

R657. Natural Resources, Wildlife Resources.

R657-44. Big Game Depredation.

R657-44-1. Purpose and Authority.

Under authority of Section 23-16-2, 23-16-3, 23-16-3.1, 23-16-3.2 and 23-16-4, this rule provides:

- (1) the procedures, standards, requirements, and limits for assessing big game depredation; and
- (2) mitigation procedures for big game depredation.

R657-44-2. Definitions.

- (1) Terms used in this rule are defined in Sections 23-13-2 and 23-16-1.1.
- (2) In addition:
 - (a) "Alternate drawing list" means a list of persons who have not already drawn a permit and would have been the next person in line to draw a permit.
 - (b) "Cleared and planted land" means private land or privately leased state or federal land used to produce a cultivated crop for commercial gain and the cultivated crop is routinely irrigated or routinely mechanically or manually harvested, or is crop residue that has forage value for livestock.
 - (c) "Commercial gain" means intent to profit from cultivated crops through an enterprise in support of the crop owner's livelihood.
 - (d) "Damage incident period" means 90 days, or some longer period as approved in writing by the ~~division~~Division, during which the ~~division~~Division shall take action to prevent further depredation and during which compensation for damage will be calculated.
 - (e) "Irrigated" means the controlled application of water for agricultural purposes through man-made systems to supply water not satisfied by rainfall.
 - (f) "Livestock Forage" means any forage, excluding cultivated crops and crop residues, meant for consumption by livestock, not routinely irrigated or routinely mechanically or manually harvested.
 - (g) "Mitigation permit" means a nontransferable hunting permit issued directly to a landowner or lessee, authorizing the landowner or lessee to take specified big game animals for personal use within a designated area.
 - (h) "Mitigation permit voucher" means a document issued to a landowner or lessee, allowing the landowner or lessee to designate who may obtain a big game mitigation permit.
 - (i) "Nuisance" describes a situation where big game animals are found to have moved off formally approved management units onto adjacent units or other areas not approved for that species.
 - (j) "Once-in-a-lifetime species" for the purposes of this section, includes bull moose and bison, bighorn sheep, and mountain goat regardless of sex.
 - (k) "Private land" means land in private fee ownership and in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Section 59-2-503 and 59-2-504. Private land does not include tribal trust lands.

R657-44-3. Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big

Game Animals.

(1) If big game animals are damaging cultivated crops on cleared and planted land, or fences or irrigation equipment on private land, the landowner or lessee shall immediately, upon discovery of big game damage, request that the ~~division~~Division take action by notifying a ~~division~~Division representative in the appropriate regional office pursuant to Section 23-16-3(1).

(2) Notification may be made:

(a) orally to expedite a field investigation; or

(b) in writing to a ~~division~~Division representative in the appropriate ~~division~~Division regional office.

(3)(a) The regional supervisor or ~~division~~Division representative shall contact the landowner or lessee within 72 hours after receiving notification to determine the nature of the damage and take appropriate action for the extent of the damage experienced or expected during the damage incident period.

(b) The ~~division~~Division shall consider the big game population management objectives as established in the wildlife unit management plan approved by the Wildlife Board.

(c) ~~Division~~Division action shall include:

(i) removing the big game animals causing depredation; or

(ii) implementing a depredation mitigation plan pursuant to Sections 23-16-3(2)(b) through 23-16-3(2)(f) and approved in writing by the landowner or lessee.

(4)(a) The ~~division~~Division mitigation plan may incorporate any of the following measures:

(i) sending a ~~division~~Division representative onto the premises to control or remove the big game animals, including:

(A) herding;

(B) capture and relocation;

(C) temporary or permanent fencing; or

(D) removal, as authorized by the ~~division~~Division director or the ~~division~~Division director's designee;

(ii) recommending to the Wildlife Board an antlerless big game hunt in the next big game season framework;

(iii) scheduling a depredation hunter pool hunt in accordance with Sections R657-44-7, R657-44-8, or R657-44-9;

(iv) issuing mitigation permits to the landowner or lessee for the harvest of big game animals with the exception of antlerless moose or cow bison causing depredation during a general or special season hunt authorized by the Wildlife Board, of which:

(A) the hunting area for big game animals may include a buffer zone established by the ~~division~~Division that surrounds, or is adjacent to, the lands where depredation is occurring;

(B) the landowner or lessee may retain no more than five antlerless deer, five doe pronghorn, and two antlerless elk;

(C) each qualified recipient of a mitigation permit will receive from the ~~division~~Division a Mitigation Permit Hunting License that satisfies the hunting license requirements in R657-44-11(c) to obtain the mitigation permit.

