

RAC AGENDA – MAY 2012



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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 | |
| 4. | Regional Update
- DWR Regional Supervisor | INFORMATIONAL |
| 5. | Conservation Permit Rule Amendments R657-41
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 6. | Collection, Importation and Possession Rule Amendments R657-03
- Paul Birdsey, Sport Fisheries Program Chief | ACTION |
| 7. | Division Variance Rule Amendments R657-57
- Greg Sheehan, Administrative Services Section Chief | ACTION |
| 8. | Deer Management Plans
- Regional Wildlife Program Manager | ACTION |
| 9. | Elk Management Plans
- Regional Wildlife Program Manager | ACTION |

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

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|--------|--|---------------|
| SER-1. | Cold Springs & Lower San Rafeal WMA Plans – Southeastern Region
-Makeda Hansen, Habitat Biologist | ACTION |
| SER-2. | Watershed Restoration Initiative projects presentation – Southeastern Region
- Chris Wood, Habitat Program Manager | ACTION |
| SER-3. | Ferron Creek Introduction – Southeastern Region
- Justin Hart, Wildlife Biologist | ACTION |
| NR-1. | Hardware Ranch Management Plan – Northern Region
- Dan Christensen, Hardware Ranch Program Manager | ACTION |

Meeting Locations

- | | | | |
|------------------|---|------------------------|--|
| SR RAC – | May 8th 7:00 PM
Richfield High School
510 W. 100 S, Richfield | CR RAC – | May 15th 6:30 PM
Springville Public Library
45 S. Main Street, Springville |
| SER RAC – | May 9th 6:30 PM
John Wesley Powell Museum
1765 E Main St., Green River | NR RAC – | May 16th 6:00 PM
Brigham City Community Center
24 N. 300 W. , Brigham City |
| NER RAC – | May 10th 6:30 PM
Bingham Entrepreneurship & Energy
320 N. 2000 W., Vernal | Board Meeting – | June 6th 9:00 AM
DNR, Boardroom
1594 W. North Temple, SLC |



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

MEMORANDUM

Date: April 26, 2012

To: Utah Wildlife Board / Regional Advisory Council Members

From: Kevin Bunnell, Wildlife Section Chief

SUBJECT: Conservation and Sportsman Permit Rule (R657-41)

After meeting with the organizations involved in the Conservation Permit Program the Division is recommending the following changes to the Conservation and Sportsman Permit rule (R657-41):

1. Allow the conservation turkey permit holders to hunt statewide during the general season (over-the-counter) turkey hunt.
2. Define that the potential number of multi-year conservation permits is calculated based on the number of public permits issued the year prior to permits being awarded.
3. Include tables that define the potential number of multi-year conservation permits available based on the number of public permits available. For example:

11-30 public permits = 1 conservation permit, 31-50 public permits = 2 conservation permits, 51-70 public permits = 3 conservation permits, 71-90 permits = 4 conservation permits, 91-110 public permits = 5 conservation permits, 111-130 = 6 conservation permits, 131-150 public permits = 7 conservation permits and >150 public permits = 8 conservation permits.
4. Include an option / mechanism for reducing the number of conservation permits for once-in-a-lifetime species if the number of public permits declines during the time period for which multi-year permits were awarded.
5. Change the timing when funds are transferred to the Division from conservation organizations for projects that they have committed to funding. Currently the Division invoices the organizations after projects are completed, we are recommending that funds be transferred to the Division within 90-days of being committed to simplify accounting.



R657. Natural Resources, Wildlife Resources.

R657-41. Conservation and Sportsman Permits.

R657-41-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for sale at an auction, or for use as an aid to wildlife related fund raising activities; and

(b) sportsman permits.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and R657-41-9(5)(b) for the benefit of the species for which the permit is issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

R657-41-2. Definitions.

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

(2) In addition:

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a conservation permit species, and may include an extended season, or legal weapon choice, or both, beyond the season except area turkey permits are valid during any season option and are valid in any open area during general season hunt.

(i) Area Conservation permits issued for limited entry units are not valid on cooperative wildlife management units.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting wildlife conservation and has established tax exempt status under Internal Revenue Code, Section 501C-3 as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1.

(d) "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, Rocky Mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, cougar, and black bear.

(e) "Multi-Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-7 for three consecutive years to sell, market or otherwise use as an aid in wildlife related fund raising activities.

(f) "Retained Revenue" means 60% of the revenue raised by a conservation organizations from the sale of conservation permits that the organization retains for eligible projects, excluding interest earned thereon.

(g) "Special Antelope Island State Park Conservation Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park.

(h) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection (j), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(i) "Single Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-6 for one year to sell, market or otherwise use as an aid in wildlife related fund raising activities.

(j) "Statewide Conservation Permit" means a permit issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game proclamation for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through November 15 and deer and elk from September 1 through January 15;

(ii) two turkeys on any open unit from April 1 through May 31;

(iii) bear on any open unit during the season authorized by the Wildlife Board for that unit;

(iv) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective; and

(v) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit, except for the Special Antelope Island State Park Conservation Permit.

