

RAC AGENDA – July 2011



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|-----|---|----------------------|
| 1. | Welcome, RAC Introductions and RAC Procedure
- RAC Chair | |
| 2. | Approval of Agenda and Minutes
- RAC Chair | |
| 3. | Wildlife Board Meeting Update
- RAC Chair | INFORMATIONAL |
| 4. | Regional Update
- DWR Regional Supervisor | INFORMATIONAL |
| 5. | Cougar Management Plan and Revised Harvest Recommendations
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 6. | Managing Predatory Wildlife Species Policy W1AG-04
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 7. | Bobcat Harvest Recommendations
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 8. | Sage Grouse Management Plan Revision
- Jason Robinson, Upland Game Project Leader | ACTION |
| 9. | Waterfowl Guidebook and Rule R657-09
- Justin Dolling, Waterfowl/Upland Game Coordinator | ACTION |
| 10. | CIP Rule Amendment R657-3
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 11. | Walk-in Access Rule Amendment R657-
- Leslie McFarlane, Walk-in Access Coordinator | ACTION |
| 12. | FY 2013 Fee Schedule
- Kevin Bunnell, Wildlife Section Chief | ACTION |

Region Specific Items – to be presented in the specified region only.

- | | | |
|--------|--|---------------|
| NER-1. | Election of RAC Chair – Northeastern Region
-Regional Supervisor | ACTION |
| SR-1. | Election of RAC Chair – Southern Region
-Regional Supervisor | ACTION |

Meeting Locations

- | | | | |
|------------------|--|------------------------|---|
| SR RAC – | July 26th 7:00 PM
Richfield High School
510 W. 100 S, Richfield | CR RAC – | Aug. 2nd 6:30 PM
Springville Civic Center
110 S. Main Street, Springville |
| SER RAC – | July 27th 6:30 PM
John Wesley Powell Museum
1765 E Main St., Green River | NR RAC – | Aug. 3 rd 6:00 PM
Brigham City Community Center
24 N. 300 W., Brigham City |
| NER RAC – | July 28th 6:30 PM
Bingham Entrepreneurship and Energy
320 N. 2000 W., Vernal | Board Meeting – | August 19th 9:00 AM
DNR - Boardroom
1594 W. North Temple
Salt Lake City, UT |



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 11, 2011

TO: Regional Wildlife Advisory Councils
FROM: Kevin D. Bunnell
Wildlife Chief
SUBJECT: Cougar Plan Amendments and 2011-2013 Recommendations

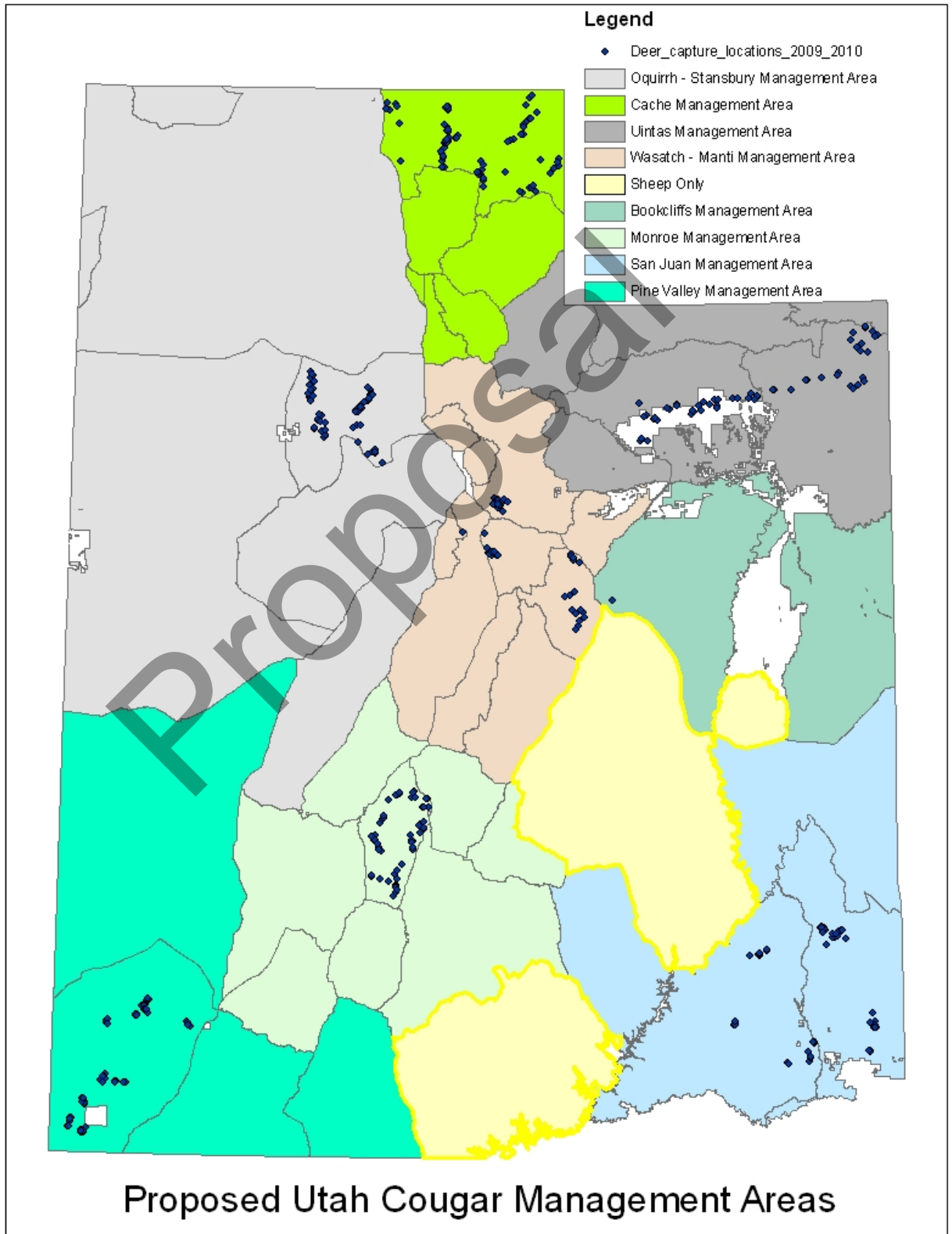
Early this spring the Wildlife Board requested that the Division think of ways to create a closer link between the management of cougars and deer, their primary prey. As a result the Division is recommending the following amendments to the Cougar Management Plan:

- Create 8 cougar management areas (CMAs) (see map below) that are centered around the units where the Division is currently tracking adult mule deer survival with radio collars
 - Adult survival is the best data to determine if cougar predation is a limiting factor to the growth of a deer herd.
 - 1 CMA will be created around 3 units that primarily support bighorn sheep
- Apply cougar harvest quotas at the CMA level with a female sub-quota
 - All split or harvest objective units within a CMA will stay open to cougar harvest until the harvest quota or the female sub-quota has been met for the CMA
 - Female sub-quotas will be set at 25%-30% of the CMA quota for standard areas and 40%-50% for CMAs that are under predator management plans
 - The trigger for considering predator management for a CMA will be adult deer survival below 85%
 - Units with bighorn sheep will have a minimum harvest quota
 - These units will not close with the CMA unless the minimum harvest has been met
- The harvest management criteria in the Cougar Management Plan will not be changed
 - Proportion of adult females in the harvest 17%-20% (within a CMA over 3 years) or;
 - Proportion of adult females in the harvest > 25% for CMAs under predator management
- If the RACs and Wildlife Board accept the recommended amendments to the Cougar Management Plan the Division also proposes the following harvest recommendations for the 2011-12 and 2012-13 cougar seasons:



Cougar Management Area	Harvest Quota	Female Sub-quota
Oquirrh - Stansbury	33	8
Cache	43	11
<u>Uinta Mountains</u>	65	26
<u>Book Cliffs</u>	26	13
Wasatch - Manti	129	39
Monroe	93	28
San Juan	28	8
<u>Pine Valley</u>	48	19
BHS Only	21	11
Statewide Total	486	153

- If the RACs and Wildlife Board decide not to accept the amendments to the Cougar Management Plan the harvest recommendations would revert back to the 3-year recommendations that were passed in 2010



Cougar Management Plan - Amended August 2011

Utah Cougar Management Plan V. 2.1 2009 - 2021



Utah Cougar Advisory Group
DWR Publication No. 09-15

Utah Cougar Advisory Group Members

Cougar Management Plan - Amended August 2011

Group Members

Byron Bateman	Sportsmen for Fish and Wildlife
Mike Linnell	USDA-APHIS Wildlife Services
Clint Mecham	Utah Federation of Houndsmen
Ernie Millgate	Utah Federation of Houndsmen
Kirk Robinson	Western Wildlife Conservancy
Brett Selman	Utah Woolgrowers Association
David Stoner	Utah State University
Rick Woodard	Utah Wildlife Board
Mike Wolfe, Ph.D	Utah State University

Division of Wildlife Resources Representatives

Kevin Bunnell, Ph.D	Mammals Program Coordinator
Justin Dolling	Game Mammals Coordinator
Tom Becker	Central Region Assistant Wildlife Manager

Utah Cougar Management Plan V. 2.0 2009-2021

PLAN GOAL:

Maintain a healthy cougar population within existing occupied habitat while considering human safety, economic concerns, and other wildlife species through 2021.

Introduction

The purpose of the Utah Cougar Management Plan is to direct the management of cougars (*Puma concolor*) in Utah in accordance with the mission of the Utah Division of Wildlife Resources (Division or DWR) through July of 2021. The mission of DWR is:

To serve the people of Utah as trustee and guardian of the state's wildlife

In 1997, the UDWR initiated a process to obtain public input on issues and concerns with cougar management. Individuals representing many diverse points of view were invited to form the Cougar Discussion Group. The mission of this group was to aid the Division in preparing a cougar management plan that would hopefully gain agreement from diverse groups. The result of the Cougar Discussion Group was the first version of the Utah Cougar Management Plan (UDWR 1999) which directed cougar management efforts from 1999 – 2009.

Cougar Management Plan - Amended August 2011

This document is version 2 of the Utah Cougar Management Plan and seeks to build upon the successes of the previous plan and implement new information that has become available over the past ten years. Similar to the original, this plan was prepared with the help of individuals representing diverse interests in cougar management and conservation who formed the Cougar Advisory Group. The Cougar Advisory Group met 8 times between January and May of 2009 and all the members support this management plan.

This document differs from the original plan in that it does not contain information on cougar natural history and ecology. This information was excluded because the Western Association of Fish and Wildlife Agencies (WAFWA) is in the process of publishing "Managing Cougars in North America", which covers these topics in great detail and will be available on the UDWR website as soon as it is available. In addition, the WAFWA document summarizes the research and management findings which provide the basis for the management systems outlined in this plan. Chapter titles in "Managing Cougars in North America" include: Cougar Ecology and Natural History, Cougar-Prey Relationships, Assessing and Monitoring Cougar Populations, Conservation Genetics as Relevant to Cougar Management, Population Management: Cougar Hunting, Population Management: Cougar Depredation, Strategies to Manage Cougar Human Interactions, Human Dimensions of Cougar Management: Public Attitudes and Values, and Cougar Research and Management Information Needs.

This version of the Utah Cougar Management Plan also differs from the original in that it outlines management systems rather than simply defining performance targets and management strategies. In addition to defining management strategies and performance targets, a management system also outlines the specific actions that will be taken to reach and maintain performance targets.

Management History

Cougars (*Puma concolor*), or mountain lions, were persecuted as vermin in Utah from the time of European settlement (in 1847) until 1966. In 1967 the Utah State Legislature changed the status of cougars to that of *protected wildlife* and since then they have been considered a game species with established hunting regulations. The Utah Division of Wildlife Resources (UDWR) developed the first Utah Cougar Management Plan in 1999 (UDWR 1999) with the assistance of a Cougar Discussion Group which guided cougar management in Utah from 1999-2009.

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Utah's cougar harvests have been controlled on specific geographic areas, or management units (Figure 1), using three harvest strategies: harvest objective (quota), limited entry and split (limited entry followed by harvest objective). Under the *harvest objective strategy*, managers prescribed a quota, or number of cougars to be harvested on the unit. An unlimited number of licensed hunters were allowed to hunt during a season that is variable in

length, as the hunting season closes as soon as the quota is filled or when the season end date is reached. Under the *limited entry strategy*, harvests have been managed by limiting the number of hunters on a unit. The number of hunters was determined based upon an expectation of hunting success and the desired harvest size. Individuals were usually selected for hunting on the unit through a random drawing process. Under the *split strategy*, units started the season under the limited entry strategy, and then transitioned to a harvest objective strategy on a set date using the number of limited entry permits that remained unfilled at the time of the transition as the quota for the remaining weeks of the season.

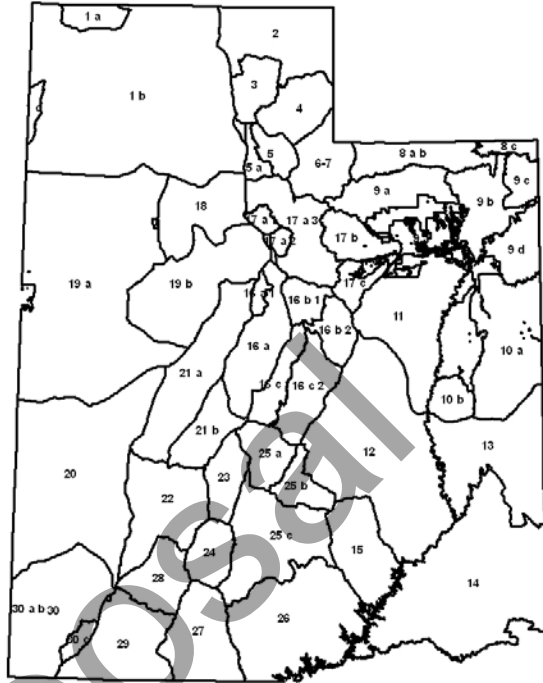


Figure 1. 2009 Cougar Hunt Units

In 1996 the Utah Wildlife Board approved a Predator Management Policy (DWR Policy No. W1AG-4, last updated in 2006) that authorizes the Division to increase cougar harvests on management units where big game populations are depressed, or where big game has recently been released to establish new populations. Predator management plans are reviewed by regional staff, the Mammals Program Coordinator, and Approved by both the Wildlife Section and DWR Director. Most predator management plans that affect cougars have been designed to benefit mule deer (*Odocoileus hemionus*) and/or bighorn sheep (*Ovis canadensis*). Cougar harvests have been liberalized where big game populations are far below objective (<65% of target densities) under the assumption that large harvests will reduce cougar numbers and hence predation rates on big game, and therefore encourage growth of big game populations by improving survival. However, drought, habitat alteration and loss and predation all substantially impact big game populations making the effectiveness of predator management plans difficult to evaluate.

In 1999, UDWR implemented a Nuisance Cougar Complaints policy (DWR Policy No. W5WLD-5, last updated in 2006) to provide guidance for reducing damage to private property and reducing public safety concerns, and to provide direction to

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Division personnel responding to cougar depredation, nuisance, and human safety situations. Any cougar that preys upon livestock or pets or that poses a threat to human safety is euthanized, as are sick or injured adult cougars and kittens that are unable to care for themselves in the wild. The Division does not rehabilitate these animals. The only cougars that are captured and translocated are adults and subadults that wander into urban or suburban “no tolerance zones”, in situations where they have not been aggressive toward humans, pets, or livestock.

Harvest Information

The Division began managing cougar harvests through statewide limited entry hunting in 1990 and increased numbers of permits through 1995-1996. In 1996-1997, additional harvest pressure was added by switching some management units to the harvest objective (quota) system and a record high of 1,496 Permits were sold (Table 1).

Table 1. Utah Cougar Permits 1990 – 2008.

Year	Limited Entry Permits			Total	Harvest Objective Permits			Total Permits	Pursuit Permits
	Resident	Nonresident	Conservation / Convention		Resident	Nonresident	Total		
1989-90	385	142		527				527	355
1990-91	383	142		525				525	364
1991-92	383	142		525				525	524
1992-93	431	160		591				591	570
1993-94	479	180		659				659	552
1994-95	559	232		791				791	505
1995-96	611	261		872				872	627
1996-97	425	170		595			901	1,496	638
1997-98	381	128		509	472	199	671	1,180	635
1998-99	337	109		446	386	189	575	1,021	630
1999-00	259	84		343	374	170	544	887	545
2000-01	206	66		272	880	290	1,170	1,442	692
2001-02	228	30	8	266	897	300	1,197	1,463	681
2002-03	326	36	12	374	685	266	951	1,325	703
2003-04	215	29	20	264	533	209	742	1,006	772
2004-05	233	30	10	273	841	290	1,131	1,404	703
2005-06	356	38	12	406	464	222	686	1,092	730
2006-07	313	35	18	366	600	245	845	1,211	714
2007-08	278	33	26	337	587	238	825	1162	
2008-09	265	33	26	323					
Total	6,510	2,014	80	8,604	6,132	2,380	9,413	18,017	10,940
Mean	362	112	13	478	613	238	856	1,001	608

Utah’s cougar population is monitored through mandatory reporting of all hunter-harvested cougars, cougars that are killed on highways or in accidents and those taken as a result of livestock depredation. Location of kill, sex and age (through a premolar for age estimation) are recorded for every cougar killed, and provide the data used to assess management performance in relation to established target values that serve as indicators of population status. Since 1990 cougar mortality in Utah has ranged from

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275 (1990) to 666 (1996) and has averaged 436 (Figure 2). Ongoing research on 2 study sites, under the direction of Dr. Michael Wolfe (Utah State University), is supplying comparative data on the dynamics of cougars subjected to varying levels of hunting harvest, which was used to refine management systems in this management plan (Choate et al. 2006, Stoner et al. 2006, Stoner et al. 2007).

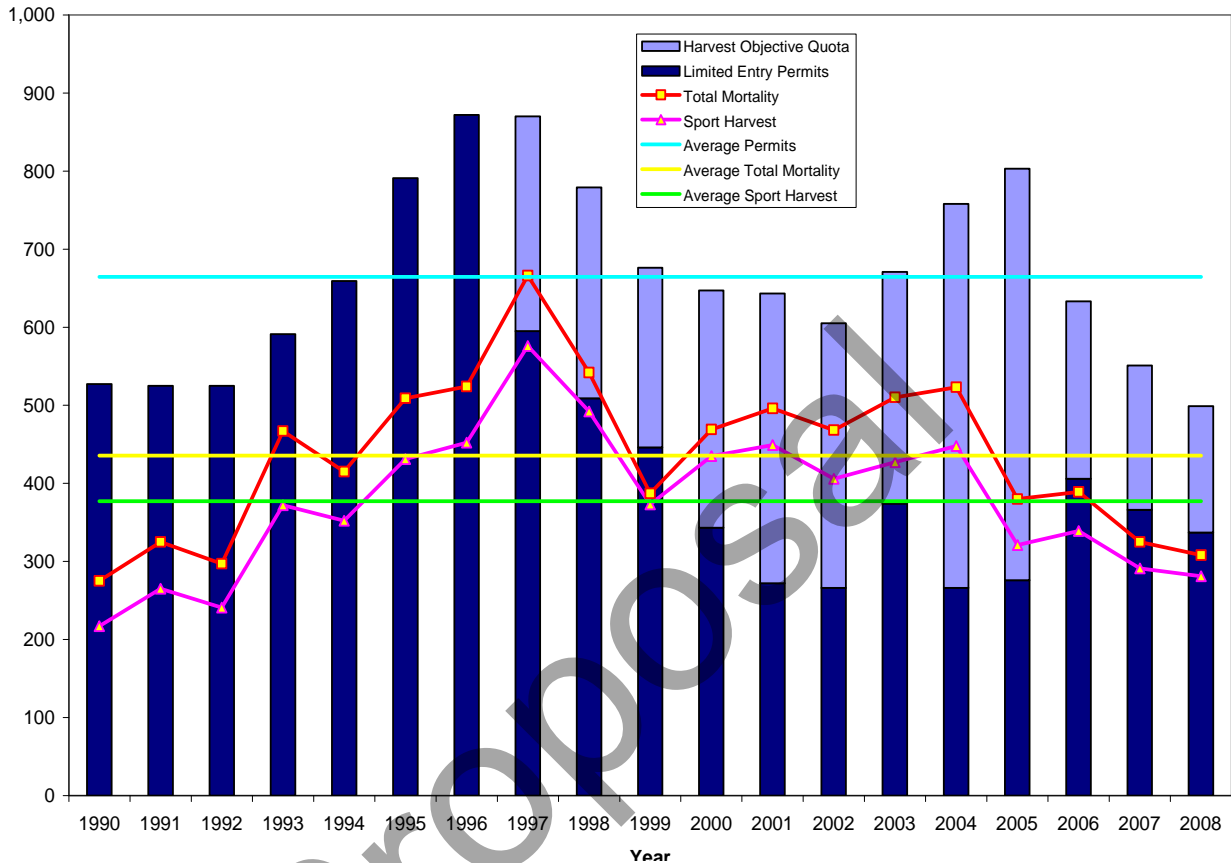


Figure 2. Cougar Mortality and Permits 1990 - 2008

Nearly all cougars harvested in Utah are taken with the aid of dogs. An individual hunter is restricted to holding either a limited entry permit or a harvest objective permit per season, and must wait 3 years to reapply once he/she acquires a limited-entry permit. The bag limit is 1 cougar per season and kittens and females accompanied by young are protected from harvest. Currently the cougar-hunting season runs from late November through early June on both limited entry and most harvest objective units. Some units are open year-round and some have earlier or later opening dates. Because harvest objective units close as soon as the objective (quota) is reached, hunters must call a toll-free number or check the Division website daily to ensure that the unit they plan to hunt is still open.

Pursuit (chase or no-kill) seasons provide additional recreational opportunities over most of the State. The pursuit season generally follows the hunt season, but specific units have year-round pursuit and a few units are closed to pursuit.

Distribution and Abundance

Utah's cougar habitat encompasses about 92,696 km² (35,790 mi²). Cougars are distributed throughout all available habitats within the state. Residential and commercial development is incrementally reducing cougar distribution through habitat alteration and destruction, particularly along the western border of the Wasatch Mountains in northern and central Utah.

The last statewide cougar population estimates were developed in conjunction with the Utah Cougar Management Plan in 1999 (UDWR 1999). These estimates used extrapolations of cougar densities from published studies in the southwestern United States to: 1) the total area within all management units that comprise cougar range, and 2) the total amount of occupied cougar habitat within Utah. The habitat quality within each management unit was classified as either high, medium or low based on vegetative characteristics, terrain ruggedness (following Riley 1998) and prey density. Cougar densities derived from research within Utah, California and New Mexico were associated with each habitat quality level (UDWR 1999b). High quality habitat was assigned a density range of 2.5-3.9 cougars/100 km², medium quality habitat was assigned a density of 1.7-2.5 cougars/100 km² and a density of 0.26-0.52 cougar/100 km² was assigned to low quality habitat.

The first statewide population estimate of 2,528-3,936 cougars resulted from summing unit population estimates. The number of cougars on each unit was estimated by first multiplying the total area contained within the unit by the highest density of the range assigned to it, and then by the lowest density of the range assigned to it.

For comparison, a second estimate of 2,927 cougars statewide was generated based upon mean cougar densities and total occupied cougar habitat within the state. Each management unit's cougar population was estimated by extrapolating the mean cougar density assigned to the unit (based on the respective range indicated above) to the amount of occupied cougar habitat within the unit, and unit estimates were summed to obtain the statewide figure. The two methods produced population estimates that show considerable agreement, but they should be only viewed as general approximations of the statewide cougar population.

