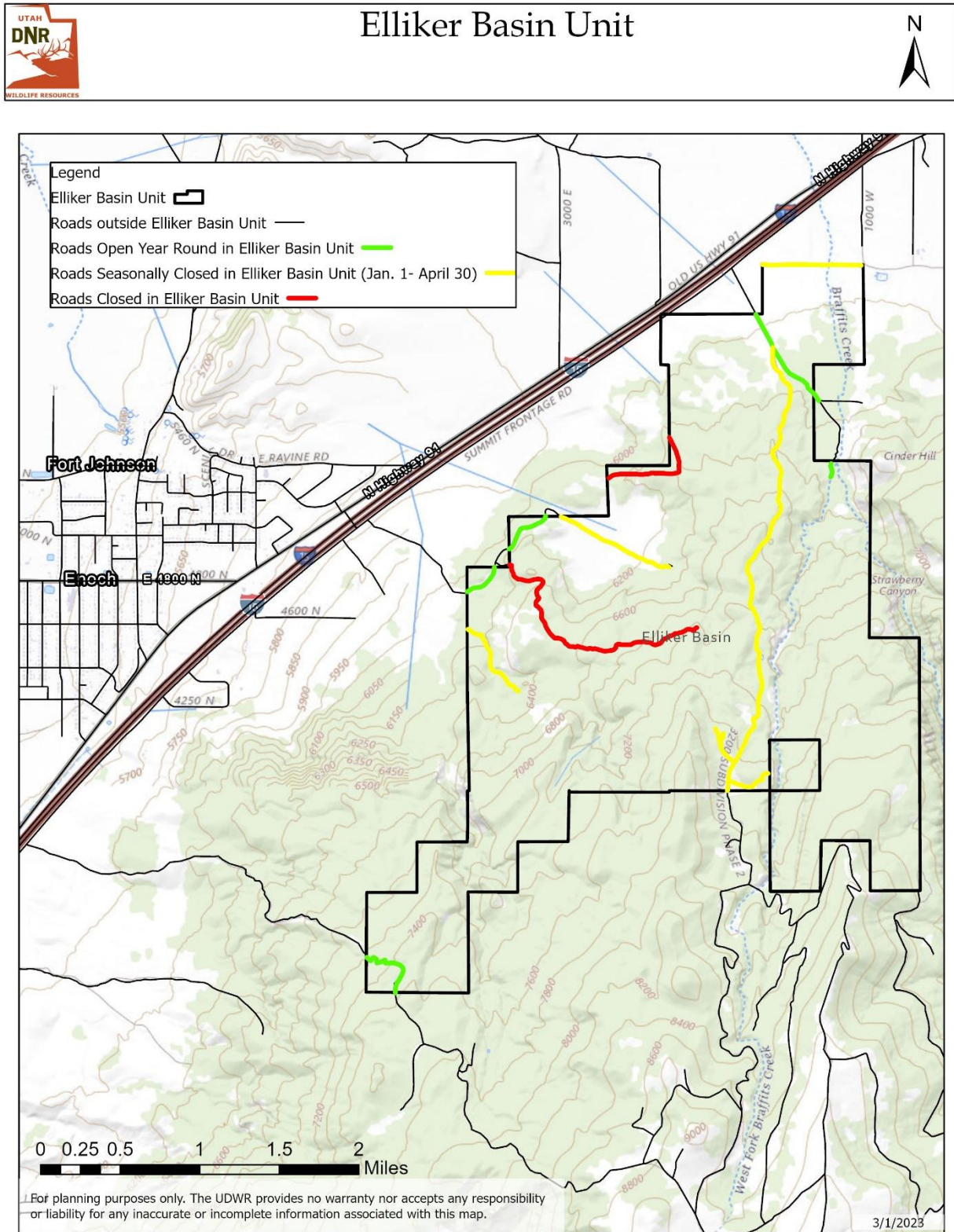
MAP 4 - SUMMIT NORTH UNIT



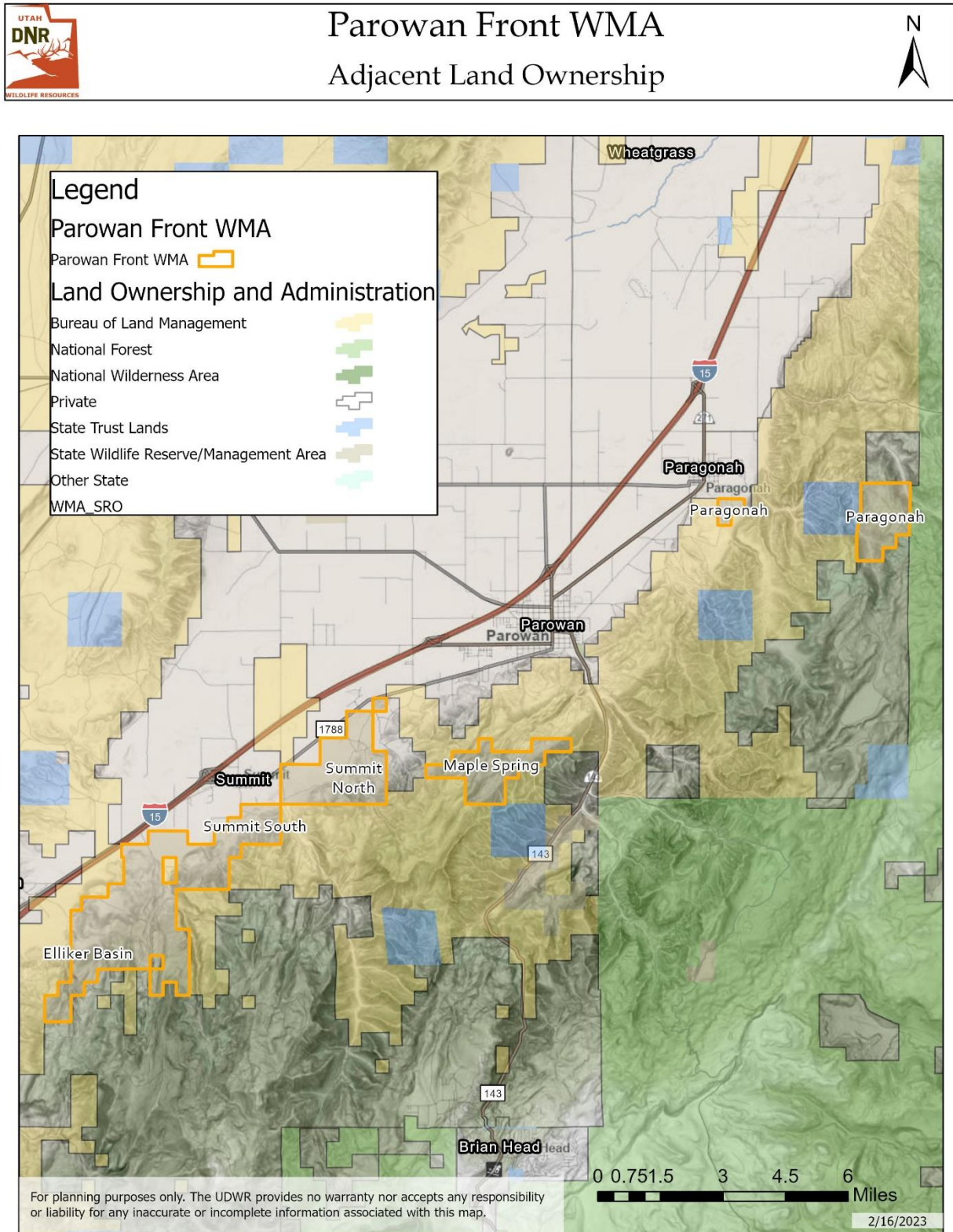
MAP 5 – SOUTH SUMMIT UNIT



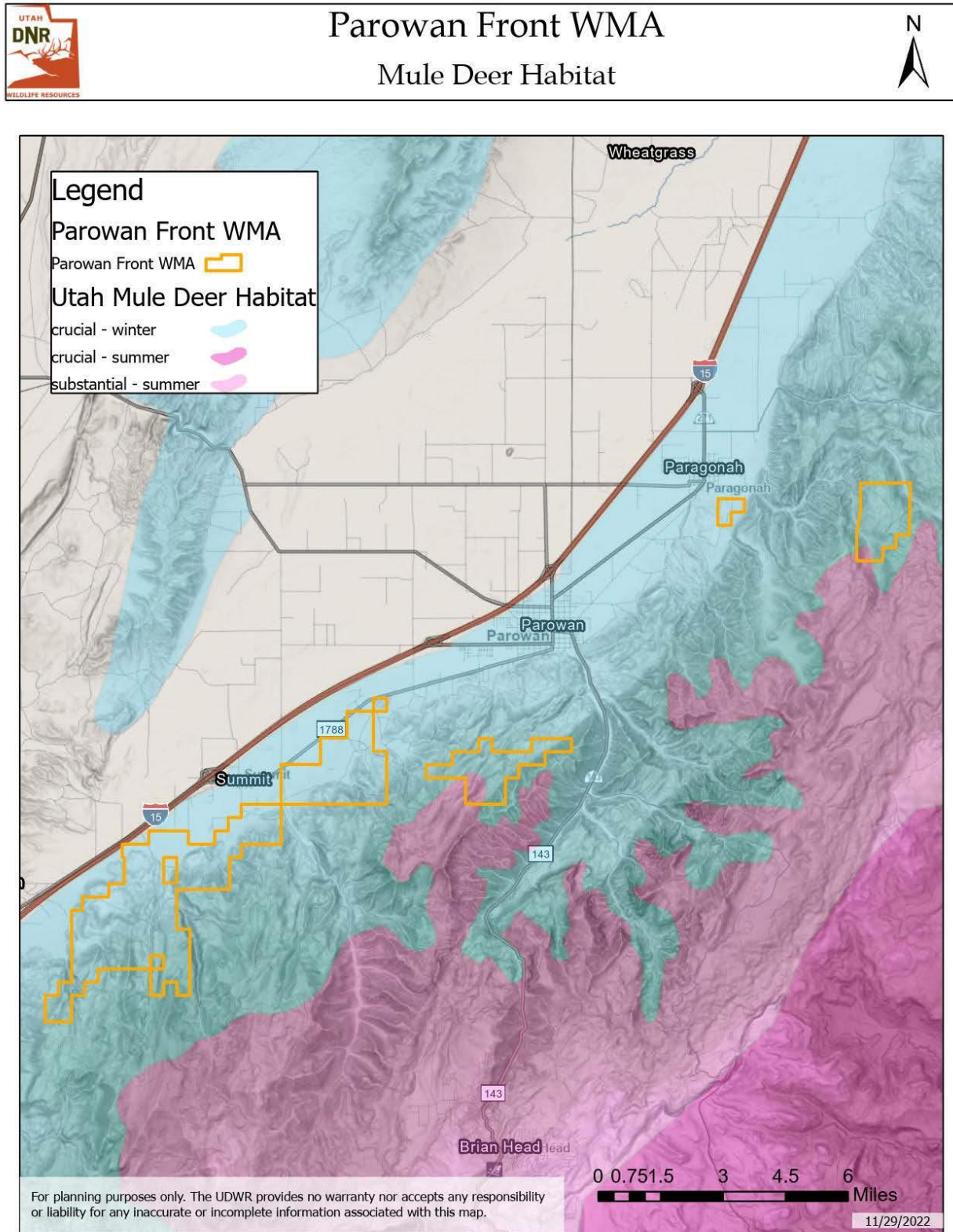
MAP 6 – ELLIKER BASIN UNIT



MAP 7 – ADJACENT LAND OWNERSHIP OF THE PAROWAN FRONT WMA



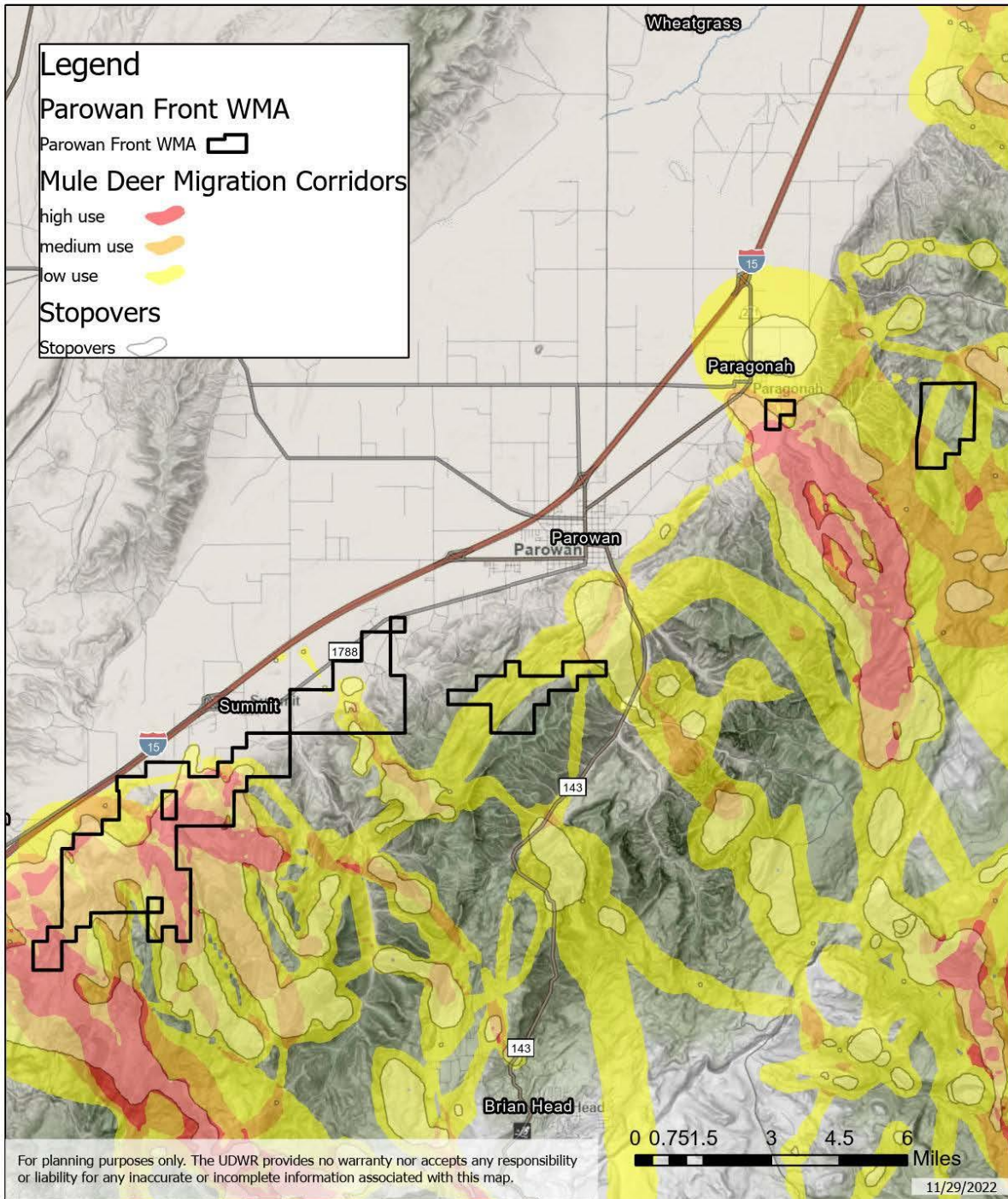
MAP 8 – MULE DEER HABITAT MAP IN PAROWAN VALLEY



MAP 9 – MULE DEER MIGRATION CORRIDORS ON PAROWAN FRONT

Parowan Front WMA

Mule Deer Migration Corridors



APPENDIX C - DEEDS

Copies of deeds associated with the Parowan Front WMA can be found at the Southern Regional Office of the Utah Division of Wildlife Resources, 1470 North Airport Road, Cedar City, Utah 84721