R657-41-3. Determining the Number of Conservation and Sportsman Permits.

(1) The number of conservation permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, and distribution to protect the long-term health of the population;

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) the potential revenue that will support protection and enhancement of the species.

(2) One statewide conservation permit may be authorized for each conservation permit species.

(3) A limited number of area conservation permits may be authorized as follows:

(a) ~~a maximum of~~ 10% of the total permits or eight permits, whichever is less, assigned to a hunt area or combination of hunt areas, for Rocky Mountain bighorn sheep and desert bighorn sheep;

(i) the potential number of multi-year and single year permits available for Rocky Mountain bighorn sheep and desert bighorn sheep will be calculated based on the number permits issued the year prior to the permits being awarded using the following rule:

(A) 5-14 public permits = 1 conservation permit, 15-24 public permits = 2 conservation permits, 25-34 public permits = 3 conservation permits, 35-44 permits = 4 conservation permits, 45-54 public permits = 5 conservation permits, 55-64 = 6 conservation permits, 65-74 public permits = 7 conservation permits and >75 public permits = 8 conservation permits.

(b) [~~b) a maximum of~~] 5% of the permits or eight permits, whichever is less, for any unit or hunt area for the remaining conservation permit species.

(~~4~~) The j) the potential number of multi-year and single year permits available for the remaining conservation permit species will be calculated based on the number permits issued the year prior to the permits being awarded using the following rule:

(A) 11-30 public permits = 1 conservation permit, 31-50 public permits = 2 conservation permits, 51-70 public permits = 3 conservation permits, 71-90 permits = 4 conservation permits, 91-110 public permits = 5 conservation permits, 111-130 = 6 conservation permits, 131-150 public permits = 7 conservation permits and >150 public permits = 8 conservation permits.

(4) The number of conservation permits may be reduced for once-in-a-lifetime conservation permit species (moose, bison, Rocky Mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep) if the number of public permits declines during the time period or which multi-year permits were awarded.

(5) The actual number of conservation and sportsman permits available for use will be determined by the Wildlife Board.

(~~5~~)6 Area conservation permits shall be deducted from the number of public drawing permits.

(~~6~~)7 One sportsman permit shall be authorized for each statewide conservation permit authorized.

(~~7~~)8 All area conservation permits are eligible as multi-year permits except that the division may designate some area conservation permits as single year permits based on the applications received for single year permits.

(~~8~~)9 All statewide permits will be multi-year permits except for a second statewide permit issued for a special event.

R657-41-4. Eligibility for Conservation Permits.

(1) Statewide and area conservation permits may be awarded to eligible conservation organizations to market and sell, or to use as an aid in wildlife related fund raising activities.

(2) To be eligible for multi-year conservation permits, a conservation organization must have generated in conservation permit sales during the previous three year period at least one percent of the total revenue generated by all conservation organizations in conservation permit sales during the same period. Conservation organizations eligible for multi-year permits may not apply for single year permits, and conservation organizations ineligible for multi-year permits may only apply for single year permits.

(3) Conservation organizations applying for single year permits may not:

(a) bid for or obtain conservation permits if any employee, officer, or board of director member of the conservation organization is an employee, officer, or board of director member of any other conservation organization that is submitting a bid for single year conservation permits; or

(b) enter into any pre-bidding discussions, understandings or agreements with any other conservation organization submitting a bid for conservation permits regarding:

(i) which permits will be sought by a bidder;

(ii) what amounts will be bid for any permits; or

(iii) trading, exchanging, or transferring any permits after permits are awarded.

R657-41-5. Applying for Conservation Permits.

(1)(a) Conservation organizations may apply for conservation permits by sending an application to the division.

(b) Only one application per conservation organization may be submitted. Multiple chapters of the same conservation organization may not apply individually.

(c) Conservation organizations may apply for single year conservation permits or multi-year conservation permits. They may not apply for both types of conservation permits.

(2) The application must be submitted to the division by September 1 to be considered for the following year's conservation permits. Each application must include:

(a) the name, address and telephone number of the conservation organization;

(b) a copy of the conservation organization's mission statement;

(c) verification of the conservation organization's tax exempt status under Internal Revenue Code, Section 501C-3 as amended; and

(d) the name of the president or other individual responsible for the administrative operations of the conservation organization;

(3) If applying for single year conservation permits, a conservation organization must also include in its application:

(a) the proposed bid amount for each permit requested. The proposed bid amount is the revenue the organization anticipates to be raised from a permit through auction or other lawful fund raising activity.

(b) certification that there are no conflicts of interest or collusion in submitting bids as prohibited in R657-41-4(3);

(c) acknowledgement that the conservation organization recognizes that falsely certifying the absence of collusion may result in cancellation of permits, disqualification from bidding for five years or more, and the filing of criminal charges;

(d) evidence that the application and bid has been reviewed and approved by the board of directors of the bidding conservation.