Issues and Concerns

At the initial meeting of the Cougar Advisory Group the following list of issues and concerns were identified by the group members. Subsequent meetings focused on developing, objectives, strategies and management systems to address the issues and concerns identified

Outreach / Education

- Educate public about true relationship between cougar and prey populations.
- Educate hunters on sex/age identification
- Educate the general public about cougars and cougar safety

Population Management / Harvest Management

- Explore season timing

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- Non resident issues (pursuit permits, commercial vs recreational)
- Explore ways to increase cougar populations on public land
- Explore three year proclamation
- Provide timely data for permit recommendations
- Manage at a broader geographic level (three year proc)
- Simplify the management criteria (performance targets)
- Revisit performance criteria and try to meet them with recommendations
- Minimize year to year permit variations
- Avoid large swings in permit recommendations
- Identify areas for light harvest strategies (source sink management)
- Explore targeting females and leaving older age males (help on sheep ranges)
- Explore source sink management
- Manage to protect adult females

Predator Management

- Move away from predator management plans
- Reduce units under predator management
- Deal with predator management plans in this process
- Protect big game populations when needed

Livestock Depredation

- Develop process to deal with chronic depredation areas
- Identify the sex of depredating lions
- Develop a way to deal with chronic depredation problems

Research

- Compare ungulate and lion populations
 - Develop monitoring system to measure deer herd response on units under predator management
- Explore using population reconstruction to estimate the population
- Explore mark recapture population estimates (DNA sampling)

Objective, Strategies and Management Systems

Outreach and Education

Objective 1:

Increase awareness and appreciation within the general public for the role of cougars in Utah's ecosystems by 10% through 2021.

Strategy:

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1. Pursue development and implementation of the new Living with Wildlife Program in Utah; an effort generated by the Conservation Outreach Section of the Division of Wildlife Resources.

Objective 2:

Reach and educate 10% of the general public about cougar safety by 2021.

Strategy:

1. Pursue development and implementation of the new Living with Wildlife Program in Utah; an effort generated by the Conservation Outreach Section of the Division of Wildlife Resources.

Objective 3:

Contact a minimum of 30% of the big game hunting public that belong to sportsmen's organizations about the relationship between cougar and prey populations annually for the purpose of increasing the understanding of the true effect cougars have on big game populations.

Strategies:

1. Develop an educational presentation highlighting cougar-prey interactions geared toward hunting/conservation organizations such as Sportsmen for Fish and Wildlife, Mule Deer Foundation, Rocky Mountain Elk Foundation, Utah Bowman's Association....
2. Write articles addressing cougar prey interactions for publication in sportsmen magazines/news letters published by hunting/conservation organizations such as: Sportsmen for Fish and Wildlife, Mule Deer Foundation, Rocky Mountain Elk Foundation, Utah Bowman's Association....
3. Explain cougar-prey interactions through radio, television and print media.
4. Periodically assess big game hunter opinions about the effect of cougars on big game populations.

Objective 4:

Educate all cougar hunters on how to determine the age/sex of cougars to increase harvest selectivity through 2021 and continue to educate Division employees tagging cougars.

Strategies:

1. Continue to publish and refine information about sex and age identification techniques in the Cougar Guidebook.
2. Produce a voluntary online orientation course for cougar hunters. In 2015 evaluate effectiveness of orientation course to determine if desired results have been obtained. If not, modify course and re-evaluate in 2021. If determined successful in 2015 consider mandatory course for all cougar hunters.
3. Modify harvest reporting form to gather data on effectiveness of orientation course.

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4. Survey unsuccessful cougar hunters to gather data on effectiveness of orientation course.
5. Obtain good digital photographs of cougars for sex and age identification education purposes. Examples: treed cougars, lactating females and track and paw sizes for sex and age differentiation.....
6. Explore ways to reward hunters for selective harvest.
7. Train Division employees responsible for tagging cougars at least bi-annually.

Cougar Population Management

Objective:

Manage populations in a manner that recognizes cougar ecology by incorporating: source-sink dynamics(Lindzey et al. 1992, Ross and Jalkotzy 1996 Sweanor et al. 2000, Logan and Sweanor 2001, Robinson et al. 2008, Cooley et al. 2009), large geographic and temporal scales (Murphy 1983, Logan and Sweanor 2001, Stoner et al. 2006, Robinson et al. 2008, Cooley et al. 2009), and the importance of adult females to population persistence (Lindzey 1992, Ross and Jalkotzy 1996, Logan and Sweanor 2001, Martorello and Beausoleil 2003, Anderson and Lindzey 2005, Stoner et al. 2006, Robinson et al. 2008, Cooley et al. 2009). This will be accomplished by adjusting harvest rates in accordance with the following performance targets, management system and strategies at a management area scale* through 2021.

* Cougar management areas were designed around units where annual adult deer survival is being tracked with radio-collars (deer-survival units). Units were grouped into management areas with the deer-survival unit that was most representative.

Performance Targets*:

Primary Target - Proportion of adult females in the harvest between 17% and 20% (within a management area over 3 years)

Secondary Target - Cougars treed per day averages between 0.25 and 0.35 (within a management area over 3 years)

*A third performance target may be added if a method for tracking cougar densities is developed over the course of this plan

Management System*:

Harvested adult females above 20% reduce tags / quota by 10%

Harvested adult females above 23% reduce tags / quota by 20%

Harvested adult females below 17% increase tags / quota by 10%

Harvested adult females below 14% increase tags / quota by 20%

Cougar treed per day below 0.25 and adult females above 20% reduce tags / quota an additional 5%

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Cougars treed per day above 0.35 and adult females below 17% increase tags / quota an additional 5%

Adult females between 17% and 20%, but cougars treed per day above or below 0.25-0.35 maintain tags / quota within 5% of the previous recommendation.

Decrease the tags / quota for units transitioning out of PMPs by 40-60% for the first 3 year cycle and do not include the data from these units in the performance target analysis until after they have been out of a PMP for one 3-year recommendation cycle (data should be included in the analysis of the performance target that unit was under during the previous 3-year cycle).

*If primary and secondary performance targets are in conflict with each other disregard the secondary target and reduce or increase tags according to the primary target.

Strategies:

1. Implement the management system as follows (See Figure 4):
 - a. Adjust quotas at the management area scale (Figure 3).
 - b. Apply quotas for each management area with a female sub-quota
 - i. Female sub-quota will initially be set between 25%-30% of the management area quota and will be adjusted if necessary during subsequent 3-year cycles in order to meet the primary performance target within management areas
 1. Female sub-quotas may be different between management areas if deemed necessary to meet the primary performance target.
 - ii. A minimum harvest objective will be set for units within management areas that have bighorn sheep populations – these units will not close unless the minimum harvest has been met
 - c. Use either limited entry or split hunt strategies on units managed under this management system
 - i. Harvest on limited entry units applies to the management area quota and female sub-quota.
 - d. Keep harvest recommendations stable for 3 years before making adjustments (3-year proclamation).
 - i. Maintain the option of adjusting harvest recommendations at shorter intervals to account for exceptional circumstances such as:
 1. Large (>30%) annual declines in big game herds (consider entering into a Predator Management Plan).
 2. Adult female cougars in the harvest > 30%
 - e. DWR regional wildlife staff will be responsible for the distribution of tags / quotas to the units within the eco-region (Figure 3).

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- i. Mammals program staff will calculate tag increases / reductions within the eco-region

2. Review performance targets after 2015

Proposal

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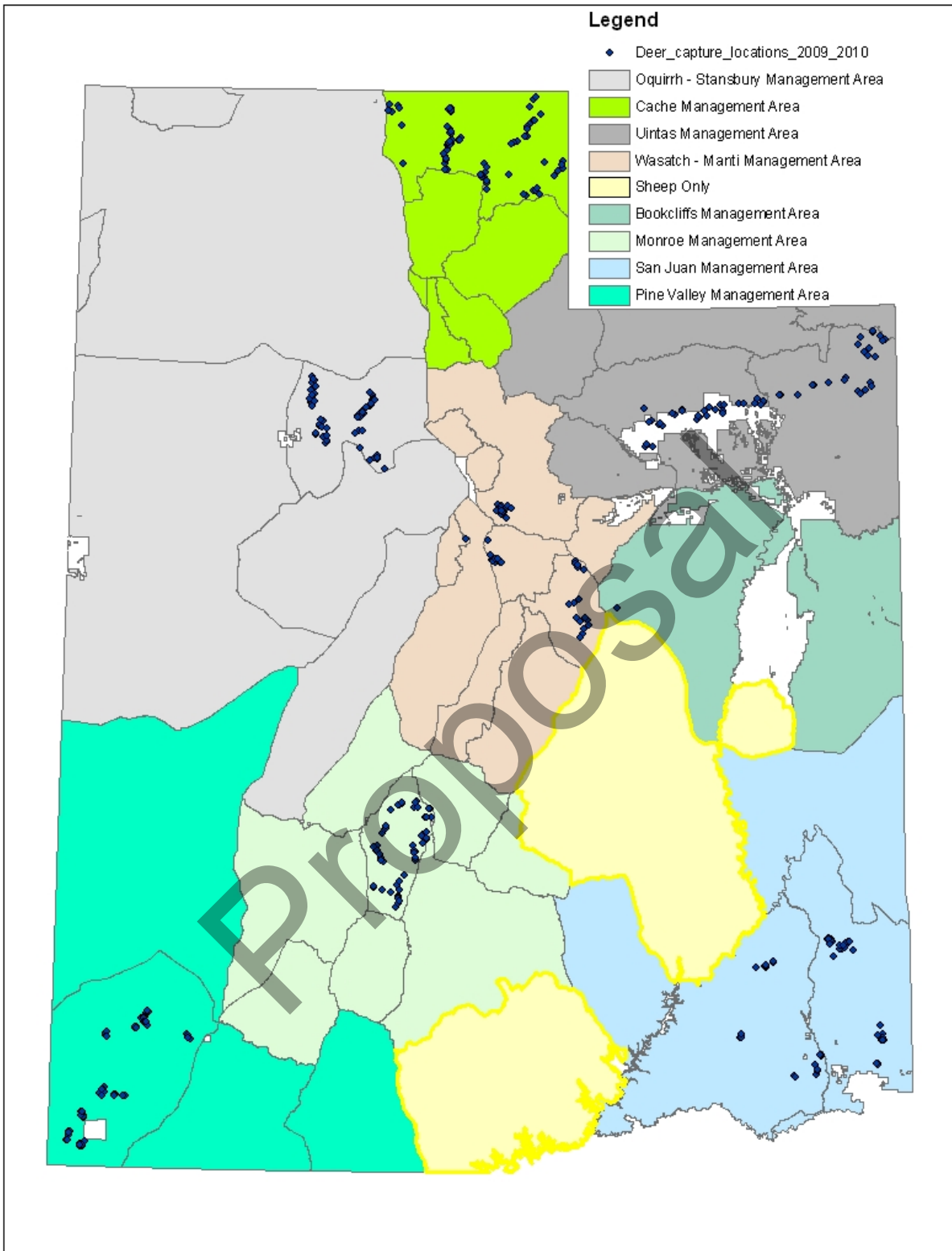


Figure 3. Cougar Management Areas

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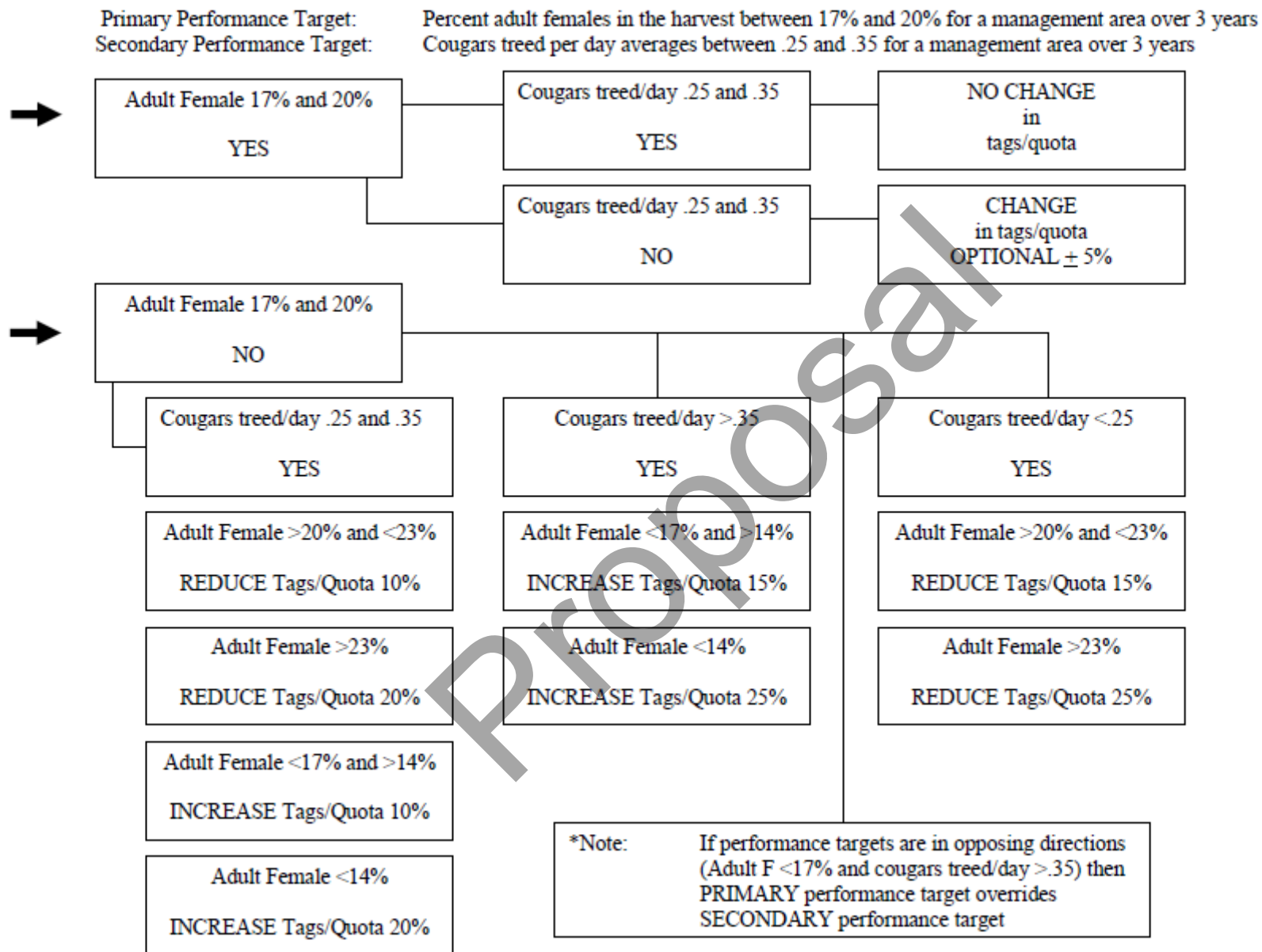


Figure 4. Population Management System Decision Tree

Managing Cougar Populations Under Predator Management Plans

Objective:

Manage cougar populations to reduce predation on big game herds that are chronically below objective (see policy for managing predatory wildlife species W1AG-04) when cougar predation is a potential limiting factor to herd growth / recovery. This will be accomplished by adjusting harvest rates in accordance with the following performance targets and management system for units within each management area that have an approved Predator Management Plan (PMP) through 2021.

Performance Target:

Proportion of adult females in the harvest > 25% (within a management area over 3 years)

Management System:

Proportion of adult females in the harvest during the previous 3 years < 20% - New quota = average previous harvest during the previous 3 years +100%

Average Proportion of adult females in the harvest during the previous 3 years 20 - 25% - New quota = average previous harvest + 50%

Proportion of adult females in the harvest during the previous 3 years > 25% - New quota = average previous harvest during the previous 3 years +0%

Increase the tags / quota for units transitioning into PMPs by 50-75% for the first 3 year cycle and do not include the data from these units in the performance target analysis until after they have been under a PMP for one 3-year recommendation cycle (data should be included in the analysis of the performance target that unit was under during the previous 3-year cycle).

Strategies:

1. Determine need for managing cougars under PMPs. If necessary, develop a Unit PMP and begin managing cougars under the management system identified for the three year period.
 - a. Including cougars in a PMP may be appropriate under the following circumstances:
 - i. Adult deer survival below 85%
 - ii. Adult bighorn sheep survival < 75% under normal winter conditions and in the absence of disease
 - iii. Large reductions (> 40%) in big game herds resulting from winter loss, disease, prolonged drought conditions.... to avoid the creation of a predator pit.
 - iv. Substantial potential that prey switching (alternate prey source) is negatively impacting sensitive big game herds.

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For example, if a bighorn sheep herd is located in an area with a healthy deer or elk herd and it isn't growing despite favorable habitat conditions and the absence of disease.

2. Implement the management system as follows:
 - b. Adjust quotas at the management area scale.
 - c. Apply quotas for each management area with a female sub-quota
 - i. Female sub-quota will initially be set between 40%-50% of the management area quota and will be adjusted if necessary during subsequent 3-year cycles in order to meet the primary performance target within management areas
 1. Female sub-quotas may be different between management areas if deemed necessary to meet the primary performance target.
 - ii. A minimum harvest objective will be set for units within management areas that have bighorn sheep populations – these units will not close unless the minimum harvest has been met
 - iii. The sheep only management area (Figure 3) consists of low elevation primarily snow-free habitat, as a result too few cougars are harvested from this area to analyze relative to performance targets.
 - d. Use either split or harvest objective hunt strategies on units under PMPs
 - e. Keep harvest recommendations stable for 3 years before making adjustments (3-year proclamation).
 - i. Maintain the option of adjusting harvest recommendations at shorter intervals to account for exceptional circumstances such as:
 1. Continued substantial (>20%) annual decline in big game herds where there is a PMP already in place.
 2. Adult female cougar in the harvest > 40% for units within an eco-region that are under a PMP
 - f. DWR regional wildlife staff will be responsible for the distribution of tags / quotas to the units within the eco-region that are managed under PMPs.
 - i. Distribute tag increases / reductions within the eco-region based on the amount of cougar habitat in a particular eco-region within each administrative region boundary (see table under population management).
3. Evaluate ungulate population response after three years to determine need to continue or discontinue predator management direction.
 - g. Units should not remain under PMPs for more than 2 management cycles except under extraordinary circumstances such as:
 - i. Continued high potential for prey switching to cause declines in sensitive big game herds.

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- ii. Large declines in big game herds not associated with cougar predation (e.g. significant winter mortality) that occurs while the unit is under a PMP
4. When possible enter or leave PMPs focused on cougars on the three year recommendation cycle.

Managing Chronic Cougar Depredation

Objective:

Work to resolve all chronic* cougar depredation problems on private land by removing the offending animal(s) with the cooperation of APHIS Wildlife Services, livestock producers and houndsmen through 2021.

*In order for a depredation problem to be considered chronic for the purpose of this objective it must meet the following criteria:

1. The depredation is occurring on private land;
2. The depredation has occurred in same area for 3 consecutive years or 4 out of five years and;
3. WS has attempted to remove the offending animal(s), but has been unsuccessful.

Strategies:

1. WS increase efforts and/or bring cougar specialists in from other areas to help resolve chronic depredation problems – option to implement after 2 years.
2. Division request that WS continue efforts to remove the offending animal after livestock have left the area, or before they have arrived to resolve chronic depredation problems – option to implement after 2 years.
3. The Division may authorize the livestock owner, an immediate family member or an employee of the owner (not someone specifically hired to take cougar) to remove the offending animal beyond the 72hr period stipulated in Utah Admin Code R657-10-21 – implemented after year 3.

Conditions to the authorization to remove a cougar(s) should include:

- i. The time period during which the cougar(s) can be removed;
- ii. A description of the geographic area from which a cougar(s) can be removed;
- iii. A description of the cougar(s) authorized to be removed (i.e. male, female.....)
- iv. Other relevant conditions

Any cougars removed are considered depredating cougars and are subject to the reporting and possession requirements in the Utah Admin. Code R657-10-21

4. DWR and WS will work with the houndsmen community to develop a list of houndsmen that are willing to volunteer their time to help livestock owners resolve chronic depredation issues.

Cougar Research

Objective:

Increase base understanding through continued research designed to address questions relative to cougar management in Utah through 2021. Potential research projects are listed below in order of priority.

High Cost Research Priorities (> \$100,000 / Year)

1. Investigate DNA mark-recapture for population estimation – Currently part of USU Research Contract
2. Prey selection and predation rates by cougars; combined with deer study could elucidate prey selection among hunters, cougars, and the deer population; need radioed deer.
3. Cougar human interactions – Westside of SL valley –
 - a. How often do cougar go into residential areas vs. how often are they detected
 - b. Changes in cougar habitat use following development
4. Niche partitioning of cougars and coyotes and their effects on mule deer and elk; would require radioed coyotes and prey. – Camp Williams
5. Cougar bighorn sheep relationships
6. Indirect effects of predation risk on foraging behavior of livestock.
7. Effects of a keystone predator on biodiversity (ala Yellowstone wolf recovery on elk and vegetation).

Low to Moderate Cost Research Priorities (< \$100,000 / Year)

1. Predation sites and kill composition by cougars (possible Dustin Mitchell thesis project).
2. Examining the depredation records of the DWR and seeing the influence or efficacy of removing cougars and subsequent livestock depredations. Does removing cats affect future depredations? Are there depredation hotspots? What age and sex class is removed for livestock depredations and does the effect what comes in the next time?
3. Modeling the long-term data set for examining cougar population ecology and demographics; population persistence; possible PhD student interested in population models.

Strategies:

1. Continue collaborative research efforts to maximize knowledge base, funding sources and available resources.
2. Explore new funding sources and ways to leverage those resources.
3. Whenever possible use Division employees enrolled in the educational assistance program to conduct research.
4. Re-visit prioritized list before 2021 if research direction or funding change or new opportunities become available.

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R657. Natural Resources, Wildlife Resources.

R657-10. Taking Cougar.

R657-10-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking and pursuing cougar.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar.

R657-10-2. Definitions.

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

(2) In addition:

(a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.

(b) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a dog handler for or in consideration of pursuing cougar for any purpose.

(c) "Cougar" means Puma concolor, commonly known as mountain lion, lion, puma, panther or catamount.

(d) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons.

(e) "[Cougar Management Area](#)" means a group of units under the same cougar harvest limit.

(f) "Dog handler" means the person in the field that is responsible for transporting, releasing, tracking, controlling, managing, training, commanding and retrieving the dogs involved in the pursuit. The owner of the dogs is presumed the dog handler when the owner is in the field during pursuit.

(~~f~~~~g~~) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.

(~~g~~~~h~~) "Green pelt" means the untanned hide or skin of any cougar.

(~~h~~~~i~~) "Kitten" means a cougar less than one year of age.

(~~i~~~~j~~) "Kitten with spots" means a cougar that has obvious spots on its sides or its back.

(~~j~~~~k~~) "Limited entry hunt" means any hunt listed in the hunt tables of the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar, which is identified as limited entry and does not include harvest objective hunts.

(~~k~~~~l~~) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.

(~~l~~~~m~~) "Private lands" means any lands that are not public lands, excluding Indian trust lands.

(~~m~~~~n~~) "Public lands" means any lands owned by the state, a political subdivision or independent entity of the state, or the United States, excluding Indian trust lands, that are open to the public for purposes of engaging in pursuit.

(~~n~~~~o~~) "Pursue" means to chase, tree, corner or hold a cougar at bay.

([e]p) "Split unit" means a cougar hunting unit that begins as a limited entry unit then transitions into a harvest objective unit.

([p]g) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

([e]r) "Written permission" means written authorization from the owner or person in charge to enter upon private lands and must include:

- (i) the name and signature of the owner or person in charge;
- (ii) the address and phone number of the owner or person in charge;
- (iii) the name of the dog handler given permission to enter the private lands;
- (iv) a brief description of the pursuit activity authorized;
- (v) the appropriate dates; and
- (vi) a general description of the property.

R657-10-3. Permits for Taking Cougar.

(1)(a) To harvest a cougar, a person must first obtain a valid limited entry cougar permit or a harvest objective cougar permit for the specified management units as provided in the [proclamation]guidebook of the Wildlife Board for taking cougar.

(b) Any person who obtains a limited entry cougar permit or a harvest objective cougar permit may pursue cougar on the unit for which the permit is valid.

(2) A person may not apply for or obtain more than one cougar permit for the same season, except:

(a) as provided in Subsection R657-10-25(3); or

(b) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective permit.

(3) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(4) To obtain a cougar limited entry permit, harvest objective permit, or pursuit permit, a person must possess a Utah hunting or combination license.

R657-10-4. Permits for Pursuing Cougar.

(1)(a) To pursue cougar without a limited entry cougar permit, the dog handler must:

(i) obtain a valid cougar [cougar]pursuit permit from a division office; or

(ii) possess the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation.

(b) A cougar pursuit permit or exemption therefrom does not allow a person to kill a cougar.