(D) the Mitigation Permit Hunting License does not authorize the holder to hunt small game; nor does it qualify the holder to apply for or obtain a cougar, bear, turkey, or other big game permit.

(E) the ~~Division~~Division may not issue mitigation permits for moose, bison, big horn sheep, or mountain goat.

(v) issuing big game mitigation permit vouchers for use on the landowner's or lessee's private land during a general or special hunt authorized by the Wildlife Board.

(A) mitigation permit vouchers for antlerless deer may authorize the take of one or two deer as determined by the ~~division~~Division.

(B) the ~~Division~~Division may not issue mitigation permit vouchers for moose, bison, big horn sheep, or mountain goat.

(b) The mitigation plan may describe how the ~~division~~Division will assess and compensate for damage pursuant to Section 23-16-4.

(c) The landowner or lessee and the ~~division~~Division may agree upon a combination of mitigation measures to be used pursuant to Subsections (4)(a)(i) through (4)(a)(v), and a payment of damage pursuant to Section 23-16-4.

(d) The agreement pursuant to Subsection (4)(c) must be made before a claim for damage is filed and the mitigation measures are taken.

(5) Vouchers may be issued in accordance with Subsection (4)(a)(v) to:

(a) the landowner or lessee; or

(b) a landowner association that:

(i) applies in writing to the ~~division~~Division;

(ii) provides a map of the association lands;

(iii) provides signatures of the landowners in the association; and

(iv) designates an association representative to act as liaison with the

~~division~~Division.

(6) In determining appropriate mitigation, the ~~division~~Division shall consider the landowner's or lessee's revenue pursuant to Subsections 23-16-3(2)(f) and 23-16-4(3)(b).

(7) Mitigation permits or vouchers may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or are otherwise ineligible to receive a permit.

(8)(a) The options provided in Subsections (4)(a)(i) through (4)(a)(v) are for antlerless animals only.

(b) Deer and pronghorn hunts may be August 1 through December 31, and elk hunts may be August 1 through January 31.

(9)(a) The ~~division~~Division director may approve mitigation permits or mitigation permit vouchers issued for antlered animals.

(b) A mitigation permit may be issued to the landowner or lessee to take big game for personal use, provided the ~~division~~Division and the landowner or ~~lessee~~ ~~desire~~lessee desires the animals to be permanently removed.

(c) A mitigation permit voucher may be issued to the landowner or lessee, provided:

(i) the ~~division~~Division has determined that the big game animals in the geographic area significantly contribute to the wildlife management units;

(ii) the landowner or lessee agrees to perpetuate the animals on their land; and

(iii) the damage, or expected damage, to the cultivated crop is comparable with the expected value of the mitigation permit voucher on that private land within the wildlife unit.

(10)(a) If the landowner or lessee and the ~~division~~Division are unable to agree on the assessed damage, they shall designate a third party pursuant to Subsection 23-16-4(3)(d).

(b) Additional compensation shall be paid above the value of any mitigation permits or vouchers granted to the landowner or lessee if the damage exceeds the value of the mitigation permits or vouchers.

(11)(a) The landowner or lessee may revoke approval of the mitigation plan agreed to pursuant to Subsection (4)(c).

(b) If the landowner or lessee revokes the mitigation plan, the landowner or lessee must request that the ~~division~~Division take action pursuant to Section 23-16-3(1)(a).

(c) Any subsequent request for action shall start a new 72-hour time limit as specified in Section 23-16-3(2)(a).

(12) The expiration of the damage incident period does not preclude the landowner or lessee from making future claims.

(13) The ~~division~~Division may enter into a conservation lease with the landowner or lessee of private land pursuant to Section 23-16-3(5).

R657-44-4. Landowner or Lessee Authorized to Kill Big Game Animals.

(1) The landowner or lessee is authorized to kill big game animals damaging cultivated crops on cleared and planted land pursuant to Section 23-16-3.1.

(2) The expiration of the damage incident period does not preclude the landowner or lessee from making future claims.

R657-44-5. Compensation for Damage to Crops, Fences, or Irrigation Equipment on Private Land.

(1) The ~~division~~Division may provide compensation to landowners or lessees for damage to cultivated crops on cleared and planted land, or fences or irrigation equipment on private land caused by big game animals pursuant to Section 23-16-4.

(2) For purposes of compensation, all depredation incidents end on June 30 annually, but may be reinstated July 1.

R657-44-6. Damage to Livestock Forage on Private Land.