APPENDIX D - WATER RIGHTS INFORMATION

TABLE 1- PAROWAN FRONT WMA WATER RIGHTS

| Water Right # | Source | Priority | Flow | Irrigated Acres | Stockwatering | Domestic # |
|----------------------|--------------------------|-----------------|-------------|------------------------|---------------------------|-------------------|
| 73-1493 | Red Pine Creek | 1856 | | | Supplemental 250 elu's | |
| 73-1494 | Red Pine Creek | 1856 | | | Supplemental 32 elu's | |
| 73-1495 | Red Pine Creek | 1856 | | | Supplemental 250 elu's | |
| 73-1502 | Jones Dairy Creek | 1856 | | | Supplemental 32 elu's | |
| 73-1526 | Braffits Creek | 1856 | | | Supplemental 80 elu's | |
| 73-1527 | Jones Dairy Creek | 1856 | | | Supplemental 560 elu's | |
| 73-1528 | East Fork Braffits Creek | 1856 | | | Supplemental 560 elu's | |
| 73-1560 | Elliker Spring Stream | 1856 | | | Supplemental 32 elu's | |
| 73-1561 | Elliker Spring Stream | 1856 | | | Supplemental 310 elu's | |
| 73-1562 | Pine Spring Stream | 1856 | | | Supplemental 32 elu's | |

| | | | | | | |
|---------|--------------------------|------|---------------|------|---------------------------|----------|