(2) Residents and nonresidents may purchase cougar pursuit permits consistent with the requirements of this rule and the [proclamations]guidebooks of the Wildlife Board.

(3) To obtain a cougar pursuit permit, a person must possess a Utah hunting or combination license.

R657-10-5. Hunting Hours.

Cougar may be taken or pursued only between one-half hour before official sunrise through one-half hour after official sunset.

R657-10-6. Firearms and Archery Tackle.

A person may use the following to take cougar:

- (1) any firearm not capable of being fired fully automatic;
- (2) a bow and arrows; and
- (3) a crossbow as provided in Rule R657-12.

R657-10-7. Traps and Trapping Devices.

(1) Cougar may not be taken with a trap, snare or any other trapping device, except as authorized by the Division of Wildlife.

(2) Cougar accidentally caught in any trapping device must be released unharmed, and must not be pursued or taken.

(3)(a) Written permission must be obtained from a division representative to remove the carcass of a cougar from any trapping device.

(b) The carcass shall remain the property of the state of Utah and must be surrendered to the division.

R657-10-8. State Parks.

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

(2) Hunting with a rifle, handgun or muzzleloader 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 and archery tackle is prohibited within one quarter mile of the above stated areas.

R657-10-9. Prohibited Methods.

(1) Cougar may be taken or pursued only during open seasons and using methods prescribed in this rule and the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar. Otherwise, under the Wildlife Resources Code, it is unlawful for any person to possess, capture, kill, injure, drug, rope, trap, snare or in any way harm or transport cougar.

(2) After a cougar has been pursued, chased, treed, cornered or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape.

(3) A person may not engage in a canned hunt.

(4) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

(5) Electronic locating equipment may not be used to locate cougars wearing electronic radio devices.

R657-10-10. Spotlighting.

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

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

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence 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 weapon to hunt or take wildlife.

R657-10-11. Party Hunting.

A person may not take a cougar for another person.

R657-10-12. Use of Dogs.

(1) Dogs may be used to take or pursue cougar only during open seasons as provided in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

2) A dog handler may pursue cougar provided he or she possesses:

(a) a valid limited entry cougar permit issued to the dog handler;

(b) a valid cougar pursuit permit; or

(c) the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation.

(3) When dogs are used in the pursuit of a cougar, the licensed hunter intending to take the cougar must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

(4) When dogs are used to take a cougar and there is not an open pursuit season, the dog handler must have:

(a) a limited entry cougar permit issued to the dog handler for the unit being hunted;

(b)(i) a valid cougar pursuit permit; and

(ii) be accompanied, as provided in Subsection (3), by a hunter possessing a limited entry cougar permit for the area; or

(c)(i) the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation and

(ii) be accompanied, as provided in Subsection (3), by a paying client possessing a limited entry cougar permit for the area.

(5) A dog handler may pursue cougar under:

(a) a cougar pursuit permit only during the season and in the areas designated by the Wildlife Board in [\[proclamation\]guidebook](#) open to pursuit;

(b) a limited entry cougar permit only during the season and in the area designated by the Wildlife Board in [\[proclamation\]guidebook](#) for that permit; or

(c) the pursuit for compensation provisions in this rule only during the seasons and in the areas designated by the Wildlife Board in [\[proclamation\]guidebook](#) open to pursuit.

(6) When dogs are used to take cougar and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be

accompanied by a licensed hunter as provided in Subsection (3), or have a cougar permit.

R657-10-13. Tagging Requirements.

(1) The carcass of a cougar must be tagged with a temporary possession tag before the carcass is moved from or the hunter leaves the site of kill as provided in Section 23-20-30.

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

(3) The temporary possession tag:

(a) must remain attached to the pelt or unskinned carcass until the permanent possession tag is attached; and

(b) is only valid for 48 hours after the date of kill.

(4) A person may not possess a cougar pelt or unskinned carcass without a valid permanent possession tag affixed to the pelt or unskinned carcass. This provision does not apply to a person in possession of a properly tagged carcass or pelt within 48 hours after the kill, provided the person was issued and is in possession of a valid permit.

R657-10-14. Evidence of Sex and Age.

(1) Evidence of sex must remain attached to the carcass or pelt of each cougar until a permanent tag has been attached by the division.

(2) The pelt and skull must be presented to the division in an unfrozen condition to allow the division to gather management data.

(3) It is mandatory that a tooth (PM1) be removed by the division at the time of permanent tagging to be used for aging purposes.

(4) The division may seize any pelt not accompanied by its skull or not having sufficient evidence of biological sex designation attached.

R657-10-15. Permanent Tag.

(1)(a) Each cougar must be taken by the permit holder to a conservation officer or division office within 48 hours after the date of kill to have a permanent possession tag affixed to the pelt or unskinned carcass and for the removal of a tooth.

(b) After regular business hours, on weekends, or on holidays, a conservation officer may be reached by contacting the local police dispatch office.

(2) A person may not possess a green pelt after the 48-hour check-in period, or ship a green pelt out of Utah, or present a green pelt to a taxidermist if the green pelt does not have a permanent possession tag attached.

R657-10-16. Transporting Cougar.

Cougar that have been legally taken may be transported by the permit holder provided the cougar is properly tagged and the permittee possesses the appropriate permit.

R657-10-17. Exporting Cougar from Utah.

(1) A person may export a legally taken cougar or its parts if that person has a valid permit and the cougar is properly tagged with a permanent possession tag.

(2) A person may not ship or cause to be shipped from Utah, a cougar pelt without first obtaining a shipping permit issued by an authorized division representative.

R657-10-18. Donating.

(1) A person may donate protected wildlife or their parts to another person as provided in Section 23-20-9.

(2) A green pelt of any cougar donated to another person must have a permanent possession tag affixed.

(3) The written statement of donation must be retained with the pelt.

R657-10-19. Purchasing or Selling.

(1) Legally obtained, tanned cougar hides may be purchased or sold.

(2) A person may not purchase, sell, offer for sale, or barter a tooth, claw, paw, or skull of any cougar.

R657-10-20. Waste of Wildlife.

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

(2) The skinned carcass of a cougar may be left in the field and does not constitute waste of wildlife.

R657-10-21. Livestock Depredation and Human Health and Safety.

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA, Wildlife Services specialist; or

(c) the livestock owner may notify a USDA, Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA, Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken by those persons authorized in Subsection (1)(a) with:

(a) any weapon authorized for taking cougar; or

(b) with the use of snares only with written authorization from the director of the division and subject to all the conditions and restrictions set out in the written authorization.

(i) The option in Subsection (3)(b) may only be authorized in the case of a chronic depredation situation where numerous livestock have been killed by a depredating cougar and must be verified by Wildlife Services or division personnel.

(4)(a) Any cougar taken pursuant to this section must be delivered to a division office or employee within 72 hours.

(b) In accordance with Subsection (1)(a) the cougar shall remain the property of the state, except the division may issue a cougar damage permit to a person who has killed a depredating cougar in accordance with this section, if that person wishes to maintain possession of the cougar.

(c) A person may acquire only one cougar annually.

(5)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

R657-10-22. Survey.

Each permittee who is contacted for a survey about their cougar hunting experience should participate in the survey regardless of success. Participation in the survey helps the division evaluate population trends, harvest success and collect other valuable information.

R657-10-23. Taking Cougar.

(1)(a) A person may take only one cougar during the season and from the area specified on the permit.

(b) Limited entry permits may be obtained by following the application procedures provided in this rule and the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

(c) Harvest objective permits may be purchased on a first-come, first-served basis as provided in [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots; or

(b) repeatedly pursue, chase, tree, corner, or hold at bay, the same cougar during the same day after the cougar has been released.

(3) Any cougar may be taken during the prescribed seasons, except a kitten with spots, or any cougar accompanied by kittens, or any cougar accompanied by an adult.

(4) A person may not take a cougar wearing a radio collar from any areas that are published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

(5) The division may authorize hunters who have obtained a limited entry cougar permit to take cougar in a specified area of the state in the interest of protecting wildlife from depredation.

(6) Season dates, closed areas, harvest objective permit areas and limited entry permit areas are published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

(7)(a) A person who obtains a limited entry cougar permit on a split unit may hunt on all harvest objective units after the date split units transition into harvest objective units. The split unit transition date is provided in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking cougar.

(b) A person who obtains a limited entry cougar permit on a split unit and chooses to hunt on any harvest objective unit after the transition date is subject to all harvest objective unit closure requirements provided in Sections R657-10-34 and 657-10-35.

R657-10-24. Extended and Preseason Hunts.

(1) An extended or preseason hunt may be authorized by the division on selected cougar management units to control depredation or nuisance problems.

R657-10-25. Cougar Pursuit.

(1)(a) Except as provided in rule R657-10-3(1)(b) and Subsection (2), cougar may be pursued only by persons who have obtained a cougar pursuit permit.

(b) The cougar pursuit permit does not allow a person to:

(i) kill a cougar; or

(ii) pursue cougar for compensation.

(c) A person may pursue cougar for compensation only as provided in Subsection (2).

(d) To obtain a cougar pursuit permit, a person must possess a Utah hunting or combination license.

(2)(a) A person may pursue cougar on public lands for compensation, provided the dog handler:

(i) receives compensation from a client or customer to pursue cougar;

(ii) is a licensed hunting guide or outfitter under Title 58, Chapter 79 of the Utah Code and authorized to pursue cougar;

(iii) possesses on his or her person the Utah hunting guide or outfitter license;

(iv) possesses on his or her person all permits and authorizations required by the applicable public lands managing authority to pursue cougar for compensation; and

(v) is accompanied by the client or customer at all times during pursuit.

(b) A person may pursue cougar on private lands for compensation, provided the dog handler:

(i) receives compensation from a client or customer to pursue cougar;

(ii) is accompanied by the client or customer at all times during pursuit; and

(iii) possesses on his or her person written permission from all private landowners on whose property pursuit takes place.

(c) A person who is an employee or agent of the Division of Wildlife Services may pursue cougar on public lands and private lands while acting within the scope of their employment.

(3) A pursuit permit is not required to pursue cougar under Subsection (2).

(4)(a) A person pursuing cougar for compensation under subsections (2)(a) and (2)(b) shall comply with all other requirements and restrictions in statute, rule and the [\[proclamations\]guidebooks](#) of the Wildlife Board regulating the pursuit and take of cougar.

(b) Any violation of, or failure to comply with the provisions of Title 23 of the Utah Code, this rule, or the [\[proclamations\]guidebooks](#) of the Wildlife Board may be grounds for suspension of the privilege to pursue cougar for compensation under this subsection, as determined by a division hearing officer.

(5) A cougar pursuit permit authorizes the holder to pursue cougar with dogs on any unit open to pursuing cougar during the seasons and under the conditions prescribed by the Wildlife Board in [\[proclamation\]guidebook](#).

(6) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(i) The weapon restrictions set forth in the subsection 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 or attempting to utilize the concealed weapon to injure or kill cougar.

(7) If eligible, a person who has obtained a cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(8) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar.

(9) A cougar pursuit permit is valid on a calendar year basis.

(10) A person must possess a valid hunting or combination license to obtain a cougar pursuit permit.

R657-10-26. Limited Entry Cougar Permit Application Information.

(1) Limited entry cougar permits are issued pursuant to R657-62-~~[23-]~~[24](#).

R657-10-27. Harvest Objective General Information.

(1) Harvest objective permits are valid only for the open harvest objective management units and for the specified seasons published in the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar.

(2) Harvest objective permits are not valid in a specified management unit after the harvest objective has been met for that specified [~~management unit~~][Cougar Management Area](#).

R657-10-28. Harvest Objective Permit Sales.

(1) Harvest objective permits are available on a first-come, first-served basis beginning on the date published in the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar.

(2) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(3) A person must possess a valid hunting or combination license to obtain a Harvest objective permit.

R657-10-29. Harvest Objective Unit Closures.

(1) To hunt in a harvest objective unit, a hunter must call 1-888-668-LION or visit the division's website to verify that the cougar management [~~unit~~][area](#) is still open. The phone line and website will be updated each day by 12 noon. Updates become effective the following day thirty minutes before official sunrise.

(2) Harvest objective units are open to hunting until:

(a) the cougar harvest objective for that [~~unit~~][cougar management area](#) is met [and the division closes the area](#); or

(b) the end of the hunting season as provided in the [~~proclamation~~][guidebook](#) of the Wildlife Board for taking cougar.

(3) Upon closure of a harvest objective unit, a hunter may not take or pursue cougar except as provided in Section R657-10-25.

R657-10-30. Harvest Objective Unit Reporting.

(1) Any person taking a cougar with a harvest objective permit must report to the division, within 48 hours, where the cougar was taken and have a permanent tag affixed pursuant to Section R657-10-15.

(2) Failure to accurately report the correct harvest objective management unit where the cougar was killed is unlawful.

(3) Any conviction for failure to accurately report, or aiding or assisting in the failure to accurately report as required in Subsection (1) shall be considered prima facie evidence of a knowing, intentional or reckless violation for purposes of permit suspension.

R657-10-31. Wildlife Management Areas.

(1) A person may not use motor vehicles on division-owned wildlife management areas closed to motor vehicle use during the winter without first obtaining written authorization from the appropriate division regional office.

(2) The division may, in its sole discretion, authorize limited motor vehicle access to its wildlife management areas closed to such use during the winter provided:

- (a) the person seeking access possesses a valid cougar permit for the area;
- (b) motor vehicle access is necessary to effectively utilize the cougar permit; and
- (c) motor vehicle access will not interfere with wintering wildlife or wildlife habitat.

R657-10-32. Poaching-Reported Reward Permits.

(1) For purposes of this section, "successful prosecution" means the screening and filing of charges for the poaching incident.

(2) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a cougar on a limited entry cougar unit, under Section 23-20-4, may receive a permit from the division to hunt cougar on the same limited-entry cougar unit where the reported violation occurred, as provided in Subsection (3).

(3)(a) The division may issue poaching-reported reward permits only in limited-entry cougar units that have more ~~that~~ than 10 total permits allocated.

(b) The division may issue only one poaching-reported reward permit per limited-entry cougar unit per year.

(4)(a) The division may issue only one poaching-reported reward permit for any one animal illegally taken.

(b) No more than one poaching-reported reward permit shall be issued to any one person per successful prosecution.

(c) No more than one cougar poaching-reported reward permit shall be issued to any one person in any one cougar season.

(5)(a) Poaching-reported reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.

(b) If information is received from more than one person, the director of the

division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.

(c) The person providing the most pertinent information shall qualify for the poaching-reported reward permit.

(6) Any person who receives a poaching-reported reward permit must possess a Utah hunting or combination license and otherwise be eligible to hunt and obtain cougar permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.

KEY: wildlife, cougar, game laws

Date of Enactment or Last Substantive Amendment: October 25, 2010

Notice of Continuation: August 21, 2006

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

Proposal



State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

GARY R. HERBERT
Governor

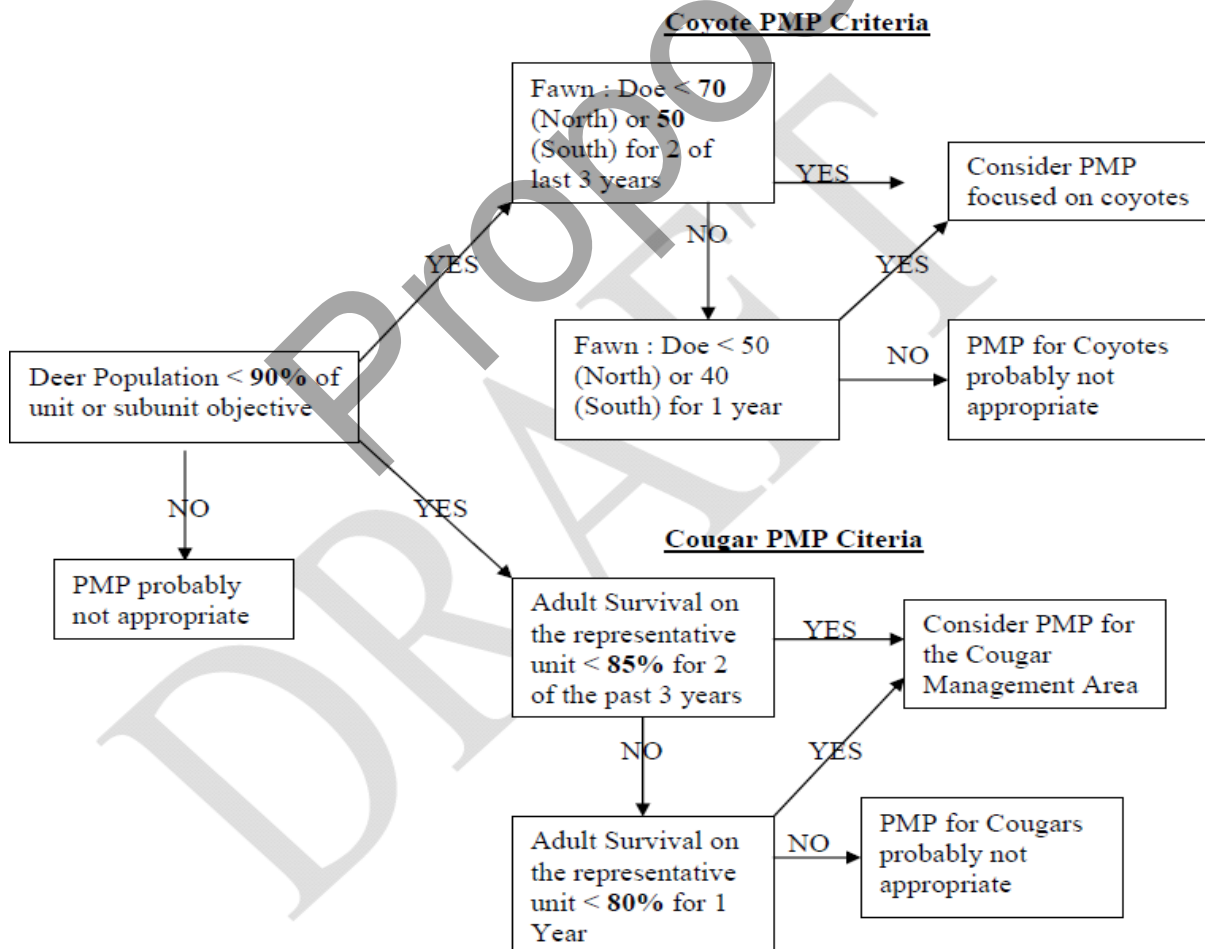
GREGORY S. BELL
Lieutenant Governor

July 11, 2011

TO: Regional Wildlife Advisory Councils
FROM: Kevin D. Bunnell
Wildlife Chief
SUBJECT: Managing Predatory Wildlife Policy (W1AG-4) Revision

In order to better protect deer herds from the sometimes negative impacts of predators the Division is recommending adding the following decision criteria to the Managing Predatory Wildlife Policy (W1AG-4) as appendix 1.1:

Criteria for When to Consider Predator Management Plans to Support Deer Herd Recovery (Criteria assume that habitat is not limiting)



STATE OF UTAH DIVISION OF WILDLIFE RESOURCES ADMINISTRATION	NO. W1AG-4	NO. PAGES 5
	EFFECTIVE DATE:	
	APPROVED: August 19, 2010 Wildlife Board	
SUBJECT: MANAGING PREDATORY WILDLIFE SPECIES		
DISTRIBUTION: ALL DIVISION EMPLOYEES		

I. PURPOSE

The purpose of this policy is to provide direction in managing predator populations. The Division recognizes the need to efficiently and effectively manage predators and recognizes predator management as a legitimate wildlife management tool that must be available to wildlife managers when needed. The Division however also recognizes that predator management can be controversial both publicly and professionally.

Note: For guidance on appropriate responses to black bear and cougar incidents, refer to policies W5WLD-03 and W5WLD-05, respectively.

II. POLICY

When predator populations are believed to be inhibiting the ability of the Division to attain management objectives for other wildlife populations and the Division decides to implement predator management actions, these management actions will be directed by a predator management plan. Predator populations, as with all wildlife in Utah, will be managed to assure their future ecological, intrinsic, scientific, educational and recreational values.

When a predator management plan is implemented predator populations will be managed through sport hunting, depredation control, habitat manipulation and other programs. Wildlife managers and administrators implementing predator management options will consider the ecological relationships that will be affected. Management decisions will be consistent with objectives or management plans of affected wildlife populations, predator species management plans, habitat, and other biological and social constraints.

The management of coyotes and raccoons is under the jurisdiction of the Utah Department of Agriculture (UDA). The Division however may invoke predator management actions directed at coyote and raccoon populations when wildlife management objectives are not being met and predation by these species is a contributing factor.

The Division, when and where feasible, will rely on sportsmen to take predators. Circumstances requiring predator management efforts by USDA-Wildlife Services (WS) or Division personnel will be considered as needed. Management programs to reduce predator populations will be:

- A. Confined to specific treatment areas;
- B. Targeted toward the species and the offending animal whenever practical; and
- C. Initiated only after preparation of a predator management plan containing an explanation why predator management is necessary, measurable objectives, expected results, and criteria to determine when to discontinue predator management actions.

This policy does not invalidate existing predator management policies and procedures used to administer livestock depredation issues.

III. DEFINITIONS

- A. **“Predation”** means the act of an individual animal killing another live animal, normally for food as a means of maintaining its life.
- B. **“Predator”** means any wild animal species subsisting, wholly or in part, on other living animals through its own efforts. For the purpose of this policy, predators only include terrestrial and avian wildlife species.
- C. **“Predator management”** means the application of professional wildlife management techniques directed at predators (individually or at the population level) to accomplish specific management objectives.
- D. **“Prey”** means a species consumed by the predator and for which predator management is initiated.
- E. **“Take”** means to hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill wildlife species.

IV. PROCEDURES

The Division will not support any public fund-raising contests, or similar activities, involving the taking of predators that may portray hunting in an unethical fashion, devalue the predator or be offensive to the general public.

Managers must recognize the role of predators in an ecological and conservation context. The effects of removing one predator species may result in a population increase of another predator species. Division actions must be based on the best available scientific information. In addition, prey populations are affected by a multitude of factors. If reducing predator populations does not have the desired effect on prey populations within a reasonable time frame, other overriding factors need to be addressed and further efforts to reduce predator populations may not be warranted.

A. Predator Management May Occur But Is Not Limited To The Following Circumstances:

1. In localized areas where introductions or transplants of potentially vulnerable wildlife species (e.g., bighorn sheep, wild turkeys, Utah prairie dogs, and black-footed ferrets) has occurred or is imminent. Control should be sufficient enough to allow transplanted populations to become established and self-sustaining.
2. When prey populations are unable to meet management goals and objectives, and predation plays a significant role. For example, where survival or recruitment of wildlife populations is chronically low, populations are below management plan objectives and there is evidence that predation is a significant factor. Predator control will not be implemented to compensate for other problems such as habitat deficiencies and natural population cycles of the prey species.
3. When an individual predator is consistently preying on prey populations of special management concern (e.g. when a individual cougar is consistently preying a group of bighorn sheep).
4. On wildlife waterfowl management areas, especially those primarily managed for specific species and predation is significantly affecting the population.

B. Options

Three options are available to the Division to remove predators and are listed in order of preference:

1. Licensed or permitted hunters or trappers will take predators in the seasons provided;
2. Designated individuals, including WS agents, will systematically

take specified predators in a selected geographic area; or

3. Division personnel will take predators in a selected geographic area.

Predator Management Plans should consider options other than lethal removal. Various kinds of habitat manipulation, such as constructing nesting islands and providing cover plantings, can sometimes negate or minimize the effect of predators.

C. Predator Management Plans

The wildlife section chief and regional supervisor will review all predator management plans. The director must approve predator management plans. Predator management plans will be reviewed and ~~evaluated~~ updated every 3 years in conjunction with cougar harvest recommendations~~[-]~~, except for coyote control efforts focused on deer which will be evaluated annually following deer classification each fall

Predator management plans will be prepared using the following outline:

1. Definition of the area;
2. Definition of the problem - discuss hunting factors, habitat quality, and hunting strategies;
3. Establish measurable objectives including evaluation criteria;
4. Identify strategies and management actions, including
 - a. predator control - species, method
 - b. habitat enhancement
 - c. hunting strategies; and
5. Identify when to stop management actions.
 - a. criteria to stop based on prey populations / objectives₁
 - b. criteria to stop based on the predator population status₁ and / or
 - c. lack of response of prey populations despite predator reductions.