(1)(a) If big game animals are damaging livestock forage on private land, the landowner or lessee shall immediately, upon discovery of big game damage, request that the ~~division~~Division take action to alleviate the depredation problem pursuant to Section 23-16-3, and as provided in Subsections R657-44-3(1) through R657-44-3(4)(a)(v), and R657-44-3(5) and R657-44-3(8)(a).

(b) In determining appropriate mitigation, the ~~division~~Division shall consider the landowner's or lessee's revenue pursuant to Subsections 23-16-3(2)(f) and 23-16-4(3)(b).

(c) Damage to livestock forage is not eligible for monetary compensation from the ~~division~~Division.

(2)(a) Antlerless deer and doe pronghorn hunts may occur August 1 through December 31, and antlerless elk hunts may occur August 1 through January 31.

(b) Antlerless permits shall not exceed ten percent of the animals on the private land, with a maximum of twenty permits per landowner or lessee, except where the estimated population for the management unit is significantly over objective.

(c) Mitigation permits or vouchers may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or are otherwise ineligible to receive a permit.

(3) The ~~division~~Division may enter into a conservation lease with the landowner or lessee of private land pursuant to Subsection 23-16-3(5).

(4) Permits and vouchers for antlered animals using livestock forage on private land are issued only through the provisions provided in Rule R657-43.

R657-44-7. Depredation and Nuisance Hunts for Buck Deer, Bull Elk, Buck Pronghorn or Once-In-A Lifetime Species.

(1)(a) Buck deer, bull elk, ~~bull moose, bull bison, or~~ buck pronghorn or once-in-a-lifetime species depredation and nuisance hunts, that are not published in the ~~guidebooks~~proclamation of the Wildlife Board for taking big game, may be held.

(b) Buck deer, bull elk, ~~bull moose, bull bison, or~~ buck pronghorn or once-in-a-lifetime species depredation and nuisance hunts may be held when the buck deer, bull elk, ~~bull moose, bull bison, or~~ buck pronghorn or once-in-a-lifetime species are:

(i) causing damage to cultivated crops on cleared and planted land, or fences or irrigation equipment on private land;

(ii) a significant public safety hazard; or

~~(iii) causing a nuisance in urban areas~~(iii) determined to be nuisance.

(2) The depredation or nuisance hunts may occur on short notice, involve small areas, and be limited to only a few hunters.

(3) Pre-season depredation or nuisance hunters shall be selected using:

(a) hunters possessing an unfilled limited entry buck deer, bull elk, ~~or~~ buck pronghorn permit or once-in-a-lifetime species bull moose or bull bison permit for that limited entry or once-in-a-lifetime unit;

(b) hunters from the alternate drawing list for that limited entry ~~unit~~or once-in-a-lifetime unit; or

(c) general permittees for that unit through the depredation hunter pool pursuant to Section R657-44-9, provided the animals being hunted are determined by the appropriate regional ~~division~~Division representative, to not come from a limited entry or once-in-a-lifetime unit.

(4) Post-season depredation or nuisance hunters shall be selected using:

(a) hunters from the alternate drawing list for that limited entry or once-in-a-lifetime unit;

(b) hunters from the alternate drawing list from the nearest adjacent limited entry or once-in-a-lifetime unit; or

(c) general permittees for that unit through the depredation hunter pool pursuant to Section R657-44-9, provided the animals being hunted are determined by the appropriate regional ~~division~~Division representative, to not come from a limited entry or once-in-a-lifetime unit.

(5) A person may participate in the depredation hunter pool, for depredation or nuisance hunts pursuant to Subsections (3)(c) and (4)(c), as provided in Section R657-44-9.

(6)(a) Hunters who are selected for a limited entry buck deer, bull elk, ~~or~~ buck pronghorn or once-in-a-lifetime species bull moose or bull bison depredation or nuisance hunt must possess an unfilled, valid, limited entry buck deer, bull elk, ~~or~~ buck pronghorn or once-in-a-lifetime permit for the species to be hunted, or must purchase the appropriate ~~depredation~~ permit before participating in the depredation or nuisance hunt.

(b) Hunters who are selected for a general buck deer or bull elk depredation hunt must possess an unfilled, valid, general buck deer or bull elk permit, respectively.

(7) The buck deer, bull elk, ~~or~~ buck pronghorn, or once-in-a-lifetime bull moose species or bull bison harvested during a depredation or nuisance hunt must be checked with the ~~division~~ Division within 72 hours of the harvest.

(8) If a hunter is selected from the alternate drawing list for a depredation or nuisance hunt in a limited entry or once-in-a-lifetime unit and harvests a trophy animal or once-in-a-lifetime species, that person shall lose their bonus points and incur the appropriate waiting period as provided in Rule R657-5.