| 73-2044 | East Fork Braffits Creek | 1856 | | | Supplemental 32 elu's | |
| 73-2045 | Jones Dairy Creek | 1856 | | | Supplemental 32 elu's | |
| 73-2058 | Braffits Creek | 1856 | 7.0 acft | | 250 elu's | |
| 73-2059 | Braffits Creek | 1856 | | | Supplemental 80 elu's | |
| 73-567 | Jones Dairy Creek | 1856 | | | Supplemental 310 elu's | |
| 73-568 | Pine Spring Lake | 1856 | | | Supplemental 32 elu's | |
| 73-569 | Elliker Spring Area | 1856 | 0.0556 cfs | | Supplemental 32 elu's | |
| 75-1720 | Third Spring | 1880 | 4.0 acft | | Wildlife | |
| 75-280 | Big Spring | 1880 | 16.45 acft | 4.00 | | 1 family |
| 75-587 | Maple Spring Creek | 1856 | 1.008 acft | | 36 elu's | |
| 75-814 | South Fork Red Creek | 1856 | | | Supplemental 32 elu's | |
| 75-815 | Red Creek | 1856 | | | Supplemental 32 elu's | |

APPENDIX E – LIST OF HMP COMMITTEE MEMBERS

Donnie Hunter – Local Sportsman

David Hulet – Livestock Permittee

Evan DeHamer – Mule Deer Foundation

Marilyn Wood – Iron County Commissioner

Mike Worthen – Iron County Natural Resource Management Specialist

Dustin Schaible – Bureau of Land Management

Jacob Benson – E&I Conservation District

Utah Division of Wildlife Resources Personnel