V. REVIEW DATE

This policy shall be reviewed on or before January 5, 2016.

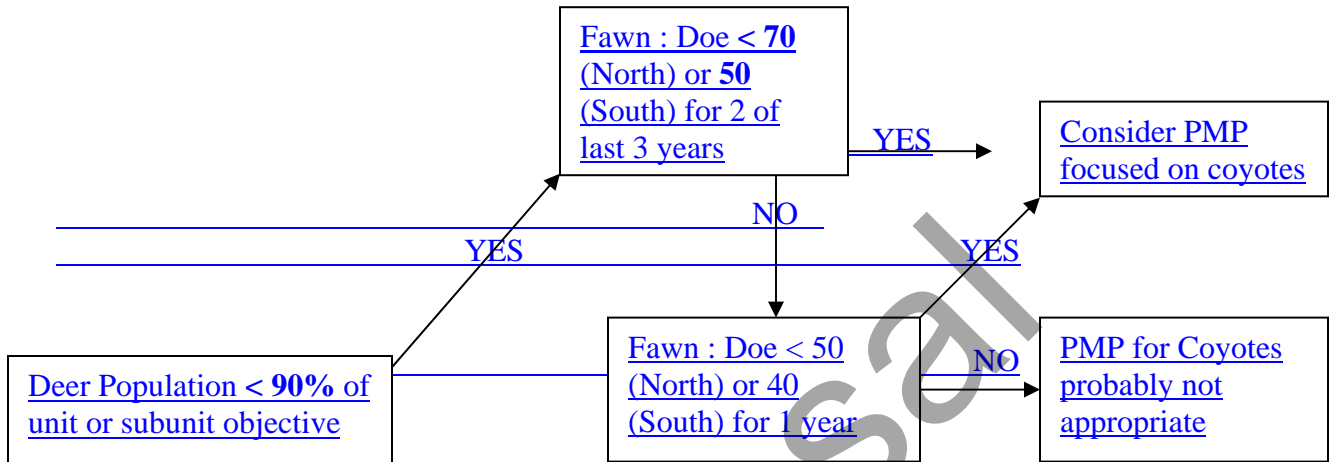
Appendix I

Criteria to Initiate Consideration of a Unit Predator Management Plan

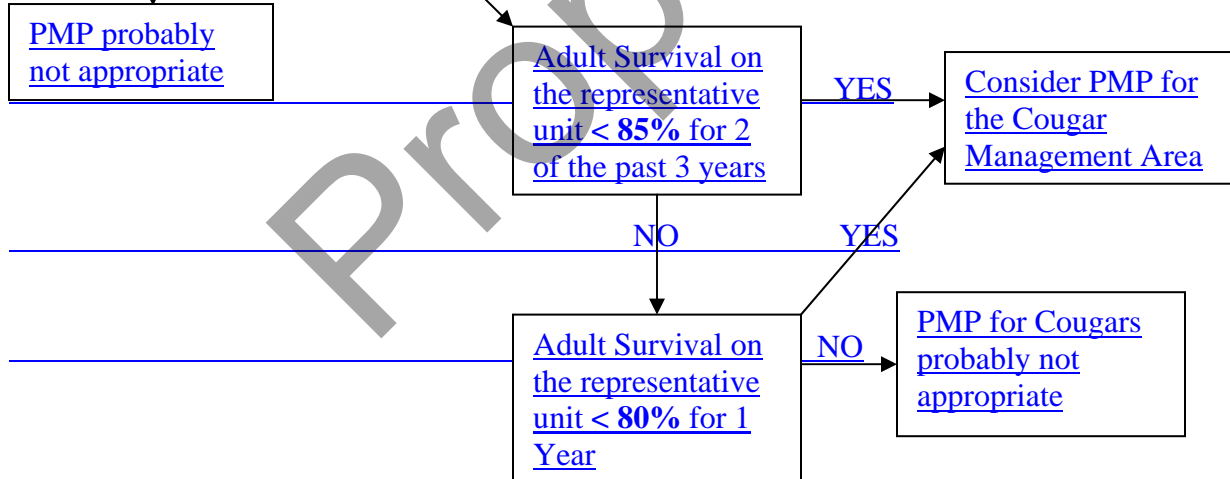
1. When a transplant or reintroduction of a species susceptible to predation (e.g. bighorn sheep, black-footed etc) will occur in the next year.
2. When big game populations on a management unit or subunit are below 65% of management objective (criteria does not apply to bighorn sheep).
3. When big game populations on a management unit or subunit ferret, are below 75% of management objective and are stable or decreasing for 3 consecutive years (criteria does not apply to bighorn sheep) = [see appendix 1.1 for specific criteria for deer.](#)
4. When bighorn sheep populations on a unit or subunit are below 90% of management objective.
5. When big game populations are below viable levels (e.g. bighorn sheep < 125).
6. When big game sex ratios or average age class objectives of prey populations are below unit objectives.
7. When predators are significantly impacting Sensitive Species populations (e.g. sage grouse, Utah prairie dogs, black-footed ferrets or other Sensitive Species.)
8. When a big game population is chronically below unit management plan objective, that objective will be reviewed as it relates to the carrying capacity of the habitat.

Appendix 1.1
Criteria for When to Consider Predator Management Plans to Support Deer Herd Recovery
(Criteria assume that habitat is not limiting)

Coyote PMP Criteria



Cougar PMP Criteria





GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 11, 2011

TO: Regional Wildlife Advisory Councils
FROM: Kevin D. Bunnell
Wildlife Chief
SUBJECT: Bobcat Plan Amendments and 2011-12 Recommendations

The Division is recommending amendments to the Bobcat Management Plan in order to provide needed flexibility in bobcat harvest recommendations

- The Bobcat Management Plan currently provides only 2 options
 - Continue to reduce tags
 - Return to the baseline of 6 tags when performance targets return to normal ranges
- Neither of these options makes sense in the current situation
 - Performance targets indicate that bobcat populations are rebounding, but are not back to normal levels yet
 - Currently the plan would require an additional reduction (i.e. reduce the number of tags available to individuals from 3 to 2)
- The proposed amendment would create an option to hold harvest recommendations steady if performance targets indicate that the population is rebounding, but still not back to normal levels and would require that performance targets reach normal levels for 2 out of 3 years before returning to the baseline number of tags
- If the RACs and Wildlife Board accept the proposed amendment the Division recommendation is to keep bobcat harvest recommendations for the 2011-12 harvest season the same as they were for the 2010-11 season
 - 3 tags / individual
 - Dec 1st opening
 - 4,600 permits available
- If the RACs and Wildlife Board reject the proposed amendment the Division recommendation is to follow the plan as currently written
 - Reduce tag / individual from 3 to 2
 - Dec 1st opening
 - 4,600 permits available



R657. Natural Resources, Wildlife Resources.

R657-11. Taking Furbearers.

R657-11-1. Purpose and Authority.

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

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers.

R657-11-3. License, Permit and Tag Requirements.

(1) A person who has a valid, current furbearer license may take furbearers during the established furbearer seasons published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers.

(2) A person who has a valid, current furbearer license and valid bobcat permits may take bobcat during the established bobcat season published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers.

(3) A person who has a valid, current furbearer license and valid marten trapping permit may take marten during the established marten season published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers.

(4) Any license, permit, or tag that is mutilated or otherwise made illegible is invalid and may not be used for taking or possessing furbearers.

R657-11-4. Bobcat Permits.

(1) Bobcat permits can only be obtained and are only valid with a valid, current furbearer license.

(2) A person may obtain up to the number of bobcat permits authorized each year by the Wildlife Board. Permit numbers shall be published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers.

(3) Bobcat permits will be available during the dates published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking furbearers and may be obtained by submitting an application through the division's Internet address.

(4) Bobcat permits are valid for the entire bobcat season.

R657-11-7. Permanent Possession Tags for Bobcat and Marten.

(1) A person may not:

(a) possess a green pelt or unskinned carcass from a bobcat or marten that does not have a permanent tag affixed after the Saturday following the close of the bobcat trapping season and marten seasons;

(b) possess a green pelt or the unskinned carcass of a bobcat with an affixed temporary bobcat possession tag issued to another person, except as provided in Subsections (5) and (6); or

(b) buy, sell, trade, or barter a green pelt from a bobcat or marten that does not have a permanent tag affixed.

(2) Bobcat and marten pelts must be delivered to a division representative to have a permanent tag affixed and to surrender the lower jaw.

(3) Bobcat and marten pelts may be delivered to the following division offices, by appointment only, during the dates published in the

[preclamation]guidebook of the Wildlife Board for taking furbearers:

- (a) Cedar City - Regional Office;
 - (b) Ogden - Regional Office;
 - (c) Price - Regional Office;
 - (d) Salt Lake City - Salt Lake Office;
 - (e) Springville - Regional Office; and
 - (f) Vernal - Regional Office.
- (4) There is no fee for permanent tags.

R657-11-26. Season Dates and Bag Limits.

Season dates, bag limits, and areas with special restrictions are published annually in the [preclamation]guidebook of the Wildlife Board for taking furbearers.

R657-11-27. Applications for Trapping on State Waterfowl Management Areas.

(1)(a) Applications for trapping on state waterfowl management areas are available at the division's internet address, and must be completed and submitted online by the date prescribed in the respective [preclamation]guidebook of the Wildlife Board.

(i) Applicants submitting more than one application per calendar year will be rejected.

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

(c) Applicants may select up to two WMA choices on the application.

(d) Hunt choices must be listed in order of preference.

(e) Up to three trappers may apply as a group for a single permit.

(f) A person who applies for or obtains a permit must notify the division of any change in mailing address, residency, telephone number, email address, and physical description.

(g) If the number of applications received for a WMA exceeds the number of permits available, a drawing will be held. This drawing will determine successful or unsuccessful applicants.

(i) each application will be assigned a computerized random drawing number.

(ii) a drawing order will be established by arranging applications beginning with the lowest random drawing number.

(iii) in sequence of the drawing order, the applicant's first selection will be considered. If a permit is not available for that selection, that applicant's second selection will be considered.

(iv) remaining permits will be offered to the alternate list beginning with the first eligible alternate.

(A) the alternate list is comprised of unsuccessful applicants.

(B) the alternate list is arranged in order beginning with the lowest drawing number.

(2) Permits, trapping dates and boundaries

(a) Open areas, trapping dates, allowable species, fees, and number of permits shall be determined by the waterfowl management area superintendent.

(b) Superintendents of waterfowl management areas offering more than one trapping permit will determine the trapping boundaries of each permit.

(c) Only the trapper or trappers listed on the permit may trap on the waterfowl management area.

(d) All trappers must trap under the supervision of the waterfowl management area superintendent. Permits are not valid until signed by the superintendent in charge of the area to be trapped.

(e) Violation of this section is cause for forfeiture of all trapping privileges on management areas for that trapping year.

(f) Applicants may be notified of drawing results by the date prescribed in the respective [\[proclamation\]](#)[guidebook](#) of the Wildlife Board.

R657-11-32. Closed Area.

Davis County - Trapping is allowed only on the dates published in the [\[proclamation\]](#)[guidebook](#) of the Wildlife Board for taking furbearers, on those lands administered by the state lying along the eastern shore of the Great Salt Lake, commonly known as the Layton-Kaysville marshes. In addition, there may be a portion of the above stated area that is closed to trapping. This area will be posted and marked.

KEY: wildlife, furbearers, game laws, wildlife law

Date of Enactment or Last substantive Amendment: October 25, 2010

Notice of Continuation: August 16, 2010

Authorizing, and Implementing or Interpreted Law: 23-14-18; 23-14-19; 23-13-17



GARY R. HERBERT
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GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 7, 2011

TO: Regional Wildlife Advisory Councils
FROM: Jason Robinson
Upland Game Project Leader
SUBJECT: Appendix 5 of the *Utah Greater Sage-grouse Management Plan 2009*

The Utah Wildlife Board approved the *Utah Greater Sage-grouse Management Plan 2009* on June 4, 2009. The plan was approved in full with one exception, *Appendix 5: Guidelines and practices for development activity within Utah sage-grouse habitat*. Appendix 5 needed additional input to complete, including input from the development industry. The RAC and Board were informed that Appendix 5 would be brought to them for approval at a later date. The current Sage-grouse Management Plan has a place holder for this Appendix.

Two species of sage-grouse occur in Utah, the Gunnison sage-grouse and greater sage-grouse. Gunnison sage-grouse occur in San Juan County; greater sage-grouse occur scattered in the rest of the state. Both species are Warranted, but precluded (Candidate Species) under the Endangered Species Act (ESA).

2 of 5 listing factors were identified as grounds for listing under the ESA:

- Factor A: Present or threatened destruction, modification, or curtailment of habitat or range.
- Factor D: Inadequacy of existing regulatory mechanisms

If approved, Appendix 5 will help address both of these listing factors. A final listing decision by the U.S. Fish and Wildlife Service will occur before 2015.

Appendix 5 outlines guidelines for development activities within Utah Sage-grouse habitat. Within Appendix 5 are general guidelines, site specific guidelines, and guidelines for management systems. Five specific key elements included in Appendix 5 are:

- includes both Gunnison and Greater sage-grouse
- Areas of Avoidance: **1 mile** around all occupied leks (No Surface Occupancy)
- Consultation Zones: **1-4 miles** around all occupied leks. Consult with UDWR in this area, try and avoid disturbances.
- ≤40 decibels at all occupied leks during breeding season
- 1 well pad/section in occupied sage-grouse habitat (based on UDWR GIS shapefiles)

Appendix 5 will help protect and conserve sage-grouse habitat within Utah. It will also help reduce the chance of sage-grouse becoming a Threatened or Endangered species. The key concept is for Developers and UDWR to work together and accomplish a common goal— keeping sage-grouse from becoming listed under the ESA.



APPENDIX 5. GUIDELINES AND PRACTICES FOR DEVELOPMENT ACTIVITY WITHIN UTAH SAGE-GROUSE HABITAT

BACKGROUND

Sage-grouse are receiving considerable national attention. This is due to marked increases in competing resource use of sage-grouse habitats and third-party petitions to the U.S. Fish and Wildlife Service for listing consideration under the Endangered Species Act. Oil, natural gas, and other resource development occurred at record pace across much of Utah's sage-grouse habitat during the past decade, particularly in eastern Utah. It was apparent the original range wide guidelines (Connelly et al. 2000) and those provided in the original *Utah Strategic Management Plan for Sage-grouse 2002* (UDWR 2002), that were meant to protect and preserve sage-grouse habitat, were no longer effective under the heightened exploration and development, including renewable energy sources such as wind.

The intent of Appendix 5, *Guidelines and Practices for Development Activity within Utah Sage-Grouse Habitat* (hereafter, Guidelines), of this management plan is to update the original guidelines designed to protect sage-grouse populations and habitat from potential negative human impacts. Guideline updates are based on the most current peer-reviewed scientific studies from within Utah and from neighboring states within the sage-grouse range. These Guidelines will be a separate and stand-alone appendix of the "Utah Greater Sage-grouse Management Plan 2009" to facilitate updates and modifications as new research and other information becomes available. Placing these Guidelines in an appendix allows amendments without opening and rewriting the entire management plan document. Although this appendix was developed for the greater sage-grouse management plan, these Guidelines and the conservation principles and measures herein would be applicable to Gunnison sage-grouse habitat within Utah.

These Guidelines are designed to help support land management agencies and private land owners in managing the land and associated resources while insuring that negative impacts to sage-grouse are avoided or minimized. These Guidelines should be applied in conjunction with the information and conservation strategies provided within the "Utah Greater Sage-grouse Management Plan 2009" and the "Gunnison Sage-grouse Rangeland Conservation Plan 2005" and incorporated into decision documents and daily management practices. Fourteen percent of Utah's land area is occupied sage-grouse habitat. As a fundamental point, **avoidance of occupied sage-grouse habitats is always the preferred choice**. However, avoidance is not always a reality. Thus these Guidelines are designed to aid management decisions when disturbances within occupied habitats are unavoidable. Other western states have implemented a "core sage-grouse population area strategy"; core sage-grouse breeding areas within Utah have been mapped (Figure 5) to aid in the identification of important sage-grouse breeding areas within the state. These core breeding areas are not core *protection* areas, as defined in other western states (most notably Wyoming). All occupied sage-grouse habitat within Utah needs some level of protection due to the unique distribution and population levels of Utah sage-grouse. In some instances, site-specific conditions may determine how best to manage a particular situation due to Utah's sage-grouse resource distribution and density, variable topography, and sagebrush habitat quality, latitude, and elevation. Likewise, the possibility may exist to adapt competing resource development time and distance guidelines to fit site-specific conditions. However, a decision to adapt or vary from the prescribed *Guidelines* should be mutually agreed upon by project proponents, landowners and resource managers with full involvement of UDWR biologists and managers. Any variation

should be based upon the best knowledge and assessment expertise available. These Guidelines should be employed alongside adaptive approaches that are based upon the best available science, local research knowledge, and local expert opinion.

The best available current science was utilized in developing these Guidelines.

Recommendations and guidelines herein are consistent with those recommended elsewhere within the species' range with similar sage-grouse population distributions, and were developed in consultation with state and federal land management agencies; Utah Division of Oil, Gas, and Mining; industry representatives for oil, gas, and mining; academia; sportsmen; and NGOs.

GUIDELINES AND PRACTICES FOR MANAGING DEVELOPMENT

Avoidance of occupied sage-grouse habitat is the preferred choice and should always be the preferred alternative in any development scenario involving sagebrush disturbance.

However, total sage-grouse habitat avoidance may not always be achievable. Recognizing this fact, information in this section is intended to provide direction for land and resource stewards in making management decisions within sage-grouse habitat. Guidelines in this section are the minimum actions needed to protect sage-grouse in Utah to reduce the likelihood of negative population level effects. Strictly applying these Guidelines in their entirety may not always be a practical reality and site specific conditions may allow for some variances to these guidelines through consultation with UDWR. However, negative impacts to sage-grouse populations are likely to occur if land managers allow more development than that which can be supported by the currently available science-based information recommended in this section.

I. General Guidelines and Practices

Proponents of developments within or uses of occupied sage-grouse habitat should be encouraged to:

- engage the UDWR in early consultation (2 or more years prior to planned activities) to avoid or minimize impacts to sage-grouse in occupied habitats;
- participate in habitat and species assessments which will identify occupied sage-grouse habitats within the project area, allowing for modification of the project proposal to avoid or reduce impacts to those habitats;
- participate in habitat and species monitoring programs, before, during, and after project development;
- design projects to reduce surface occupancy and disturbance, such as low well pad densities; burying or rerouting transmission lines to the extent feasible; and siting facilities in non-sage-grouse habitat;
- utilize developing technologies to limit sage-grouse habitat disturbance, such as directional drilling, wind turbine design and placement, and remote monitoring of wells, pipelines, and other facilities;
- centralize production and support facilities;
- reduce infrastructure development through liquid-gathering systems, shared access roads, limited tall structures, minimal impact facility designs, and similar practices;

- reduce vehicle traffic during crucial sage-grouse time periods, close and rehabilitate redundant roads in sage-grouse habitat, and move roads currently located in sage-grouse habitat to non-habitat areas;
- encourage a phased field development to include all land ownership, leases, and mineral estates; to limit development to one part of the field at a time;
- implement other technologies and strategies to reduce human activity and disturbance;
- implement intermediate reclamation practices to reduce pad and road size and allow shrub recovery prior to total reclamation;
- incorporate both on-and off-site mitigation considerations in the development proposal and initiate mitigation prior to surface-disturbing actions.

II. Site Specific Guidelines and Practices

1. **Areas of Avoidance** - The area within a **1 mile (1.6 km) radius of the edge** of all occupied leks is deemed an "**Area of Avoidance**." On public lands this could be interpreted as an area of **No Surface Occupancy (NSO)**, or an area of **Controlled Surface Use (CSU)**. Due to the unique distribution of Utah sage-grouse populations (Figure 5), a 1-mile buffer is essential to adequately protect breeding and nesting habitat. A recent study (Harju et al. 2010) evaluated impacts of development in Wyoming sage-grouse habitat on male lek attendance, and states "Infrastructure in proximity to leks was associated with declining lek attendance by males," and negative impacts may not be observed for up to 10 years post disturbance. Some member states of the Western Association of Fish and Wildlife Agencies utilize a 0.6-mile buffer due to the more uniform distribution of sage-grouse populations. The probability of lek persistence with a 0.6 mile NSO radius around an occupied lek under fully-developed coal-bed natural gas fields is 14%; if the NSO radius is extended to 1 mile, the probability of lek persistence is more than doubled, to 30% (Apa et al. 2008, Walker et al. 2007b). Page 68 of the USFWS 12-month finding for greater sage-grouse states: "...stipulations most commonly attached to leases and permits are inadequate for the protection for sage-grouse, and for the long-term maintenance of their populations in those areas affected by oil and gas development activities"; page 69 of the same document states a 0.25 mile NSO and 2.0 mile disturbance buffer around leks is inadequate to prevent adverse impacts to sage-grouse populations (USFWS 2010).

Also, within this 1-mile area, avoid activities that will disturb breeding and lek attendance during the breeding season (February 15 - May 15*) from **2 hours** before sunrise to **2 hours** after sunrise. The local UDWR biologist should be consulted for time and distance determinations based on site-specific conditions.

VARIANCE REQUESTS:

Certain landscape features and habitat configurations limit flexibility for energy development projects. For instance, geographically constrained ridge tops or valley floors substantially narrower than one mile in width may present the only viable locations for necessary access roads, wellpads, tank batteries, etc.

These same narrow corridors may contain occupied leks, important early brood-rearing areas, or mapped wintering habitats, each of which are critically important for sage-grouse production, recruitment, or survival. Avoidance of serious impacts to sage-grouse populations may not be possible if development proceeds in these areas.

In the case of impacts which realistically cannot be avoided, **the burden rests with the applicant** to explain why necessary infrastructure cannot be sited elsewhere, even if substantially increased expense would be associated with relocation. If relocation is deemed infeasible, the applicant needs to acknowledge in their request for variance that they are incurring a responsibility for compensatory mitigation to offset the net impacts their project would cause to sage-grouse populations using the area.

On the other end of the continuum are landscape features and habitat arrangements which provide increased flexibility to developers within the recommended one-mile buffer radius. For example, consider distinctive topographical separations, such as canyon rims or defined ridgelines which sufficiently interrupt lines-of-sight, or the occurrence of distinctive habitat types which sage-grouse strongly avoid, such as dense, mature conifer forests, which may make it possible for development infrastructure to be sited closer than the recommended one-mile avoidance radius (if noise impacts are sufficiently buffered).

Where landscape characteristics seem to lend themselves to increased project flexibility, applicants for a variance need to make the case to project reviewers that their proposed alternative would not increase impacts to sage-grouse populations. Radio-telemetry data on sage-grouse habitat use within the project area can be invaluable in such deliberations. If the no-impact case can be substantiated, then no additional compensatory mitigation would typically be called for in association with the granting of such a "flexibility" variance.

Resolving these matters requires an understanding of complex engineering challenges which are beyond the professional expertise of most wildlife biologists, as well as a thorough appreciation of the natural history, biological traits, and habitat requirements of sage-grouse. Project proponents generally would benefit from the expertise of wildlife managers working with them to develop cooperative solutions which can protect wildlife values while energy development proceeds. Early coordination with UDWR is the key to timely responses and smooth planning.

Importantly, a variance application is not intended for well-by-well permitting considerations. Each well will require site-specific analysis, but the appropriate context for programmatic review is the land-use planning document (the environmental assessment or environmental impact statement, if applicable) or the mitigation plan / plan of operations associated with issuing rights-of-entry. Only in this way can land managers gain a sufficient overview of project plans to allow an understanding of the cumulative effects on sage-grouse, or to conceive efficient, workable overall compensatory mitigation strategies.