(9)(a) Hunters with depredation or nuisance hunt permits for buck deer, bull elk, ~~or~~ buck pronghorn, or once-in-a-lifetime species bull moose or bull bison may not possess any other permit for those species, except as provided in the ~~proclamation~~ guidebooks of the Wildlife Board for taking big game and Rule R657-5.

(b) A person may not take more than one buck deer, bull elk, ~~or~~ buck pronghorn, or once-in-a-lifetime species bull moose or bull bison in one calendar year.

R657-44-8. Depredation and Nuisance Hunts for Antlerless Deer, Elk, Moose or Doe Pronghorn, Cow Moose or Cow Bison.

(1) When deer, elk, ~~or~~ pronghorn, or moose or bison are causing damage to cultivated crops on cleared and planted land, or livestock forage, fences or irrigation equipment on private land, or are determined to be nuisance, antlerless, or doe hunts not listed in the Antlerless Guidebook proclamation of the Wildlife Board for taking big game may be held. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

(2) Depredation or nuisance hunters shall be selected using:

(a) hunters possessing an antlerless deer, elk, ~~or~~ moose or doe pronghorn, ~~cow moose or cow bison~~ permit for that unit;

(b) hunters from the alternate drawing list for that unit; or

(c) the depredation hunter pool pursuant to Section R657-44-9.

(3) The ~~division~~ Division may contact hunters to participate in a depredation or nuisance hunt prior to the general or limited entry hunt for a given species of big game. Hunters who do not possess an antlerless deer, elk, moose or ~~or~~ doe pronghorn, ~~cow moose or cow bison~~ permit ~~shall~~ may purchase an appropriate permit.

(4) Hunters with depredation or nuisance hunt permits for antlerless deer, elk, moose, or ~~or~~ doe pronghorn, ~~cow moose or cow bison~~ may not possess any other permit for those species, except as provided in the ~~proclamation~~ guidebooks of the Wildlife Board for taking big game and Rule R657-5.

R657-44-9. Depredation Hunter Pool.

(1) When deer, elk, ~~or~~ pronghorn, or once-in-a-lifetime species moose or bison are causing damage or are determined to be nuisance, hunts not listed in the ~~proclamation guidebooks~~ of the Wildlife Board for taking big game may be held. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

(2) Hunters shall be selected pursuant to Subsections R657-44-7(3), R657-44-7(4), and R657-44-8(2).

(3) A hunter pool application does not affect eligibility to apply for any other big game permit. However, hunters who participate in any deer, elk, ~~or~~ pronghorn, or once-in-a-lifetime species moose or bison depredation or nuisance hunt may not possess an additional permit for that species during the same year, except as provided in Rule R657-5 and the ~~proclamation guidebooks~~ of the Wildlife Board for taking big game.

(4) A person who has obtained a once-in-a-lifetime species depredation or nuisance moose or bison hunt permit and has successfully harvested an animal may not obtain any other once-in-a-lifetime moose or bison permit or hunt during any other once-in-a-lifetime moose or bison hunt for that species as provided in R657-5, except for cow moose where a two year waiting period will be imposed.

~~(45) The Division shall develop a process by which hunters can apply to the depredation hunter pool and post that process on the Division website. Applications must be sent to the appropriate regional division office for the area requested.~~

~~(5)(a) Applications must be received by the date published in the proclamation of the Wildlife Board for taking big game.~~

~~(b) Applications received after the date published in the proclamation of the Wildlife Board for taking big game may be used if adequate numbers of applicants are not available to satisfy depredation situations.~~

(6) Hunters who have not obtained the appropriate deer, elk, ~~or~~ pronghorn, or once-in-a-lifetime moose or bison species on permit may shall purchase an appropriate permit.

R657-44-10. Appeal Procedures.

(1) Upon the petition of an aggrieved party to a final ~~division~~ Division action relative to big game depredation and this rule, a qualified hearing examiner shall take evidence and make recommendations to the Wildlife Board, who shall resolve the grievance in accordance with Rule R657-2.

R657-44-11. Hunting or Combination License Required.

(1) A person must possess or obtain a Utah hunting or combination license to receive a big game mitigation permit or depredation permit pursuant to this rule.

(a) a hunting or combination license must be possessed or purchased by the person redeeming a mitigation permit voucher for the corresponding permit.

(b) under circumstances where the ~~division~~ Division issues a depredation permit, the designated recipient must possess or purchase a Utah hunting or combination license to receive the permit.

KEY: wildlife, big game, depredation

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