2. **Consultation Zones** - The area from **1 to 4 miles (6.4 km)** surrounding all occupied leks are deemed "**Consultation Zones.**" Proposed activities within Consultation Zones should involve early notification and consultation with local UDWR biologists. The focus is to avoid and minimize disturbance within occupied habitats (Holloran 2005, Naugle et al. 2006, Walker et al. 2007b, Apa et al. 2008, Doherty 2008, Walker 2008). The intent is to locate development in non-sagebrush habitat or that habitat deemed to be the least crucial and least disruptive to local sage-grouse welfare. Permanent above-ground structures (fences, poles, communication towers, tank batteries, windmills, utility lines, etc.) within the Consultation Zone should be evaluated to determine if they should be located outside the 4 mile radius of an occupied lek. Research suggests that impacts to leks are discernable out to 4 miles (Holloran 2005, Walker et al. 2007b), and most (74-80%) hens nest within 4 miles of a lek (Moynahan 2004, Holloran and Anderson 2005).

Occupied habitats include the Areas of Avoidance (as defined above in 1), in addition to breeding, nesting, brood rearing, transitional, and winter habitats. The breeding, nesting, and brood rearing period extends from February 15 through July 30*. At a minimum, no structures should be located within 1 mile of an occupied lek. Pipelines, mines, and other habitat reducing practices should follow the guidelines outlined in this Appendix.

3. **Noise Management** - Reduce noise levels as much as possible from compressors, vehicles, and other sources during the breeding season*. The goal at occupied leks is a noise level of **≤ 40 decibels** measured at the edge of the lek closest to the sound source (Crompton and Mitchell 2005, Gail Patricelli, UC Davis, personal communication 2009).
4. **Surface Occupancy and Development Density** - It is recommended that **1 well pad/section** is the maximum in all occupied sage-grouse habitat. In new large scale oil and gas field developments, impacts to sage-grouse occur from a combination of factors such as well density, location of ancillary facilities such as compressors and main haul roads, and noise and disturbance from activities such as well completions and traffic volume (Holloran 2005). Measurable influences to sage-grouse populations exhibit a lag affect with full impacts accumulating through 4-10 years post-development (Naugle et al. 2006, Harju et al. 2010). Studies in Wyoming indicated that well densities of >1 well pad/mile² created discernable and negative sage-grouse impacts (Holloran 2005). Well pad density as low as 1 well pad/mile² (0.386 well pads/km²) showed negative impacts to peak male attendance in Wyoming, and a general trend of decreasing male numbers with increasing well pad density (Harju et al. 2010).
5. **Planned Support Infrastructure** - Development of new roads, transmission corridors, tall structures, fences, and other habitat reducing practices through occupied sage-grouse habitat should be avoided wherever possible. If sage-grouse habitat is adjacent to or intermixed in patch-work style with non-sagebrush areas, roads should be placed in the non-sagebrush habitat. If roads must intersect sagebrush habitat they should be designed as small as possible with minimal sagebrush habitat destruction and support minimal traffic. A 165 foot (50 meter) buffer (each side of center-line) along roads through sage-grouse habitat should be included in any calculation of effects (loss) to habitat (Crompton and Mitchell 2005).

Reflectors should be utilized on fences to draw attention to wires and prevent sage-grouse collisions. Net wire should be avoided in all sage-grouse habitats, and fences no longer needed for livestock control should be targeted for removal.

- 6. Winter, Late brood-rearing and Transitional Habitat Use** - Loss of sage-grouse winter, late brood-rearing and transitional habitat should be avoided. Implement seasonal restrictions (November 15 - March 15*) in mapped winter habitat and concentration areas. Sagebrush above snowline must be available in all winters (mild to severe). Where winter habitat is not mapped or adequately identified through telemetry based field work, broader protection is warranted involving UDWR consultation. Early UDWR involvement in field planning can provide opportunities for mapping winter habitats. See pages 28-29 of this Plan and Doherty et al. 2008 for further discussion on winter habitats. Late brood-rearing habitats, such as riparian vegetation around streams, springs and seeps, as well as wet meadows, should be maintained and enhanced. Migratory populations need additional protection of transitional habitats between seasonal habitats, which may include non-sagebrush habitats. Telemetry studies will aid in identification of these crucial habitats.

*Note: Dates are averages based on conditions for the entire state. The local UDWR biologist should be consulted on time and distance recommendations based on site-specific conditions. Site specific studies may need to be conducted to determine this information.

GUIDELINES AND PRACTICES FOR MANAGEMENT SYSTEMS

The guidelines provided in this section are intended to help generate a cooperative and systematic approach for resource stewardship within sage-grouse range. While certainly not all inclusive, the following subsections define efforts that, if employed, could strengthen local cooperative management systems. The goal is to establish and maintain a productive philosophy and cooperative atmosphere between local participants.

- 1. Monitoring and Adaptive Management** - Use the most current literature (peer-reviewed is preferred) for guidance and insure best practices are reevaluated at least annually on all leases and rights-of-way involving sage-grouse habitat (Lyon and Anderson 2003, Holloran 2005, Beck 2006, Kaiser 2006, Naugle et al. 2006, Walker et al. 2007b, Apa et al. 2008, Doherty 2008, Doherty et al. 2008, Walker 2008, Harju et al. 2010). Beck (2006) compiled a summary of development impacts on prairie grouse. Apa et al. (2008) developed a best available science summary document for states affected by oil and gas development.
- 2. Cooperative Local Site Planning** - Develop and/or utilize processes for land management agencies, UDWR, UDOGM, NGOs, and industry to cooperate and communicate early in resource development planning. Early consultation and guideline applications can help preclude conflicts and avoid or minimize impacts to sage-grouse habitats. Case or site specific circumstances (land topography, technology, local importance, landscape level effects, etc.) should be considered by local sage-grouse experts (biologists, UDWR, range specialists, etc.)

3. **Sage-grouse Habitat Mapping** - Identify and map seasonal sage-grouse habitat use prior to detailed development planning and allow for modifications when necessary to reduce impacts.
4. **Cooperative Mitigation** - If disturbance mitigation is considered feasible and supported by UDWR, it should be considered on-site first to avoid, minimize, or reduce the effects of surface-disturbing actions. In cases where adverse impacts cannot be mitigated on-site, off-site mitigation may be proposed, however mitigation must benefit the affected sage-grouse population. The mitigation action should begin prior to the planned disturbance allowing sage-grouse an opportunity to move from the impacted site and should target providing/improving the most limiting sage-grouse seasonal habitat in the local area.
5. **Reclamation and Site Restoration** - Reclamation and site restoration should follow all development activities as soon as possible. The intent is to return the disturbed site to as near pre-disturbance condition as possible, including re-establishment of native vegetation.
6. **Incentives** – Explore and encourage incentives for industry to develop new strategies that reduce disturbances, human activity, and improve reclamation of non-producing wells or other impacted or unused sites.
7. **Compliance Monitoring** - Encourage land management agencies, regulators, and industry to staff personnel to oversee compliance and monitoring.
8. **Information Sharing** - Ensure the most current and up to date information is provided to, and exchanged between regulators, industry, and land and resource managers. Considerations should include advancements in both ecological and industrial development knowledge and technology.
9. **Local Working Groups** - Encourage private landowners, industry, and mineral or lease owners and operators to participate in the closest of Utah's 11 Sage-grouse Local Working Groups (www.utahcbcp.org). Local Working Groups are a sanctioned body of local people with an interest in sage-grouse issues in their area.
10. **Monitor Conservation Efforts** – Conservation, restoration and enhancement efforts should be monitored annually to evaluate effectiveness. Vegetation monitoring alone is not sufficient. Sage-grouse populations should be monitored in addition to vegetation. Radio marking sage-grouse is the best method for evaluating the success of conservation, restoration and enhancement efforts. Efforts are considered effective if associated lek counts are maintained or increased, nesting success increases, or a measured increase in juvenile to adult hen ratios.

Appendix 5 Guidelines will be periodically revised and updated as new and significant information becomes available. Updated versions will be distributed as warranted; however, cooperators are encouraged to consult with UDWR for the most current edition.

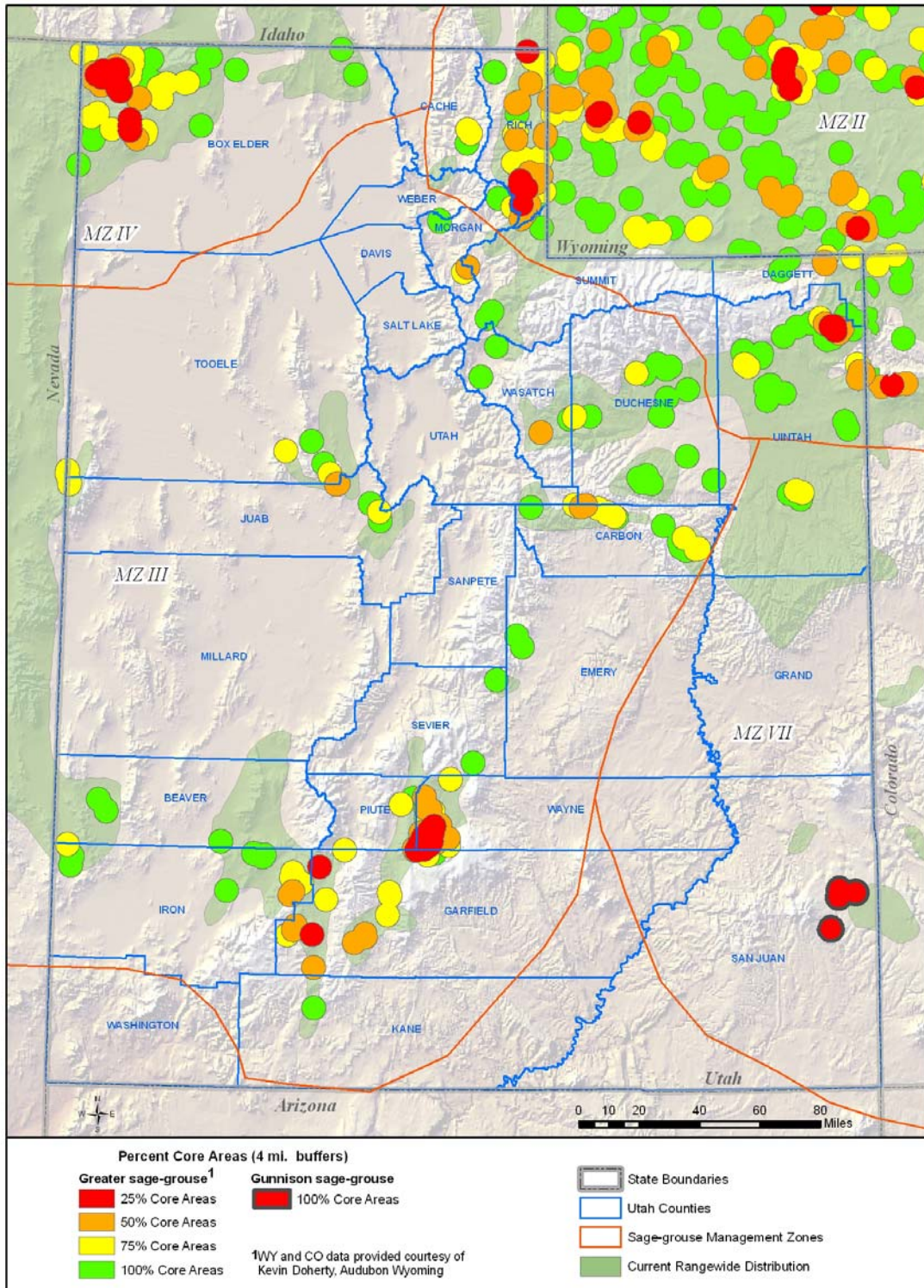


Figure 5. Important sage-grouse breeding density areas for Utah.

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GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 7, 2011

TO: Regional Wildlife Advisory Councils
FROM: Justin Dolling
Waterfowl and Upland Game Bird Program Coordinator
SUBJECT: 2011-12 Waterfowl Season Recommendations

The results of this year's North American Duck Breeding Pair Survey and May Pond Survey have been released and generally indicate much improved habitat conditions and duck breeding populations from last year.

Overall, the total pond estimate (a measure of habitat quantity) was 22% higher than last year and 62% higher than the long-term average.

The total duck breeding population estimate increased 11% from 2010 and was 22% above the long-term average. Mallard, shoveler, gadwall, green-winged teal, redhead and canvasback were all above their population objectives. Although pintail were above their long-term average they are still below population objective. Scaup and wigeon however remain well below their long-term averages and population objectives.

Canada goose breeding populations and production in Utah decreased from last year and are below the long-term average. The Rocky Mountain Population (RMP) as a whole, continues to do well through out its entire range, and remains well above the population objective. The Division is not recommending any changes in Canada goose seasons.

White goose populations in the Pacific Flyway continue to do well and exceeded 900,000 geese during the December survey in 2009. Data for 2010 was not available during preparation of this summary. In response to growing populations, and to increasing agricultural damage complaints, the Division extended the white goose season into March in 2008, 2009 and 2010 and increased the daily bag to 10/day. Harvest estimates based on a post-season questionnaire suggests we harvested approximately 4,500 and 3,665 white geese in the 2008 and 2009 seasons, respectively. We do not have harvest estimates yet for 2010, but hunter reports indicate harvest was below 2008 and 2009 levels. The Division will be recommending continuation of this season in 2011 but is recommending moving the season earlier in the fall and spring in the Rest of State Zone to hopefully increase harvest. The spring move has been coordinated with those sponsoring the snow goose festival in Delta and should provide about one week of separation between events. The spring white goose season in the Rest of State Zone is proposed to have a fixed date opener of March 1. This year it will occur on a Thursday and may help manage conflict between sportsmen and landowners in the Delta area.

General season duck harvest frameworks are driven by the status of mallard breeding populations. In 2008, a Western Mallard Harvest Strategy was implemented to determine harvest regulations in the Pacific Flyway. Based on mallard population data in 2011, the



“Liberal” season package is being recommended again by the Pacific Flyway Council. Pintail, canvasback, and scaup regulations are determined by species specific harvest strategies. Based on 2011 status information, I suspect that seasons and bag limits for pintail, scaup and canvasback may change from 2010 but the details are not currently available. The Division will bring a modified set of regulation proposals for these species to the RAC’s once we know what they are.

Swan populations continue to do well and the Division is not recommending any changes to swan harvest regulations.

In 2010 the Division recommended changing opening day shooting time for Box Elder, Cache, Davis, Salt Lake and Weber counties from 8 am to 7:30 am. The intent of the 8:00 am opener was to provide a measure of safety on the most crowded waterfowl hunting day of the year, and to provide sufficient light conditions for identifying ducks. We believe light conditions at 7:30 am will meet both of these needs and will help alleviate the early shooting problems we currently experience. For the balance of the state, the Division recommended a ½ hour before sunrise start time on opening day in 2010. Our recommendation for 2011 is to maintain this opening day format.

Specific season and bag recommendations for the 2011 Utah waterfowl season are as follows:

Duck Season	Oct 1-Jan 14 Statewide, Scaup Oct 1-Dec 24 (or Max) Canvasback-Suspect it to be open (or Max)
Duck Bag	7, 2 hen malls, ? pin, 2 reds, ?can, ? scaup (or Max)
Coots	Same as duck season, 25 daily
Goose season	
Canada	Oct 1-Jan 14, Northern Zone Oct 1-Oct 13, and Oct 29- Jan 29, Rest of State
White Geese	Oct 22-Jan 14, Feb 18-March 10, Northern Zone Oct 14-Jan 14, March 1-March 10, Rest of State
Goose Daily Bag	3 dark, 10 white
Snipe Season	Oct 1-Jan 14, 8 daily
Swan Season	Oct 1-Dec 11, GSL Area, 2000 permits
Shooting Hours	½ hour before sunrise-sunset, 7:30 am opener SL, Davis, Weber, BE, Cache Co’s,
Youth Day	Sept. 17, ducks, coots, geese
Falconry	Season same as gun, bag 3

R657. Natural Resources, Wildlife Resources.

R657-9. Taking Waterfowl, Common 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, Common snipe, and coot.

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

R657-9-4. Permit Applications for Swan.

(1) Swan permits will be issued pursuant to R657-62-~~22~~[23](#)

R657-9-12. Motorized Vehicle Access.

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

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

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

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

R657-9-29. Season Dates and Bag and Possession Limits.

(1) Season dates and bag and possession limits are specified in the [[proclamation](#)][guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot.

(2) A youth duck hunting day may be allowed for any person 15 years of age or younger as provided in the [[proclamation](#)][guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot.

R657-9-31. Shooting Hours.

(1) A person may not hunt, pursue, or take wildlife, or discharge any firearm or archery tackle on state-owned lands adjacent to the Great Salt Lake, on division-controlled waterfowl management areas, or on federal refuges between official sunset and one-half hour before official sunrise.

(2) Legal shooting hours for taking or attempting to take waterfowl, Common snipe, and coot are provided in the [[proclamation](#)][guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot.

R657-9-32. Falconry.

(1) Falconers must obtain a valid hunting or combination license, a federal migratory bird stamp and a falconry certificate of registration to hunt waterfowl.

(2) Areas open and bag and possession limits for falconry are specified in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot.

R657-9-33. Migratory Game Bird Harvest Information Program (HIP).

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

(2)(a) A person must call the telephone number published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot, or register online at the address published in the [\[proclamation\]guidebook](#) of the Wildlife Board for taking waterfowl, Common snipe and coot to obtain their HIP registration number.

(b) A person must write their HIP registration number on their current year's 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 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 birds will be required, while in the field, to prove that they have registered and provided information for the HIP program.

KEY: wildlife, birds, migratory birds, waterfowl

Date of Enactment or Last Substantive Amendment: October 25, 2010

Notice of Continuation August 21, 2006

Authorizing, and Implemented or Interpreted Law: 23-14-19; 23-14-18; 50 CFR part 20



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 11, 2011

TO: Regional Wildlife Advisory Councils
FROM: Kevin D. Bunnell
Wildlife Chief
SUBJECT: Collection, Importation and Possession of Animals - Rule Amendments – R657-3

The division would propose the following amendments to the Collection, Importation and Possession of Animals rule:

- Add Pilose crayfish and *Stygobromus utahensis* to the prohibited species list
- Clarify California floater to include all floaters of the *Anodonta* species.
- Include all springsnails of the *Pyrgulopsis* species as controlled.
- List Southern tightcoil as controlled for collection, importation and possession
- List Western pearlshell as prohibited for collection, importation and possession
- List Red-rimmed melania as prohibited for collection, importation and possession
- List Blue catfish, Emerald shiner and Burbot as prohibited
- Made the CIP rule consistent with the non-game mammals rule
- Removed the option to capture and relocate porcupine, striped skunk and squirrels
- Removed the requirement to obtain a COR or Federal Permit to kill Cowbirds, House Sparrows, European Starlings and Domestic Pigeons when found damaging person or real property
- Update language to reflect recent federal changes to Utah's Falconry Rule
- Allows agencies and landowners who register online to destroy Canada goose nests and eggs on their property within urban environments from March 1- June 30



R657. Natural Resources, Wildlife Resources.

R657-3. Collection, Importation, Transportation, and Possession of ~~Zoological~~ 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 ~~zoological~~ 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 animal species ~~of zoological animals~~ 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-~~46~~41, R657-43, R657-44, R657-46, R657-52 through R657-54, and R657-~~53~~58 through R657-60. Where a more specific provision has been adopted, that provision shall control.

(4) ~~[Holding raccoons and coyotes in captivity is governed by the Department of Agriculture and Food under Section 4-23-11 and Rule R58-14.]~~ The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons ~~into Utah is governed by the~~ in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under ~~[this rule]~~ Section 4-23-11 and Rule R58-14 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 ~~domestic~~ animals are not governed by this rule:

- (1) Alpaca (Lama pacos);
- (2) Ass ~~and~~ or donkey (Equus asinus);
- (3) ~~Bison~~ American bison, privately owned (Bos bison);
- (4) Camel (Camelus bactrianus and Camelus dromedarius);
- (5) Cassowary (~~all~~ All species) (Casuarus);
- (6) Cat, and cat hybrids, including any domestic breed recognized by The International Cat Association (Felis catus);
- (7) Cattle (Bos taurus ~~and Bos indicus~~ taurus);
- (8) Chicken (Gallus gallus);

- (9) Chinchilla (*Chinchilla laniger*);
- (10) Dog and dog hybrids, coydog and dogote (*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[~~ferret~~] (*Mustela putorius*);
- (15) Fowl (guinea) (*Numida meleagris*);
- (16) Fox, privately owned, [~~ranch-~~]domestically raised[~~-amber, blue and silver forms~~] (*Vulpes vulpes*);
- (17) Geese, distinguishable morphologically from wild geese (Anatidae);
- (18) “Gerbils” or Mongolian jirds (*Meriones unguiculatus*);
- (19) Goat (*Capra hircus*);
- (20) Hamster ([~~Syrian or golden~~]All species) (*Mesocricetus* [~~auratus and Mesocricetus brandti~~]spp.);
- (21) Hedgehog (white bellied)(*Erinaceidae atelerix albiventris*)
- (22) Horse (*Equus caballus*[~~and hybrids with Equus asinus~~]);
- (23) Llama (*Lama glama*);
- (24) [~~Mice (Mus musculus);~~][~~-(25)-~~]American Mink, privately owned, ranch-raised ([~~Mustela~~]Neovison *vison*);
-
- (25) Mouse, house (*Mus musculus*);
- (26) Mule and hinny (hybrids of Equus caballus and Equus asinus);
- (27) Ostrich (*Struthio camelus*);
- (~~27~~28) Peafowl (*Pavo cristatus*);
- (~~28~~29) Pig, [~~(Guinea)~~] (*Cavia porcellus*);
- (~~29~~30) Pigeon (*Columba livia*);
- (~~30~~31) Rabbit, [~~(European)~~] (*Oryctolagus cuniculus*);
- (~~31~~32) Rats, Norway and Black (*Rattus norvegicus* and *Rattus rattus*);
- (~~32~~33) Rhea (*Rhea americana*);
- (~~33~~34) Sheep (*Ovis aries*);
- (~~34~~35) Sugar glider (*Petaurus breviceps*);
-
- (36) Swine (*Sus scrofa*);
- (~~35~~37) 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;
- (~~36~~38) Water buffalo (*Bubalis arnee*);
- (~~37~~39) Yak (*Bos mutus*); and
- (~~38~~40) 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:
- protect the health, welfare, and safety of the public;
 - 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 [~~zoological~~] animals;

(b) maintaining the integrity of wild and free-~~[roaming]~~ [ranging] protected wildlife;

(c) determining the species of [~~aquatic~~] animals ~~[which]~~ [that] may be imported ~~[into]~~, 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; ~~[and]~~

(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; and

(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 [~~zoological~~] 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 [~~aquatic~~] 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 ~~[make regulatory decisions]~~ 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) The Department of Agriculture and Food may make recommendations to the division concerning the collection, importation, transportation, and possession of [~~zoological~~] 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 ~~zoological~~ animals if a disease or animal is suspected of endangering public health or welfare.

R657-3-4. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

(2)(a) "[~~Aquaculture~~] 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; 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, or amphibians or reptiles as defined in Rule R657-53.

(3) "Aquaculture" means the controlled cultivation of aquatic animals.

~~(3)~~(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 ½ mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.

~~(4)~~(5) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their ~~gametes~~eggs or sperm.

~~(5)~~(6) "Captive-bred" means any privately owned ~~zoological~~ animal, which is born inside of and has spent its entire life in captivity and is the offspring of privately owned ~~zoological~~ animals that are born inside of and have spent their entire life in captivity.

~~(6)~~(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 ~~zoological~~ animals, as provided in Rule R58-1.

~~(7)~~(9) "CFR" means the Code of Federal Regulations.

~~(8)~~(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 ~~reprinted by the U.S. Fish and Wildlife Service in 50 CFR 23.23, 2002, ed.~~may be

[viewed at www.cites.org](http://www.cites.org), which is incorporated herein by reference.

([9]11) "Collect" means to take, catch, capture, salvage, or kill any [~~zoological~~] animal within Utah.

([10]12) "Commercial use" means any activity through which a person in possession of [~~a-zoological~~]an animal:

(a) receives any consideration for that [~~zoological~~]animal or for a use of that [~~zoological~~] animal, including nuisance control and roadkill removal; or

(b) expects to recover all or any part of the cost of keeping the [~~zoological~~] animal through selling, bartering, trading, exchanging, breeding, or other use, including displaying the [~~zoological~~] animal for entertainment, advertisement, or business promotion.

([14]13) "Controlled species" means a species or subspecies of [~~zoological~~] 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.

([12]14) "Educational use" means the possession and use of [~~a-zoological~~]an animal for conducting educational activities concerning wildlife [~~and wildlife-related activities~~].

([13]15) "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 [~~zoological~~]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.

([14]16) "Export" means to move or cause to move any [~~zoological~~] animal from Utah by any means.

([15]17) "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.

([16]18) "Import" means to bring or cause [~~a-zoological~~]an animal to be brought into Utah by any means.

([17]19) "Native species" means any species or subspecies of [~~zoological~~] animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

([18]20) "Naturalized species" means any species or subspecies of [~~zoological~~] animal that is not native to Utah but has established a wild, self-sustaining population in Utah.

([19]21) "Noncontrolled species" means a species or subspecies of [~~zoological~~] 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.

([20]22)(a) "Nonnative species" means a species or subspecies of [~~zoological~~] animal that is not native to Utah.

(b) "Nonnative species" does not include domestic animals or naturalized species of [~~zoological~~]animals.

([24]23)(a) "Ornamental fish" means fish that are raised or kept for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics,

including tropical fish, goldfish, and koi.

(b) "Ornamental fish" does not include any species listed as prohibited or controlled in Sections R657-3-23.

(~~22~~24) "Personal use" means the possession and use of [~~a-zoological~~]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.

(~~23~~25) "Possession" means to physically retain or to exercise dominion or control over a [~~zoological~~] animal.

(~~24~~26) "Prohibited species" means a species or subspecies of [~~zoological~~] 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 [~~Sections R657-3-20(1)(b) or R657-3-36.~~]this rule and any applicable federal laws.

(~~25~~27) "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.

(~~26~~)-28 "Resident Canada Goose" means Canada geese that nest within Utah in urban environments during the months of March, April, May or June.

(29) "Scientific use" means the possession and use of [~~a-zoological~~]an animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.

(~~27~~30) "Transport" means to move or cause to move any [~~zoological~~] animal within Utah by any means.

(~~28~~31) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

~~[(29)(a) "Zoological animal" means:]~~

~~[(i) native, naturalized, and nonnative species of animals, occurring in the wild, captured from the wild, or born or raised in captivity;]~~

~~[(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animals; and]~~

~~[(iii) viable embryos or gametes of any native, naturalized, or nonnative species or subspecies of animals.]~~

~~[(b) "Zoological animal" does not include species listed as domestic in Subsection R657-3-2, or amphibians or reptiles as defined in Rule R657-53.]~~

R657-3-5. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, [~~and~~]possession, and propagation of the authorized [~~zoological~~] 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[~~zoological~~] animals.

R657-3-6. Animal Welfare.

(1) Any[~~zoological~~] 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 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[~~zoological~~] animal.

R657-3-7. Take of Nuisance Birds [~~— Nuisance Porcupine, Striped Skunk, and Squirrel~~]and Mammals.

(1)(a) A person is not required to obtain a certificate of registration or a federal permit to kill[~~American Crows or Black-billed Magpies when found committing, or about to commit, depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife~~] cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) 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) strict observance of all local and other state and federal laws is adhered to;

(ii) none of the birds killed pursuant to this section, nor their plumage, are sold or offered for sale; and

(~~ii~~iii) any person killing [~~American Crows or Black-billed Magpies~~] cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) shall:

(A) allow any federal warden or conservation officer unrestricted access over the premises where [~~American Crows or Black-billed Magpies~~] cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) are killed; and

(B) furnish any information concerning the control operations to the division or federal official upon request.

(b) A person may kill [~~American Crows or Black-billed Magpies~~] cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) by any means, excluding bait, explosives or poison, and only on or over the threatened area.

(c) [~~American Crows and Black-billed Magpies~~]Cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) killed pursuant to this section [~~shall be collected immediately and~~], including their plumage and other parts may be retained for noncommercial, personal use:

(d) Cowbirds, House Sparrows, European Starlings, or Domestic Pigeons (Rock Doves) killed pursuant to this section and disposed of must be disposed of at a landfill that accepts wildlife carcasses or must be buried or incinerated.

([~~e~~]) This subsection incorporates Section 50 CFR 21.41, 21.42 and 21.43, [~~2002,~~]2007, ed., by reference.

(2)[~~(a) A person may capture, transport, and kill or release a nuisance porcupine, striped skunk, or squirrel without obtaining a certificate of registration.~~]A person may kill nongame mammals as provided in R657-19.

[~~—(b) A nuisance porcupine, striped skunk, or squirrel may be released only as follows:~~]

[~~—(i) within 48 hours of capture;~~]

[~~—(ii) within the county in which it was captured; and~~]

[~~—(iii) in a location where it does not pose a risk to human health or safety, or create other conflict with humans, agriculture, or other animals.~~]

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 [~~Zoological~~]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, the Aquaculture Act and Subsection R657-3-7(2)]37 of the Utah Code, a person may not release to the wild or release into any public or private waters any [~~zoological~~] 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 ~~[zoological]~~ animal.

(3)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live ~~[zoological]~~ animal that escapes from captivity.

(b) The division may retain custody of any recaptured ~~[zoological]~~ animal until the costs of recapture or care have been paid by its owner or keeper.

R657-3-10. Inspection of ~~[Documentation]~~ Animals, Facilities~~[,]~~ and ~~[Zoological Animals]~~ Documentation.

(1) A conservation officer or any other peace officer may require any person engaged in activities ~~[covered]~~ 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 ~~[zoological]~~ animal; or

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

(2) Inspection shall be made during ~~[reasonable]~~ business hours.

R657-3-11. Certificate of Registration~~[-Required]~~.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, ~~[or]~~ possessing, or propagating any species of ~~[zoological]~~ animal or its parts classified as prohibited or controlled, except as otherwise provided ~~[by the Wildlife Board]~~ in this rule, statute, or rules and orders of the Wildlife Board~~[-as provided in Subsection R657-3-1(3)]~~.

(b) A certificate of registration is not required:

(i) to collect, import, transport, ~~[or]~~ possess, or propagate any species or subspecies of ~~[zoological]~~ animal classified as noncontrolled;

(ii) to export any species or subspecies of ~~[zoological]~~ animal from Utah, provided that the ~~[zoological]~~ 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 ~~[zoological]~~ 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 ~~[zoological]~~ 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 ~~[end]~~ expire

effective upon the date of the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder [~~with~~] 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 [~~close~~]periodic regulation and monitoring by the division.

(4)[~~A single certificate of registration may authorize more than one activity.~~]
[~~(5)(a)~~] 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 [~~zoological~~] 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 [~~zoological~~] animal or the public.

[~~(b) The authorizations on the face of the certificate of registration setting forth specific times, dates, places, methods of take, numbers and species of zoological animals, location of activity, authorization for certain circumscribed transactions, or other designated conditions are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.~~]
[~~(6)~~5](a) Upon or before the expiration date of a certificate of registration, the holder must apply for a [~~new~~]renewal of the certificate of registration to continue the activity.

(b) The division [~~shall~~]may use the criteria provided in Section R657-3-14 in determining whether to [~~issue~~]renew the [~~new~~] 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 [an] a renewal application is not [made] submitted to the division by the expiration date, live or dead [zoological] animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

[~~(e)~~](e) If [~~an~~]a renewal application [~~for a new certificate of registration~~] 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 [~~valid~~]lawful while the renewal application is pending.

[~~(7)~~6] Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 [~~and~~]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.

(8) A certificate of registration may be revoked as provided in Section 23-19-9 and Rule R657-26.

R657-3-12. Application Procedures -- Fees.

(1)(a) ~~Applications~~ 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) ~~The application~~ Applications may require ~~up to~~ 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) ~~Fees~~ Upon request, applicable fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies ~~upon request~~ if, in the opinion of the division, the activity ~~is~~ will significantly ~~beneficial to~~ benefit the division, wildlife, or wildlife management.

R657-3-13. Retroactive Effect on Possession.

A person lawfully possessing ~~a zoological~~ 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 ~~zoological~~ animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited ~~, or from controlled to prohibited~~. The certificate of registration shall be obtained within six months of the reclassification ~~, or~~ . If a certificate of registration is not obtained possession of the ~~zoological~~ 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 ~~a zoological~~ 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 ~~the requisite~~ 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 ~~[zoological]~~ 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 ~~[a zoological]~~ 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~~ 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 ~~[a zoological]~~ 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 ~~[zoological]~~ animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of ~~[a zoological]~~ an animal ~~[shall]~~ 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 ~~[use]~~ consider any available facts or information ~~[available-]~~ 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 ~~[material-]~~ 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) [~~Zoological animals~~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 [~~with~~to whom any[~~zoological~~] 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 [~~revocation or~~]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[~~zoological~~] 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 [~~zoological~~]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[~~zoological~~] 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 [~~zoological~~]animals or their parts classified as noncontrolled.

(2) Notwithstanding Subsection (1), a person may import or possess any dead[~~zoological~~] animal or its parts, except as provided in Section R657-3-8, for [~~a~~]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[~~Zoological~~] Animal for a Commercial Use.

(1)(a) [~~Pursuant to Sections 23-13-13 and 23-20-3, a~~]A person may not collect or

possess a live [~~zoological~~]animal for a commercial use or commercial venture for [~~pecuniary~~]financial gain, unless otherwise provided in the rules and proclamations of the Wildlife Board[~~, a certificate of registration or a memorandum of understanding with the division~~].

(b) Use of brine shrimp for culturing ornamental fish 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 [~~zoological~~]animal or parts thereof classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of [~~zoological~~] 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 [~~zoological~~] animal has been obtained.

(3)(a) A person may not import, collect, or possess a live [~~zoological~~] 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 [~~zoological~~]animal classified as controlled unless it originates from a captive-bred population.

(c) It is unlawful to transfer a live [~~zoological~~]animal classified as controlled to a person who does not have a certificate of registration to possess the [~~zoological~~] 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 [~~zoological~~]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 [~~zoological~~]animal.

(4)(a) A certificate of registration will not be issued for importing or possessing a live [~~zoological~~]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 [~~zoological~~] 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, [~~or~~]aquarium, aviary, or film company under this Subsection is restricted to those facilities that keep the prohibited species of [~~zoological~~] animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition[~~or~~], viewing, or filming.

(5) An entry permit, and a certificate of veterinary inspection are required by the Department of Agriculture to import a live [~~zoological~~]animal classified as noncontrolled, controlled or prohibited.

R657-3-19. Collection, Importation or Possession of Dead~~[Zoological]~~ 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 ~~[zoological]~~ animal or its parts for a commercial use or commercial venture for ~~[pecuniary]~~ 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~~[is-allowed]~~; and

(c) dead ~~[zoological]~~ 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~~[zoological]~~ animals or their parts for a scientific or educational use only as follows:

~~(1)(a)~~ Certificates of registration are not issued for collecting, importing or possessing live or dead ~~[zoological]~~ 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 ~~[zoological]~~ 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~~[zoological]~~ animals or their parts classified as controlled.

(3) A certificate of registration is not required to collect, import or possess live or dead ~~[zoological]~~ 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~~[Family]~~ (All species);

(b) Megapodes (Mound-builders), family Megapodiidae~~[Family]~~ (All species);

(c) Coturnix quail, family Phasianidae~~[Family]~~ (Coturnix spp.);

(d) Buttonquails, family Turnicidae~~[Family]~~ (All species);

(e) Turacos (including Plantain eaters and Go-away-birds), family Musophagidae~~[Family]~~ (All species);

(f) Pigeons and Doves, family Columbidae~~[Family]~~ (All species not native to North America);

(g) Parrots, family Psittacidae~~[Family]~~ (All species not native to North America);

(h) Rollers, family Coraciidae~~[Family]~~ (All species);

- (i) Motmots, [family](#) Momotidae [~~Family~~] (All species);
 - (j) Hornbills, [family](#) Bucerotidae [~~Family~~] (All species);
 - (k) Barbets, [families](#) Capitonidae and Rhamphastidae [~~Families~~](Capitoninae) (All species not native to North America);
 - (l) Toucans, [families](#) Ramphastidae and Rhamphastidae [~~Families~~] (Ramphastinae) (All species not native to North America);
 - (m) Broadbills, [family](#) Eurylaimidae [~~Family~~] (All species);
 - (n) Cotingas, [family](#) Cotingidae [~~Family~~] (All species);
 - (o) Honeyeaters, [family](#) Meliphagidae [~~Family~~] (All species);
 - (p) Leafbirds and Fairy-bluebirds, [family](#) Irenidae [~~Family~~] (Irena spp., Chloropsis spp., and Aegithina spp.);
 - (q) [~~Starlings, Sturnidae Family~~][Babblers, family Timaliidae](#) (All species [~~except European Starling~~]);
 - (r) [~~Babblers, Timaliidae Family (All species);~~][~~(s)~~]White-eyes, [family](#) Zosteropidae [~~Family~~](All species);
 - (~~t~~[s](#)) Sunbirds, [family](#) Nectariniidae [~~Family~~](All species);
 - (~~u~~[t](#)) Sugarbirds, [family](#) Promeropidae [~~Family~~](All species)
 - (~~v~~[u](#)) Weaver finches, [family](#) Ploceidae [~~Family~~](All species);
 - (~~w~~[v](#)) Estrildid finches (Waxbills, Mannikins, and Munias) [family](#) Estrildidae [~~Family~~], (Estrildidae) (Estrildinae) (All species); and
 - (~~x~~[w](#)) Vidua finches (Indigobirds and Whydahs) [family](#) Viduidae [~~Family~~], Estrildidae (Viduinæ) (All species);
 - (~~y~~[x](#)) Finches and Canaries, [family](#) Fringillidae [~~Family~~] (All species not native to North America);
 - (~~z~~[y](#)) Tanagers (including Swallow-tanager), [family](#) Thraupidae [~~Family~~](All species not native to North America); and
 - (~~aa~~[z](#)) Icterids (Troupials, Blackbirds, Orioles, etc.), [family](#) Icteridae [~~Family~~] (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~~[b](#)) European Starling, [~~Sturnidae Family~~](Sturnus [~~vulgaris~~])[bulgaris](#)), [family Sturnidae](#); and
 - (~~b~~[c](#)) House (English) Sparrow [~~Passeridae Family~~] (Passer domesticus), [family Passeridae](#).
- ~~[(3) The following birds are classified as prohibited for collection and importation, and controlled for possession:]~~
- (~~d~~[d](#)) [Domestic Pigeon \(Rock Dove\) \(Columba livia\) family Columbidae.](#)
- (~~a~~[a](#)) ~~Icteridae (Molothrus spp. and Scaphidura oryzivora).~~[(~~4~~[3](#))] The following birds are classified as prohibited for collection, importation and possession:
- (a) Ocellated turkey, [family](#) Phasianidae [~~Family~~] (Meleagris ocellata).
 - (~~5~~[4](#)) All species and subspecies of birds and their parts, including feathers, not listed in Subsection (1) through Subsection [(~~4~~[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 [~~Invertebrates~~]Crustaceans and Mollusks.

(1) Crustaceans are classified as follows:

(a) Asiatic (Mitten) Crab, family Grapsidae [~~Family~~] (Eriocheir, All species) are prohibited for collection, importation and possession;

(b) Brine shrimp, family Mysidae [~~Family~~] (All species) are classified as controlled for collection, and noncontrolled for importation and possession;

(c) [~~Red-claw crayfish, Astacidae Family (Cherax quadricarinatus) is prohibited for collection, and controlled for importation and possession;~~] [~~—~~ (d)] Crayfish, families Astacidae, Cambaridae and Parastacidae Families (All species except Cherax quadricarinatus) are prohibited for collection, importation and possession;

(d) Pilose crayfish, (Pacifastacus gambelii) is prohibited for collection, importation, and possession.

(e) Daphnia, family Daphnidae [~~Family~~] (Daphnia lumholtzi) is prohibited for collection, importation and possession;

(f) Fishhook water flea, family Cercopagidae [~~Family~~] (Cercopagis pengoi) is prohibited for collection, importation and possession; and

(g) Spiny water flea, family Cercopagidae [~~Family~~] (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) [~~African giant snail, Family~~] Family Achatinidae [~~Family (Achatina fulica)~~](All species) is prohibited for collection, importation and possession;

(b) Brian [~~head~~]Head mountainsnail, [~~Oreohelicidae Family~~](Oreohelix parawanensis) family Oreohelicidae is controlled for collection, importation and possession;

(c) [~~California floater, Anodontidae Family (Anodonta californiensis)~~]Dark false mussel, (Mytilopsis leucophaeta) family Dreissenidae is controlled for collection, importation and possession;

(d) [~~Corrugated~~]Deseret mountainsnail, (Oreohelix peripherica) family Oreohelicidae [~~Family (Oreohelix haydeni-corrugata)~~] is controlled for collection, importation and possession;

(e) [~~Cummings' mountainsnail, Oreohelicidae Family (Oreohelix yavapai cummingsi)~~]Desert springsnail, (Pyrgulopsis deserta) family Hydrobiidae is controlled for collection, importation and possession;

(f) [~~Deseret mountainsnail, Oreohelicidae Family (Oreohelix peripherica) is controlled~~]Desert valvata, (Valvata utahensis) family Valvatidae is prohibited for

collection, importation and possession;

(g) [~~Desert springsnail, Hydrobiidae Family (Pyrgulopsis deserta)~~]Eureka mountainsnail, (Oreohelix eurekaensis) family Oreohelicidae is controlled for collection, importation and possession;

(h) [~~Desert valvata, Valvatidae Family (Valvata utahensis) is prohibited~~]Fat-whorled pondsnaail, (Stagnicola bonnevillensis) family Lymnaeidae is controlled for collection, importation and possession;

(i) [~~Eureka mountainsnail, Oreohelicidae Family (Oreohelix eurekaensis)~~]Fish Lake physa, (Physella microstriata) family Physidae is controlled for collection, importation and possession;

(j) [~~Fat-whorled pondsnaail, Lymnaeidae Family~~]Fish Springs marshsnail, (Stagnicola [bonnevillensis] is controlled)pilsbryi) family Lymnaeidae is prohibited for collection, importation and possession;

(k) [~~Fish lake physa, Physidae Family (Physella microstriata)~~]Floater, (Anodonta spp. All species) family Anodontidae is controlled for collection, importation and possession;

(l) [~~Fish springs marshsnail, Lymnaeidae Family (Stagnicola pilsbryi) is prohibited~~]Glossy valvata, (Valvata humeralis) family Valvatidae is controlled for collection, importation and possession;

(m) [~~Glossy valvata, Valvatidae Family (Valvata humeralis) is controlled~~]Kanab ambersnail, (Oxyloma kanabense) family Succineidae is prohibited for collection, importation and possession;

(n) [~~Kanab ambersnail, Succineidae Family (Oxyloma kanabense) is prohibited~~]Lyrate mountainsnail, (Oreohelix haydeni) family Oreohelicidae is controlled for collection, importation and possession;

(o) [~~Lyrate mountainsnail, Oreohelicidae Family (Oreohelix haydeni) is controlled~~]New Zealand mudsnail, (Potamopyrgus antipodarum) family Hydrobiidae is prohibited for collection, importation and possession;

(p) [~~New Zealand Mudsnail, Hydrobiidae Family (Potamopyrgus antipodarum)~~]Quagga mussel, (Dreissena bugenses) family Dreissenidae is prohibited for collection, importation and possession;

(q) [~~Quagga mussel, Dreissenidae Family (Dreissena bugenses)~~]Red-rimmed melania, (Melanoides tuberculatus) family Thiaridae is prohibited for collection, importation and possession;

(r) [~~Spruce snail, Thysanophoridae Family (Microphysula ingersolli) is~~]Springsnails or pyrgs (Pyrgulopsis spp., All species) family Hydrobiidae are controlled for collection, importation and possession[;].

(s) [~~Thickshell pondsnaail, Lymnaeidae Family (Stagnicola utahensis) is prohibited~~]Southern tightcoil, (Ogaridiscus subrupicola) family Zonitidae is controlled for collection, importation and possession;

(t) [~~Utah physa, Physidae Family (Physella utahensis)~~]Spruce snail, (Microphysula ingersolli) family Thysanophoridae is controlled for collection, importation and possession;

(u) [~~Wet-rock physa, Physidae Family (Physella zionis) is controlled~~]Thickshell pondsnaail, (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, [~~Oreohelicidae Family~~](Oreohelix yavapai) family Oreohelicidae is controlled for collection, importation and possession; and

(~~w~~z) Zebra mussel, [~~Dreissenidae Family~~](Dreissena polymorpha) family Dreissenidae is prohibited for collection, importation and possession.

(3) All native species and subspecies of [~~invertebrates~~]crustaceans and mollusks not listed in Subsection (1) and (2) are classified as [~~noncontrolled~~]controlled for collection, importation and possession.

(4) All nonnative species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2) 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, [~~Cyprinidae Family~~](Cyprinus carpio) family Cyprinidae is prohibited for collection, and noncontrolled for importation and possession;

(b) all species and subspecies of ornamental fish 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 [~~non-~~]fish that are not ornamental [~~fish~~]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[~~Family,~~] (All species, except Koi).

(3) Catfish:

(a) Blue catfish, (Ictalurus furcatus) family Ictaluridae

(b) Flathead catfish, [~~Ictaluridae Family~~](Pylodictus olivaris) family Ictaluridae;

(~~b~~c) Giant walking catfish (airsac), family Heteropneustidae[~~Family~~] (All species);

(~~e~~d) Labyrinth catfish (walking), family Clariidae[~~Family~~] (All species); and

(~~e~~e) Parasitic catfish (candiru, carnero) family Trichomycteridae[~~Family~~] (All species).

(4) Herring:

(a) Alewife, [~~Clupeidae Family~~](Alosa pseudoharengus) family Clupeidae; and

(b) Gizzard shad, [~~Clupeidae Family~~](Dorosoma cepedianum) family Clupeidae.

(5) Killifish, family Fundulidae[~~Family~~] (All species).

(6) Pike killifish, [~~Poeciliidae Family~~](Belonesox belizanus) family Poeciliidae.

(7) Minnows:

(a) Bonytail, [~~Cyprinidae Family~~](Gila elegans) family Cyprinidae;

(b) Colorado pikeminnow, [~~Cyprinidae Family~~](Ptychocheilus lucius) family Cyprinidae;

(c) Creek chub, [~~Cyprinidae Family~~](Semotilus atromaculatus) [family Cyprinidae](#);

(d) [Emerald shiner, \(Notropis atherinoides\) family Cyprinidae](#);

[\(e\) Humpback chub, \[~~Cyprinidae Family~~\]\(Gila cypha\) family Cyprinidae](#);

[\(\[e\]f\) Least chub, \[~~Cyprinidae Family~~\]\(Lotichthys phlegethontis\) family Cyprinidae](#);

[\(\[f\] ~~Leatherside~~g\) Northern leatherside chub, \(Lepidomeda copei\) family Cyprinidae\[~~Family \(Gila copei\)~~\]](#);

[\(\[g\]h\) Red shiner, \[~~Cyprinidae Family~~\]\(Cyprinella lutrensis\) family Cyprinidae](#);

[\(\[h\]i\) Redside shiner, \[~~Cyprinidae Family~~\]\(Richardsonius balteatus\) family Cyprinidae](#);

[\(\[i\]j\) Roundtail chub, \[~~Cyprinidae Family~~\]\(Gila robusta\) family Cyprinidae](#);

[\(\[j\]k\) Sand shiner, \[~~Cyprinidae Family~~\]\(Notropis stramineus\) family Cyprinidae](#);

[\(\[k\]l\) Southern leatherside chub, \(Lepidomeda aliciae\) family Cyprinidae](#);

[\(m\) Utah chub, \[~~Cyprinidae Family~~\]\(Gila atraria\) family Cyprinidae](#);

[\(\[H\]n\) Virgin River chub, \[~~Cyprinidae~~\]\(Gila seminuda\) family Cyprinidae](#); and

[\(\[m\]o\) Virgin spinedace, Cyprinidae Family \(Lepidomeda mollispinis\)](#).

[\(\[8\]p\) Woundfin, \[~~Cyprinidae Family~~\]\(Plagopterus argentissimus\) family Cyprinidae](#).

[\(8\) Burbot, \(Lota lota\) family Lotidae](#).

(9) Suckers:

(a) Bluehead sucker, [~~Catostomatidae Family~~](Catostomus discobolus) [family Catostomidae](#);

(b) Desert sucker, [~~Catostomatidae Family~~](Catostomus clarki) [family Catostomidae](#);

(c) Flannelmouth sucker, [~~Catostomatidae Family~~](Catostomus latipinnis) [family Catostomidae](#);

(d) June sucker, [~~Catostomatidae Family~~](Chasmistes liorus) [family Catostomidae](#);

(e) Razorback sucker, [~~Catostomatidae Family~~](Xyrauchen texanus) [family Catostomidae](#);

(f) Utah sucker, [~~Catostomatidae Family~~](Catostomus ardens) [family Catostomidae](#); and

(g) White sucker, [~~Catostomatidae Family~~](Catostomus commersoni) [family Catostomidae](#).

(10) White perch, [~~Moronidae Family~~](Morone americana) [family Moronidae](#).

(11) Cutthroat trout, [~~Salmonidae Family~~](Oncorhynchus clarki) (All subspecies) [family Salmonidae](#).

(12) Bowfin, [~~Amiidae Family~~](All species) [family Amiidae](#).

(13) Bull shark, [~~Garcharhinidae Family~~](Carcharhinus leucas) [family Carcharhinidae](#).

(14) Drum ([All freshwater \[forms\]species](#)), [family Sciaenidae](#)[~~Family (All species)~~].

(15) Gar, ([All species](#)) [family Lepidsosteidae](#)[~~Family (All species)~~].

(16) Jaguar guapote, [~~Cichlidae Family~~](Cichlasoma managuense) [family Cichlidae](#).

- (17) Lamprey, ([All species](#)) [family](#) Petromyzontidae [~~Family (All species)~~].
- (18) Mexican tetra, [~~Characidae Family~~](Astyanax mexicanus, except blind form) [family](#) Characidae.
- (19) Mooneye, [~~Hiodontidae Family~~](All species) [family](#) Hiodontidae.
- (20) Nile perch, [~~Centropomidae Family~~](Lates, luciolates) (All species) [family](#) Centropomidae.
- (21) Northern pike, [~~Esocidae Family~~](Esox lucius) [family](#) Esocidae.
- (22) [~~Pirhana, Characidae Family~~][Piranha](#), (Serrasalmus, All species) [family](#) Characidae.
- (23) Round goby, [~~Gobiidae Family~~](Neogobius melanostomus) [family](#) Gobiidae.
- (24) Ruffe, [~~Percidae Family~~](Gymnocephalus cernuus) [family](#) Percidae.
- (25) Snakehead, [~~Channidae Family~~](All species) [family](#) Channidae.
- (26) Stickleback, ([All species](#)) [family](#) Gasterosteidae [~~Family (All species)~~].
- (27) Stingray ([All](#) freshwater[,], [species](#)) [family](#) Dasyatidae [~~Family (All species)~~].
- (28) Swamp eel, [~~Synbranchidae Family~~](All species) [family](#) Synbranchidae.
- (29) Tiger fish[, or] [guavinus](#), [~~Erythrinidae Family~~](Hoplias malabaricus) [family](#) Erythrinidae.
- (30) Tilapia, [~~Cichlidae Family~~](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](#)][platypus](#) and [[Spiny](#)][spiny](#) anteaters), ([All species](#)) [families](#) Ornithorhynchidae and Tachyglossidae [~~Families (All species)~~] are prohibited for collection, and controlled for importation and possession;
- (b) Marsupials are classified as follows:
- (i) [~~Opossum, Didelphidae Family~~][Virginia opossum](#), (Didelphis virginiana) [family](#) [Didelphidae](#) is noncontrolled for collection, prohibited for importation and controlled for possession;
- (ii) [~~Sugar glider, Petauridae Family (Petaurus breviceps) is noncontrolled~~][Wallabies, wallaroos and kangaroos](#), ([All species](#)) [family](#) [Macropodidae](#) [are prohibited](#) for collection, importation [~~or~~][and](#) possession;
- (iii) [~~Wallabies, Macropodidae Family~~][\(c\) Bats and flying foxes](#) (All families, All species) ([order Chiroptera](#)), are prohibited for collection, importation and possession;
- (e) [~~Bats and flying foxes (Chiroptera), All families (All species) are prohibited for collection, importation and possession;~~][\(d\) Insectivores](#) ((~~Insectivora~~][all groups, All species](#)) are controlled for collection, importation and possession;
- (e) Hedgehogs and [~~Tenrecs,~~][tenrecs, families](#) Erinaceidae and Tenrecidae [~~Families,~~] except white bellied hedgehogs are controlled for collection, importation and possession;
- (f) Shrews, [~~Soricidae Family~~](Sorex spp. and Notisorex spp.) [family](#) [Soricidae](#) are controlled for collection, importation and possession;
- (g) Anteaters, [~~Slths~~][slths](#) and [~~Armadillos (Xenartha),~~][armadillos](#) (All families, [~~(~~All species) ([order Xenartha](#)), are prohibited for collection, and controlled for importation and possession;

(h) Aardvark (~~[Tubulidentata], Orycteropodidae Family~~) (Orycteropus afer) family Orycteropodidae is prohibited for collection, and controlled for importation and possession;

(i) Pangolins or [~~Scaly Anteaters (Philodota),~~] scaly anteaters (Manis spp.,) (order Philodota) are prohibited for collection and importation, and controlled for possession;

(j) Tree shrews (~~[Scandentia], Tupalidae Family~~) (All species) family Tupalidae are prohibited for collection, and controlled for importation and possession;

(k) Lagomorphs (~~[Rabbits]~~ rabbits, [~~Hares]~~ hares and [~~Pikas]~~ pikas) are classified as follows:

(i) Jackrabbits, [~~Leporidae Family~~] (Lepus spp.) family Leporidae are noncontrolled for collection, and controlled for importation and possession;

(ii) Cottontails, [~~Leporidae Family~~] (Syvilagus spp.) family Leporidae are prohibited for collection, and controlled for importation and possession;

(iii) Pygmy rabbit, [~~Leporidae Family~~] (Brachylagus idahoensis) family Leporidae is prohibited for collection, and controlled for importation and possession;

(iv) Snowshoe hare, [~~Leporidae Family~~] (Lepus americanus) family Leporidae is prohibited for collection, and controlled for importation and possession;

(v) Pika, [~~Ochotonidae Family~~] (Ochotona princeps) family Ochotonidae is controlled for collection, importation and possession;

(l) Elephant shrews (~~[Macroscelidea], All species~~) family Macroscelididae [~~Family (All species)~~] are prohibited for collection, and controlled for importation and possession;

(m) Rodents (order Rodentia) are classified as follows:

(i) Beaver, [~~Castoridae Family~~] (Castor canadensis) family Castoridae is controlled for collection, importation and possession;

(ii) Muskrat, [~~Cricetidae Family~~] (Ondatra zibethicus) family Muridae are noncontrolled for collection, and controlled for importation and possession;

(iii) Deer mice and related species, [~~Cricetidae Family~~] (Peromyscus spp.) family Muridae are controlled for collection, importation and possession;

(iv) Grasshopper mice, [~~Cricetidae Family~~] (Onychomys spp.) family Muridae are controlled for collection, importation and possession;

(v) [~~Heather vole, Cricetidae Family (Phenacomys intermedius) is~~] Voles (All genera and species), family Muridae, subfamily Microtinae are controlled for collection, importation and possession;

(vi) [~~Meadow vole, Cricetidae Family (Microtus pennsylvanicus) is noncontrolled~~] Western harvest mouse, (Reithrodontomys megalotis) family Muridae is controlled for collection, [~~and controlled for~~] importation and possession;

(vii) [~~Red-backed vole, Cricetidae Family (Clethrionomys gapperi) is~~] Woodrats, (Neotoma spp.) family Muridae are controlled for collection, importation and possession;

(viii) [~~Sagebrush vole, Cricetidae Family (Lemmiscus curtatus) is controlled for collection, importation and possession;~~]

[~~———(ix) Other voles, Cricetidae Family (Microtus spp.) are controlled for collection, importation and possession;~~]

[~~———(x) Western harvest mouse, Cricetidae Family (Reithrodontomys megalotis) is controlled for collection, importation and possession;~~]

~~[(xi) Woodrats, Cricetidae Family (Neotoma spp.) are controlled for collection, importation and possession;]~~~~[(xii) Nutria, Myocastoridae Family] or coypu, (Myocastor coypus) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;~~

~~[(xiii)ix] Pocket gophers ([all]All species[, Geomyidae Family], except the Idaho pocket gopher (Thomomys [spp.]idahoensis)) family Geomyidae are noncontrolled for collection, and controlled for importation and possession;~~

~~[(xiv)x] Pocket mice, [Heteromyidae Family](Perognathus spp. and Chaetodipus intermedius) family Heteromyidae are controlled for collection, importation and possession;~~

~~[(xv)xi] Dark kangaroo mouse, [Heteromyidae Family](Microdipodops pallidus) family Heteromyidae is controlled for collection, importation and possession;~~

~~[(xvi)xii] Kangaroo rats, [Heteromyidae Family](Dipodomys spp.) family Heteromyidae are controlled for collection, importation and possession;~~

~~[(xvii) Desert kangaroo rat, Heteromyidae Family (Dipodomys deserti) is controlled for collection, importation and possession;]~~

~~[(xviii) Merriam's kangaroo rat, Heteromyidae Family (Dipodomys merriami) is controlled for collection, importation and possession;]~~

~~[(xix) Ord's kangaroo rat, Heteromyidae Family (Dipodomys ordii) is controlled for collection, importation and possession;]~~~~[(xx)xiii] Abert's squirrel, [Sciuridae Family,](Sciurus aberti[navajo]) family Sciuridae is prohibited for collection, importation and possession;~~

~~[(xxi)xiv] Black-tailed prairie dog, [Sciuridae Family](Cynomys ludovicianus) family Sciuridae is controlled for collection, and prohibited for importation and possession;~~

~~[(xxii)xv] Gunnison's prairie dog, [Sciuridae Family](Cynomys gunnisoni) family Sciuridae is controlled for collection, importation and possession;~~

~~[(xxiii)xvi] Utah prairie dog, [Sciuridae Family](Cynomys parvidens) family Sciuridae is prohibited for collection, importation and possession;~~

~~[(xxiv)xvii] White-tailed prairie dog, [Sciuridae Family](Cynomys leucurus) family Sciuridae is controlled for collection, importation and possession;~~

~~[(xxv)xviii] Chipmunks, All species except [~~Yellow~~]yellow-pine chipmunk[;] (Neotamias amoenus) family Sciuridae[~~Family (Tamias and Eutamias)~~] are noncontrolled for collection, and controlled for importation and [~~possession;~~]possession;~~

~~[(xxvi)(xix) Yellow-pine chipmunk, [Sciuridae Family, (Tamias)](neotamias amoenus) family Sciuridae is controlled for collection, importation and possession;~~

~~[(xxvii)xx] Northern flying squirrel, [Sciuridae Family](Glaucomys sabrinus) family Sciuridae is controlled for collection, importation and possession;~~

~~[(xxviii)xxi] Southern flying squirrel, [Sciuridae Family](Glaucomys volans) family Sciuridae is prohibited for collection, importation and possession;~~

~~[(xxix)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[, Sciuridae Family (Spermophilus spp. and Ammospermophilus leucurus)]~~are controlled for collection,~~~~

~~importation and possession~~];

(~~[xxx]~~xxiv) Red squirrel [~~-or chickaree~~], (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 [Family (Tamiasciurus hudsonicus) are]~~is controlled for collection, importation and possession;

(~~[xxxi]~~ ~~Yellow-bellied marmot, Sciuridae Family, (Marmota flaviventris) is controlled for collection, importation and possession;~~ [~~-(xxxii)~~xxvi) Western jumping mouse, [~~Zapodidae Family~~](Zapus princeps) family Zapodidae is controlled for collection, importation and possession;

(~~[xxxiii]~~xxvii) Porcupine, [~~Erethizontidae Family~~](Erethizon dorsatum) family Erethizontidae is controlled for collection, importation and possession;

(~~[xxxiv]~~xxviii) [~~Other~~Degus and other South American rodents, [~~Degus and~~family Octodontidae [~~Families~~](All species) are prohibited for collection, importation and possession;

(~~[xxxv]~~xxvix) Dormice, families Gliridae and Selevinidae [~~Families~~](All species) are prohibited for collection, importation and [~~possession~~possession];

(~~[xxxvi]~~xxx) African pouched rats, family Muridae [~~Family~~](All species) are prohibited for collection, importation and possession;

(~~[xxxvii]~~xxxi) Jirds, [~~Muridae Family~~](Meriones spp.) family Muridae are prohibited for collection, importation and possession;

(~~[xxxviii]~~ ~~Pygmy mice, Muridae Family (Mus triton)~~xxxii) Mice, (All species of Mus) family Muridae, except Mus musculus are prohibited for collection, importation and possession;

(~~[xxxix]~~xxxiii) Spiny mice, [~~Muridae Family~~](Acomys spp.) family Muridae are prohibited for collection, importation and possession;

(~~[xl]~~xxxiv) Hyraxes ([~~Hyracoidea~~], [~~All species~~]) family Procaviidae [~~Family (All species)~~] 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) [~~Bison~~American bison or [~~Buffalo (Wild)~~"buffalo" wild and free ranging()], (Bos bison) family Bovidae [~~Family (Bison bison)~~] is prohibited for collection, importation and possession;

(ii) Collared peccary or javelina, (Tayassu tajacu) family Tayassuidae [~~Family (Pecari tajacu)~~] is prohibited for collection, importation and possession;

(iii) Axis deer, [~~Cervidae Family~~](Cervus axis) family Cervidae is prohibited for collection, importation and possession;

(iv) Caribou, wild and free ranging, [~~Cervidae Family~~](Rangifer tarandus) family Cervidae is prohibited for collection, importation and possession;

(v) Caribou, captive-bred, [~~Cervidae Family~~](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 [~~Family (Cervus elaphus)~~] is prohibited for collection, importation and possession;

(vii) Fallow deer, (Cervus dama), wild and free ranging, family Cervidae [~~Family (Cervus dama)~~] is prohibited for collection, importation and possession;

(viii) Fallow deer, ([Cervus dama](#)) captive-bred, [family Cervidae](#)~~[Family ([Cervus dama](#))]~~ is prohibited for collection, and controlled for importation and possession;

(ix) Moose, [~~Cervidae Family~~]([Alces alces](#)) [family Cervidae](#) is prohibited for collection, importation and possession;

(x) Mule deer, [~~Cervidae Family~~]([Odocoileus hemionus](#)) [family Cervidae](#) is prohibited for collection, importation and possession;

(xi) [~~Red~~White-tailed deer[, ([Odocoileus virginianus](#)), [family Cervidae](#)]~~[Family ([Cervus elaphus](#))]~~ is prohibited for collection, importation and possession;

(xii) Rusa deer, [~~Cervidae Family~~]([Cervus timorensis](#)) [family Cervidae](#) is prohibited for collection, importation and possession;

(xiii) Sambar deer, [~~Cervidae Family~~]([Cervus unicolor](#)) [family Cervidae](#) is prohibited for collection, importation and possession;

(xiv) Sika deer, [~~Cervidae Family~~]([Cervus nippon](#)) [family Cervidae](#) is prohibited for collection, importation and possession;

(xv) [~~White-tailed deer, Cervidae Family (Odocoileus virginianus)]~~[Muskox, \(Ovibos moschatus\), wild and free ranging, family Bovidae](#) is prohibited for collection, importation and possession;

(xvi) Muskox, [~~wild and free ranging, Bovidae Family~~]([Ovibos moschatus](#))~~[is prohibited for collection, importation and possession; [(xvii) Muskox]~~, captive-bred, [family Bovidae](#)~~[Family ([Ovibos moschatus](#))]~~ is prohibited for collection, and controlled for importation and possession;

(~~xviii~~xvii) Pronghorn, [~~Antilocapridae Family~~]([Antilocapra americana](#)) [family Antilocapridae](#) is prohibited for collection, importation and possession;

(~~xix~~xviii) Barbary sheep or [~~Aoudad, Bovidae Family~~][aoudad](#), ([Ammotragus lervia](#)) [family Bovidae](#) is prohibited for collection, importation and possession;

(~~xx~~xix) Bighorn sheep ([Ovis canadensis](#)) (including hybrids) [~~Bovidae Family (Ovis canadensis)]~~[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)~~[Dall's and Stone's sheep (including hybrids) Bovidae Family (Ovis dalli) are prohibited for collection, importation and possession; [(xxii)]~~ Exotic wild sheep (including [~~hybrids~~), ~~Bovidae Family (Including Mouflon)~~[mouflon](#), [Ovis musimon](#); Asiatic or red sheep, [Ovis orientalis](#); [~~Urial~~][urial](#), [Ovis vignei](#); [~~Argali~~][argali](#), [Ovis ammon](#); and [~~Snow Sheep~~][snow sheep](#), [Ovis nivicola](#)), [including hybrids, family Bovidae](#) are prohibited for collection, importation and possession;

(~~xxiii~~xxii) Rocky Mountain goat, [~~Bovidae Family~~]([Oreamnos americanus](#)) [family Bovidae](#) is prohibited for collection, importation and possession;

(~~xxiv~~xxiii) Ibex, [~~Bovidae Family~~]([Capra ibex](#)) [family Bovidae](#) is prohibited for collection, importation and possession;

(o) Carnivores (Carnivora) are classified as follows:

(i) Bears, [~~Ursidae Family (Ursus, all)]~~([All](#) species) [family Ursidae](#) are prohibited for collection, importation and possession;

(ii) Coyote, [~~Canidae Family~~]([Canis latrans](#)) [family Canidae](#) is prohibited for importation, and is controlled by the Utah Department of Agriculture for collection and possession;

- (iii) Fennec~~[fox]~~, [~~Canidae Family~~](Vulpes zerda) family Canidae is prohibited for collection, importation and possession;
- (iv) Gray fox, [~~Canidae Family~~](Urocyon cinereoargenteus) family Canidae is prohibited for collection, importation and possession;
- (v) Kit fox, [~~Canidae Family~~](Vulpes macotis) family Canidae is prohibited for collection, importation and possession;
- (vi) Red fox, [~~Canidae Family~~](Vulpes vulpes) family Canidae is noncontrolled for collection, and prohibited for importation and possession;
- (vii) Gray wolf, (Canis lupus) except hybrids with domestic dogs, family Canidae [~~Family (Canis lupus)~~] is prohibited for collection, importation and possession;
- (viii) Wild Cats (All species, including hybrids) family Felidae [~~Family (All species)~~] are prohibited for collection, importation, and possession;
- (ix) Bobcat, (Lynx rufus) wild and free ranging, family Felidae [~~Family (Felis rufus)~~] is prohibited for collection, importation and possession;
- (x) Bobcat, (Lynx rufus) captive-bred, family Felidae [~~Family (Felis rufus)~~] is prohibited for collection, and controlled for importation and possession;
- (xi) Cougar, [~~Felidae Family (Felis 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 [~~Family (Felis lynx)~~] is prohibited for collection, importation and possession;
- (xiii) Eurasian lynx, (Lynx[~~;~~] lynx) captive-bred, family Felidae [~~Family (Felis lynx)~~] is prohibited for collection, and controlled for importation and possession;
- (xiv) [~~Badger, Mustelidae Family~~]American badger, (Taxidea taxus) family Mustelidae is prohibited for collection, importation and possession;
- (xv) Black-footed ferret, [~~Mustelidae Family~~](Mustela nigripes) family Mustelidae is prohibited for collection, importation or possession;
- (xvi) Ermine, stout, or short-tailed weasel, [~~Mustelidae Family~~](Mustela erminea) family Mustelidae is prohibited for collection, importation and possession;
- (xvii) Long-tailed weasel, [~~Mustelidae Family~~](Mustela frenata) family Mustelidae is prohibited for collection, importation and possession;
- (xviii) [~~Marten,~~]American marten, (Martes americana) wild and free ranging, family Mustelidae [~~Family (Martes americana)~~] is prohibited for collection, importation and possession;
- (xix) [~~Marten,~~]American marten, (Martes americana) captive-bred, family Mustelidae [~~Family (Martes americana)~~] is prohibited for collection, controlled for importation and possession;
- (xx) [~~Mink,~~]American mink, (Neovison vison) except domestic forms, family Mustelidae [~~Family (Mustela vison)~~] is prohibited for collection, importation and possession;
- (xxi) Northern [~~River Otter, Mustelidae Family (Lutra)~~]river otter, (Lontra canadensis) family Mustelidae is prohibited for collection, importation and possession;
- (xxii) Striped skunk, [~~except nuisance skunks, which are noncontrolled for collection, Mustelidae Family~~](Mephitis mephitis) family Mephitidae is prohibited for collection, importation, and possession, except nuisance skinks, which are noncontrolled for collection;
- (xxiii) Western spotted skunk, [~~Mustelidae Family~~](Spilogale gracilis) family

Mephitidae is prohibited for collection, importation, and possession;

(xxiv) Wolverine, [~~Mustelidae Family~~](Gulo gulo) family Mustelidae is prohibited for collection, importation and possession;

(xxv) Coatis, [~~Procyonidae Family~~](Nasua spp. and Nasuella spp.) [~~is~~]family Procyonidae are prohibited for collection, importation and possession;

(xxvi) Kinkajou, [~~Procyonidae Family~~](Potos flavus) family Procyonidae is prohibited for collection, importation and possession;

(xxvii) Northern Raccoon, [~~Procyonidae Family~~](Procyon lotor) family Procyonidae is prohibited for importation, and controlled by the Department of Agriculture for collection and possession;

(xxviii) Ringtail, [~~Procyonidae Family~~](Bassariscus astutus) family Procyonidae is prohibited for collection, importation and possession;

(xxix) Civets, [~~Genets~~]genets and related forms, [~~Viverridae Family~~](All species) family Viverridae are prohibited for collection, importation and possession;

(p) Primates[~~(Prosimians) (Lower Primates)~~] are classified as follows:

(i) Lemurs, [~~Lemuridae Family~~](All species) family Lemuridae are prohibited for collection, importation and possession;

(ii) Dwarf and mouse lemurs, (All species) family Cheirogaleidae[~~Family (All species)~~] are prohibited for collection, importation and possession;

(iii) Indri and sifakas, [~~Indriidae Family~~](All species) family Indriidae are prohibited for collection, importation and possession;

(iv) Aye aye, [~~Daubentonidae Family~~](Daubentonia madagasciense) family Daubentonidae is prohibited for collection, importation and possession;

(v) Bush babies, pottos and lorises, [~~Lorisidae Family~~](All species) family Lorisidae are prohibited for collection, importation and possession;

(vi) Tarsiers, [~~Tarsiidae Family~~](All species) family Tarsiidae are prohibited for collection, importation and possession;

(vii) [~~Capuchin-like~~]New World monkeys, [~~Cebidae Family~~](All species) family Cebidae are prohibited for collection, importation and possession;

(viii) Marmosets and tamarins, (All species) family Callitrichidae[~~Family (All species)~~] are prohibited for collection, importation and possession;

(ix) Old-world monkeys, (All species) which includes baboons and macaques, [~~Cerpithecidae Family (All species)~~]family Cercopithecidae are prohibited for collection, importation and possession;

(x) Great apes ([~~Gorilla, chimpanzee and orangutan~~), ~~Pongidae Family~~](All species), which include gorillas, chimpanzees and orangutans, family Hominidae are prohibited for collection, importation and possession;

(xi) Lesser apes (Siamang and gibbons[~~],~~ ~~Hylobatidae Family~~ [~~],~~ 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 [~~Zoological~~] 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 [~~zoological~~] animal may be imported into Utah.

(2)(a) All live fish 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 fish;
- (ii) name and address of the consignor and consignee;
- (iii) origin of shipment;
- (iv) final destination; [~~and~~]
- (v) number of fish 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 thereunder.

(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 [~~Zoological~~] Animals Through Utah.

(1) Any controlled or prohibited [~~zoological~~]species of animal may be transported through Utah without a certificate of registration if:

- (a) the [~~zoological~~] animal remains in Utah no more than 72 hours; and
- (b) the [~~zoological~~] 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 [~~zoological~~] 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 [~~Zoological~~] Animals into Utah for Processing.

(1) A person shipping [~~zoological~~] 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 ~~[a zoological]~~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 ~~[a zoological]~~an animal classified as prohibited or controlled may transfer possession of that ~~[zoological]~~ animal only to a person who has first applied for and obtained a certificate of registration for that ~~[zoological]~~ animal from the division or Wildlife Board.

(3) The division may issue a certificate of registration granting the transfer and possession of that ~~[zoological]~~ 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 ~~[zoological]~~ animals classified as noncontrolled for possession.

(2) A person may propagate ~~[zoological]~~ 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 ~~[zoological]~~ animals classified as prohibited for possession, except as authorized in Sections R657-3-30, R657-3-31 and R657-3-32.

R657-3-30. Propagation of Raptors.

(1) A person may propagate raptors only as provided in this section, R657-20-30, and ~~[Section]~~ 50 CFR 21.30, ~~[2002, ed.,]~~ which ~~[is]~~are incorporated herein by reference. All applicants for captive breeding permits must become familiar with this rule and ~~[the]~~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 ~~[regional director of the U.S. Fish and Wildlife Service in consultation with 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) whether suitable captive stock is available; and]~~

(b) The length of time the wild caught raptor has been in captivity;

(c) whether ~~[wild]~~suitable captive stock is available; and

(d) whether wild stock is needed to enhance the genetic variability of captive stock; and

(e) 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~~[-or importing captive-raised raptors for sale]~~. 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 ~~[federal and state license or to]~~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) ~~[Each captive bred]~~A raptor ~~[brought]~~imported into Utah ~~[must be accompanied by a valid]~~is required to have:

(a) a certificate of veterinary inspection [issued by an accredited veterinarian] 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 [permittee's falconry permit.]falconry certificate of registration.

~~[(10) Raptors used for falconry on temporary loan to a breeding project, with the division's authorization and accompanied by a Form 3-186A, Migratory Bird Acquisition and Disposition Report, provided by the U.S. Fish and Wildlife Service, must be included in the loaning falconer's bird number limitation as permitted in the license class designation.]~~

~~[(11)(a) Hybridization with the female of a species which is endangered or threatened is prohibited.]~~

~~[(b) Interspecific hybridization between species is authorized only if each raptor produced is either imprinted on humans or surgically sterilized.]~~

(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.

~~[(i) "Imprinted on humans" means hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered.]~~

~~[(c) Documentation of imprinting on humans required under Subsection (b) must be provided by the propagator.]~~~~[(12)~~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 ~~[in a captive breeding project]~~with a licensed propagator upon written request ~~[from an authorized breeder and with concurrence of]~~to the division from the licensed propagator that is endorsed by the rehabilitator and in concurrence with the U.S. Fish and Wildlife Service~~[-and the division]~~.

~~[(13)~~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 ~~[being]~~ 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) ~~[Any person engaged in the propagation of caribou, fallow deer, musk-ox, or reindeer must submit an annual report identifying]~~ [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 [~~is a class C misdemeanor,~~ 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, [~~Wildlife Resources Code~~] of Utah Code which establishes a penalty greater than [~~a class C misdemeanor~~ an infraction. Any provision of this rule which overlaps a provision of [~~that title~~ 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. Certification Review Committee.

(1) The division shall establish a Certification Review Committee which shall be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of [~~zoological~~] animals;

(ii) appeals of certificates of registration; and

(iii) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(2) The committee shall consist of the following individuals:

(a) the division director or the director's designee who shall represent the director's office and shall act as chair of the committee;

(b) the chief of the Aquatic Section;

(c) the chief of the Wildlife Section;

(d) the chief of the Public Services Section;

(e) the chief of the Law Enforcement Section;

(f) the state veterinarian or his designee; and

(f)g) a person designated by the Department of Health.

(3) The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.

R657-3-35. Request for Species Reclassification.

(1) A person may ~~[make a]~~request to change the classification of a species or subspecies of ~~[-zoological]~~ animal provided in this rule.

(2) A request for reclassification must be made to the Certification Review Committee by submitting an application for reclassification.

(3)(a) The application shall include:

- (i) the petitioner's name, address, and phone number;
- (ii) the species or subspecies for which the application is made;
- (iii) the name of all interested parties known by the petitioner;
- (iv) the current classification of the species or subspecies;
- (v) a statement of the facts and reasons forming the basis for the

reclassification; and

(vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the ~~[petitioner]~~applicant must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3)(a) The committee shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The committee shall send a copy of its recommendation to the ~~[petitioner]~~applicant and other interested parties specified on the application.

(4)(a) At the next available Wildlife Board meeting, the Wildlife Board shall:

- (i) consider the committee recommendation; and
- (ii) any information provided by the ~~[petitioner]~~applicant or other interested

parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-3-14.

(5) A change in species classification shall be made in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act.

~~[(6) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.]~~

R657-3-36. Request for Variance.

(1) A person may ~~[make a]~~request~~[-for]~~ a variance to this rule for the collection, importation, propagation, or possession of ~~[a-zoological]~~an animal classified as prohibited under this rule by submitting a ~~[request for]~~variance request to the Certification Review Committee.

(2)(a) A ~~[request for]~~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 ~~[-zoological]~~ animal and associated activities for which the request is made; and
- (iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3) The committee shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the committee 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.

~~[(7) A request for variance shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.]~~

R657-3-37. Appeal of Certificate of Registration Denial.

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the Certification Review Committee.

(2) The request must be made within 30 days after the date of the denial.

(3) The request shall include:

(a) the name, address, and phone number of the ~~[petitioner]~~applicant;

(b) the date the request ~~[was]~~is mailed;

(c) the species or subspecies of ~~[zoological]~~ animals and the activity for which the application ~~[was]~~is made; and

(d) supporting facts and other evidence applicable to resolving the issue.

(4) The committee shall review the request within a reasonable time after it is received.

(5) Upon reviewing the application and the reasons for its denial, the committee may:

(a) overturn the denial and approve the application; or

(b) uphold the denial.

(6) The committee may overturn a denial if the denial ~~[was]~~is:

(a) based on insufficient information;

(b) inconsistent with prior ~~[action]~~actions of the division or the Wildlife Board;

(c) arbitrary or capricious; or

(d) contrary to law.

(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the ~~[petitioner]~~applicant specifying the reasons for its decision.

(b) The notice shall include information ~~[that a person may seek]~~on the procedures for seeking Wildlife Board review of that decision.

(8)(a) If the committee upholds the denial, the ~~[petitioner]~~applicant may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review

within 30 days after its issuance.

(b) The request must include the information provided in Subsection (3).

(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.

(b) The Wildlife Board may:

(i) overturn the denial and approve the application; or

(ii) uphold the denial.

(c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.

~~[(10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.]~~

KEY: wildlife, animal protection, import restrictions, ~~[zoological]~~ animals

Date of Enactment or Last Substantive Amendment: ~~[December 12, 2006]~~ May 8, 2008

Notice of Continuation: March 11, 2008

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14 ; 63-30-1 et seq.

Proposal



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

July 7, 2011

TO: Regional Wildlife Advisory Councils
FROM: Leslie McFarlane
Walk-In Access and Disease Programs Coordinator
SUBJECT: Changes to Walk-In Access Rule R657-56

A Walk-In Access (WIA) area is a tract of private land, stream, or pond, for which the DWR has leased the wildlife dependent recreational rights from private landowners. The program provides incentives to landowners for the recreational lease of their property in the form of monetary compensation and/or habitat or stream restoration. A pilot program was first initiated in the northern region in 2005 with a primary focus on hunting opportunity. In 2007 the pilot program was expanded to the Central and Northeastern regions. The DWR is now seeking to implement the program on a statewide basis with an increased emphasis on fishing opportunity. In order to implement this expansion some changes to the rule are necessary and are summarized below:

- Allow two or more landowners to combine property and form a WIA landowner association to make larger tracts of private property available. In order to qualify as a WIA landowner association they will need a minimum of 1 mile of stream, 120 acres of riparian habitat or 320 acres of terrestrial habitat. The landowner association will be compensated an additional 25% of the base rate as an incentive for forming an association.
- Allow habitat improvement project in addition to monetary payments (instead of in-lieu) with the duration of the contract dependent on the divisions estimated value for the habitat project.
- If a habitat project is provided by the division and the landowner chooses to terminate the agreement prior to the term, the landowner will be required to reimburse the division the value of the project, which will be pro-rated based on termination date.
- Habitat projects will need to be submitted using the habitat proposal form and will have to be reviewed and approved by either the Habitat Council, the Blue-Ribbon Fisheries Council, or the Watershed Restoration Initiative.
- Develop a Walk-In Access Authorization program – Similar to HIP program in that a person can register by phone or on-line.
 - Any person 14 years of age or older must obtain an annual Walk-In Access Authorization number to access property enrolled in the WIA program
 - Required to show proof in the field.
 - WIA registration numbers are valid 01/01 – 12/31
 - Required to provide – combination, fishing, or hunting license number, name, address, phone number, birth date



R657. Natural Resources, Wildlife Resources.

R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access.

R657-56-1. Purpose and Authority.

Under the authority of Sections 23-14-3(2), 23-14-18, and 23-14-19, this rule provides the procedures, standards, and requirements to administer a [~~walk-in access~~]Walk-In Access program in the State of Utah designed to compensate private landowners for [~~a recreational lease of their~~]leasing private property for the purpose of allowing free public [~~walk-in~~]access [~~to fish, hunt, or trap~~]for wildlife dependent recreation.

R657-56-2. Definitions.

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

(2) In addition:

(a) "Base rate fee" is the minimum payment that a landowner is eligible for excluding all bonus payments.

(b) "Contiguous" means parcels of real property that share a common property line and are otherwise connected as a single mass, excluding parcels that adjoin only at corners.

([a]c) "Landowner association" means a landowner or group of landowners of private land organized as a single entity for the purpose of applying for and becoming a WIA property.

(d) "Landowner association chair" means an individual designated by a landowner association as their representative.

(e) "Landowner association member" means an individual landowner participating in the landowner association.

(f) "Private landowner" means any individual, partnership, corporation, or association that possesses the legal right on private property to grant a recreational lease.

([b]g) "Recreational lease activities" [means]mean wildlife dependent recreation limited to fishing, hunting or trapping as provided in the wildlife dependent recreational lease agreement.

([e]h) "WIA" means walk-in access.

~~[(d) "WIFA" means walk-in fishing access, which provides free public access to fish waters located on private property as provided in the recreational lease agreement, and includes trapping when the landowner designates this activity in the WIFA recreational lease agreement.]~~

~~[(e) "WIHA" means walk-in hunting access, which provides free public access to hunt private property as provided in the recreational lease agreement, and includes trapping when the landowner designates this activity in the WIHA recreational lease agreement.]~~

~~[(f) "Contiguous block" means a polygon of land that is connected as a single mass.]~~

R657-56-3. Walk-In Access Landowner Enrollment Procedures.

(1) A private landowner with eligible property may participate in the WIA

program[.][~~—(2) A private landowner interested in participating in the WIA program must submit an enrollment form~~] provided they submit an application to the appropriate division office by [~~March 1, and provide~~]June 30, with the following information:

(a) evidence of property ownership, or if leasing the private property a copy of the lease agreement; and

(b) county recorder plat maps or equivalent maps, dated by receipt of purchase within 30 days of the initial or renewal enrollment deadline, depicting boundaries and ownership of all property enrolled in the WIA.

(c) the private landowner's signature.

(3)[~~Enrollment~~] two or more landowners with contiguous properties may join together to form a landowner association provided the combined properties meet the minimum requirements in R657-56-5.

(4) Application forms are available at the appropriate division office[~~or through the division's web site~~].

R657-56-4. Walk-In Access Recreational Lease Agreement.

(1) The division and private landowner shall prepare and agree to the terms in a WIA recreational lease agreement by [~~May~~]July 1.

(2) Terms in the WIA recreational lease agreement shall include private landowner and division responsibilities, including the provisions [~~as provided~~]in Sections R657-56-8 and R657-56-9, and compensation necessary to provide free public access for [~~fishing, hunting, or trapping~~]wildlife dependent recreational activities on private property.

(3) The amount of compensation [~~to be~~]paid to the private landowner participating in the WIA program shall be determined by:

(a) the type of wildlife dependent recreational lease activity allowed on the private property;

(b) the duration of the recreational lease agreement; and

(c) the number of acres of private land or pond, or miles of stream or river available for free public walk-in access.

(4) Upon mutual agreement, the division may provide [~~in-kind~~]habitat improvement, materials, or labor on the WIA property in lieu of all or party of the monetary [~~payment to the landowner~~]compensation otherwise due for free public walk-in access.

(a) If habitat improvement, materials, and/or labor are provided by the division then the duration of the agreement shall be determined upon mutual agreement and based on the divisions cost estimate for the project.

R657-56-5. Walk-In [~~Hunting~~]Access Program Requirements.

(1) Private property enrolled in the [~~WIHA Program~~]WIA program must provide suitable [~~wildlife~~]habitat [~~to~~]that can support the wildlife dependent recreational lease activity described in the [~~WIHA~~]WIA recreational lease agreement, and:

(a) contain no less than an 80 acre contiguous block of land for hunting or trapping;

(b) contain no less than a 40 acre contiguous block of wetland or riparian land[;] for hunting or trapping;

~~[-(c) provide]~~(c) contain a minimum of .25 miles of stream or river;

(d) contain a minimum 5 acres of pond;

(e) the property provides an access corridor to comparable tracts of isolated public land or fishing waters open to free ~~[public hunting or trapping]~~ wildlife dependent recreational activities.

(2) If two or more landowners are joining private property to form a landowner association for the WIA program the property must:

(a) contain no less than a 320 acre contiguous block of land for hunting or trapping;

(b) contain no less than a 160 acre contiguous block of wetland or riparian land for hunting or trapping;

(c) contain a minimum of 1 mile of stream or river.

(3) No land parcel may be included in more than one WIA.

(4)(a) Division personnel shall evaluate proposed ~~[WIHA]~~WIA property to determine if the property provides suitable wildlife ~~[habitat and wildlife]~~or fish populations and habitat for the designated recreational lease activity.

~~[-(b) -]~~

(b) The property must be capable of independently maintaining the respective species and harboring them during the period of the designated recreational lease.

(c) If the property is approved for the designated wildlife dependent recreational lease activity, the division and private landowner may enter into the ~~[WIHA]~~WIA recreational lease agreement as provided in Section R657-56-4.

~~[R657-56-6. Walk-In Fishing Access Requirements.]~~

~~[-(1) Private property enrolled in the WIFA Program must provide suitable fishing waters and fish to support the recreational lease activity described in the WIFA recreational lease agreement, and:]~~

~~[-(a) contain a minimum 0.25 miles of stream or river;]~~

~~[-(b) contain a minimum 5 acres of pond; or]~~

~~[-(c) the property provides an access corridor to comparable fishing waters on isolated public land open to public fishing.]~~

~~[-(2)(a) Division personnel shall evaluate proposed WIFA property to determine if the property provides suitable fishing waters and fish.]~~

~~[-(b) If the property is approved for the designated recreational lease activity, the division and private landowner may enter into the WIFA recreational lease agreement as provided in Section R657-56-4.]4~~

R657-56-7. Walk-In ~~[Hunting and Fishing]~~Access Compensation.

(1) The amount of compensation payment to a landowner is determined by the acreage ~~[that will be]~~or miles of stream used for the WIA program[, and the type of recreational~~[-lease]~~ activity allowed on the private property~~[-using the base rate fee as provided in the recreational lease agreement].~~

(a) Payments to a landowner association will be issued to the WIA landowner chair who will be responsible for disbursement of funds to other participating landowners.

(b) The landowner association will receive a base rate fee for the qualifying

property and activity in addition to a bonus of 25% of the base rate.

_____ (2) A bonus fee will be added to the base rate fee when a private landowner [~~initially~~] enrolls private property in the recreational lease agreement for additional consecutive years as follows:

- (a) five percent will be added for two years; or
- (b) ten percent will be added for three years; ~~or~~
- (c) fifteen percent will be added for four years; ~~or~~
- (d) twenty percent will be added for five years.

_____ (3) Upon mutual agreement, the division may provide habitat improvement, materials, or labor on the WIA property in lieu of all or part of the monetary compensation otherwise due for free public walk-in access.

_____ (a) Employees of the division will provide evaluation of the property for habitat improvement.

_____ (b) A habitat project proposal must be completed, reviewed, and approved through the divisions Habitat Council, Blue Ribbon Fisheries Council, or the Watershed Restoration Initiative.

_____ (c) The division and the private landowner will agree to the duration of the agreement based on the estimated value of the habitat project as determined by the division.

R657-56-8. Walk-In Access Program Landowner Responsibilities.

(1) Each private landowner enrolled in the WIA program must provide:

- (a) free public walk-in access for wildlife dependent recreational lease activities as provided in the recreational lease agreement; and
- (b) private land with suitable [~~wildlife~~]habitat [~~to~~]that can support the recreational lease activity; or
- (c) an access corridor to comparable tracts of isolated public land open to free public [~~fishing, hunting or trapping~~]access for wildlife dependent recreational activities.

(2) Each private landowner must indicate the type of landowner authorization required for the public to use the WIA for [~~fishing, hunting, or trapping,~~]wildlife dependent recreational activities as follows:

- (a) WIA authorization is [~~not required~~]the only requirement to access the property;
 - (b) registration at a WIA site is required prior to accessing the property; or
 - (c) contacting the landowner is required prior to accessing the property.
- (3) The private landowner must transfer to the division, the recreational lease of their property for the wildlife dependent recreational lease activities designated in the WIA recreational lease agreement.

R657-56-9. Walk-In Access Program Division Responsibilities.

The division shall provide:

- (1) evaluations of [~~wildlife~~]habitat, [~~and~~]wildlife or fish on the proposed WIA property as provided in [~~Subsections~~]Section R657-56-5[~~(2)(a) or R657-56-6(2)(a)~~];
- (2) WIA recreational lease agreement forms;
- (3) WIA authorization program;
- (4) WIA registration forms and boxes when applicable[;][~~—(4) signs for~~

~~enrolled WIA property~~];

(5) maps, requirements, and signs for enrolled WIA property as provided in the recreational lease agreement; and

(6) law enforcement during applicable ~~[fishing, hunting, or trapping seasons]~~ wildlife dependent recreational activities;

~~[(6) maps of approved and enrolled WIA locations and requirements as provided in the recreational lease agreement;]~~and

(7) compensation payments to landowners following successful completion of the terms of the WIA recreational lease agreement.

R657-56-10. Termination of Walk-In Access Recreational Lease Agreement.

(1) The WIA recreational lease agreement may be:

(a) terminated for any reason by either party upon 30 days written notice; or

(b) amended at any time upon written agreement by the landowner and the division.

(2) If a WIA recreational lease agreement is terminated as provided in Subsection (1)(a), prior to the ending date specified in the recreational lease agreement, the compensation ~~[payment]~~ fee shall be prorated based upon the recreational lease activity provided and the number of days that access was provided.

(3) Restriction of public use by the landowner of the private property enrolled in the WIA program in violation of the recreational lease agreement may void all or a portion of the WIA recreational lease agreement.

(4) Any change in private ~~[landownership]~~ land ownership of enrolled WIA property may terminate the WIA recreational lease agreement.

(5) Misrepresentation of enrolled private property in the WIA program shall terminate the WIA recreational lease agreement.

(6) If a habitat project is provided by the division and the landowner terminates the contract prior to the agreed term, the landowner will be required to reimburse the division the value of the project, which shall be prorated based on termination date.

R657-56-11. Liability Protection for Walk-In Access Private Landowner.

Landowner liability may be limited when free public access is allowed on private property enrolled in the WIA program for the purpose of any recreational lease activities as provided in Title 57, Chapter ~~[-]~~ 14 of the Utah code.

R657-56-12. Licenses, Permits and Seasons.

(1) Any person accessing WIA private lands ~~[to fish, hunt, or trap]~~ for wildlife dependent recreational activities must obtain and possess the required valid license or permit for the recreational lease activity, and must adhere to the respective rules and proclamations established by the Wildlife Board.

(2)(a) If enrolled WIA property requires prior private landowner authorization or any other requirement as provided in the recreational lease agreement, any person entering enrolled WIA private lands ~~[to fish, hunt, or trap]~~ for wildlife dependent recreation must comply with said requirements.

(b) The division shall provide to the public maps of approved and enrolled WIA

locations and requirements as determined in the recreational lease agreement.

R657-56-13. Walk-in Access Authorization Program (WIAA).

(1) Any person 14 years of age and older must obtain an annual Walk-in Access Authorization registration number to access properties enrolled in the Walk-in Access Program and may be required, while in the field, to prove they have registered.

(2) WIA authorization numbers will be valid from January 1 to December 31 for the year that they are obtained.

(3) To obtain an WIA authorization number, a person must call the telephone number published on-line or on signs available at WIA access points and provide the following information:

(a) combination, fishing, or hunting license number;

(b) license code or type;

(c) name;

(d) address;

(e) phone number;

(f) birth date; and

(g) information about their use of Walk-in Access areas.

R657-56-14. Right to Deny Access.

The division or the private landowner reserves the right to deny a person access to the WIA property described in the recreational lease agreement for causes related to, but not limited to, intoxication, damage to WIA property, violations of conditions provided in the recreational lease agreement, failure to obtain a WIA authorization number, or any wildlife violation committed on WIA property.

R657-56-~~14.~~15. Prohibited Activities.

(1) It is unlawful for any person to access WIA property in violation of the recreational lease agreement, or refuse to leave WIA property when requested by the landowner, a division representative, or a peace officer.

(2) Any person accessing WIA property in violation of Subsection (1) may further be subject to criminal trespass prosecution as provided in Sections 23-20-14 and 76-6-206.

R657-56-~~15.~~16. Walk-In Access Advisory Committee.

(1) A WIA Advisory Committee shall be created consisting of five members nominated by the five division [~~Supervisors~~ regional supervisors], and approved by the Director.

(2) The committee shall include:

(a) two sportsmen representatives;

(b) two agricultural representatives;

(c) one elected official; and

(d) the division's Wildlife Section Chief, or designee.

(3) The committee shall be chaired by the Wildlife Section Chief, or designee, who shall be a non-voting member.

(4) The committee will:

(a) hear complaints dealing with fair and equitable treatment of anglers, hunters, or trappers on enrolled WIA property;

(b) hear complaints dealing with fair and equitable treatment of WIA private landowners; and

(c) make advisory recommendations to the Director.

(5) The Wildlife Section Chief shall determine the agenda, time, and location of the WIA Advisory Committee meetings.

(6) The director may mitigate or resolve issues dealing with complaints.

(7) Members of the advisory Committee shall serve a term of four years, except members may be appointed for a term of two years to ensure that the term of office are staggered.

(a) The Wildlife Section Chief is not subject to a term limitation..

KEY: wildlife, private landowners, public access

Date of Enactment or Last Substantive Change: August 7, 2007

Notice of Continuation: none/new rule

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 57-14-1

Proposal

Division of Wildlife Resources

Fiscal Year 2013 Recommended Fee Changes Action Item

Processes for Changing Fees

- Division proposes fees through Regional Advisory Council (RAC) process for consideration and recommendations to the Wildlife Board.
- Division proposes to Wildlife Board for consideration along with input and recommendations from RAC's.
- Fees agreed upon are provided to the Governor's office for consideration and recommendation to the Legislature.
- Fee request is presented to Natural Resources Appropriations Subcommittee hearing for approval, modification, or rejection.
- Committee approved fees are included in the annual Appropriation Bill and voted on by all legislators.
- Fees take effect the beginning of the next fiscal year.

Financial Impacts

- DWR understands that the economy has been challenging for individuals and businesses. The division has also experienced many of these same difficulties.
- Therefore, the fee changes proposed for FY 2013 will not generate any appreciable new revenue from the public.

Proposed Fee Changes

<u>Hunting Permits</u>	<u>Current</u>	<u>Proposed</u>	<u>Estimated Number</u>	<u>Revenue Change</u>
Wolf Permit - Resident - Any age	N/A	\$ 20	200	\$ 4,000
Wolf Permit - Nonresident - Any age	N/A	\$ 80	20	\$ 1,600

Summary

- No other Proposed Changes for FY 2013.
- Fee changes recommended by the RAC's and approved by the Wildlife Board will be addressed in the 2012 legislative session.
- Approved fees would take effect on July 1, 2012.