(e) the type of permit, and the species for which the permit is requested; and

(f) any requested variances for an extended season or legal weapon choice for area conservation permits.

(4) An application that is incomplete or completed incorrectly may be rejected.

(5) The application of a conservation organization for conservation permits may be denied for:

- (a) failing to fully report on the preceding year's conservation permits;
- (b) violating any provision of this rule, Title 23 of the Utah Code, Title R657 of the Utah Administrative Code, a division proclamation, or an order of the Wildlife Board; or
- (c) violating any other law that bears a reasonable relationship to the applicant's ability to responsibly and lawfully handle conservation permits pursuant to this rule.

R657-41-6. Awarding Single Year Conservation Permits.

(1) The division shall recommend the conservation organization to receive each single year conservation permit based on:

- (a) the bid amount pledged to the species, adjusted by:
 - (i) the performance of the organization over the previous two years in meeting proposed bids;
 - (ii) 90% of the bid amount;
 - (iii) the organizations maintaining a minimum two-year average performance of 70% to be eligible for consideration of permits. Performance of the organization is the proportion of the total revenue generated from permit sales, divided by 90% of the bid amount for all permits, calculated annually and averaged for the last two years.
- (b) if two or more conservation organizations are tied using the criteria in Subsection (a), the closeness of the organization's purpose to the species of the permit; and
- (c) if two or more conservation organizations are tied using the criteria in Subsection (a) and (b), the geographic closeness of the organization to the location of the permit.

(2)(a) Between the time the division recommends that a conservation permit be awarded to a conservation organization and the time the Wildlife Board approves that recommendation, a conservation organization may withdraw its application for any given permit or exchange its application with another conservation organization without penalty, provided the bid amount upon which the permit application was evaluated is not changed.

(b) If a conservation organization withdraws its bid and the bid is awarded to another organization at a lower amount, then the difference between the two bids will be subtracted from the organization making the higher bid for purposes of evaluating organization performance.

(3) The Wildlife Board shall make the final assignment of conservation permits at a meeting prior to December 1 annually.

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

- (a) division recommendation;
- (b) benefit to the species;
- (c) historical contribution of the organization to the conservation of wildlife in Utah;
- (d) previous performance of the conservation organization; and

(e) overall viability and integrity of the conservation permit program.

(5) The total of all bids for permits awarded to any one organization shall not exceed \$20,000 the first year an organization receives permits.

(6) The number of permits awarded to any one organization shall not increase by more than 100% from the previous year.

(7) If the Wildlife Board authorizes a second statewide conservation permit for a species, the conservation organization receiving the permit must meet the division designated bid for that permit.

R657-41-7. Awarding Multi-Year Conservation Permits.

(1) Distribution of multi-year conservation permits will be based on a sequential selection process where each eligible conservation organization is assigned a position or positions in the selection order among the other participating organizations and awarded credits with which to purchase multi-year permits at an assigned value. The selection process and other associated details are as follows.

(2) Multi-year permits will be awarded to eligible conservation organizations for no more than three years.

(3) The division will determine the number of permits available as multi-year permits after subtracting the proposed number of single year permits.

(a) Season types for multi-year area conservation permits for elk on any given hunt unit will be designated and assigned in the following order:

- (i) first permit -- premium;
- (ii) second permit -- any-weapon;
- (iii) third permit -- any-weapon;
- (iv) fourth permit -- archery;
- (v) fifth permit -- muzzleloader;
- (vi) sixth permit -- premium;
- (vii) seventh permit -- any-weapon; and
- (viii) eighth permit -- any-weapon.

(b) Season types for multi-year area conservation permits for deer on any given hunt unit will be designated and assigned in the following order:

- (i) first permit -- hunter choice of season;
- (ii) second permit -- hunter choice of season;
- (iii) third permit -- muzzleloader;
- (iv) fourth permit -- archery;
- (v) fifth permit -- any-weapon;
- (vi) sixth permit -- any-weapon;
- (vii) seventh permit -- muzzleloader; and
- (viii) eighth permit -- archery.

(4) The division will assign a monetary value to each multi-year permit based on the average return for the permit during the previous three year period. If a history is not available, the value will be estimated.

(5) The division will determine the total annual value of all multi-year permits.

(6)(a) The division will calculate a market share for each eligible conservation organization applying for multi-year permits.

(b) Market share will be calculated and determined based on:

(i) the conservation organization's previous three years performance;

(ii) all conservation permits (single and multi-year) issued to a conservation organization except for special permits allocated by the Wildlife Board outside the normal allocation process.

(iii) the percent of conservation permit revenue raised by a conservation organization during the three year period relative to all conservation permit revenue raised during the same period by all conservation organizations applying for multi-year permits.

(7) The division will determine the credits available to spend by each group in the selection process based on their market share multiplied by the total annual value of all multi-year permits.

(8) The division will establish a selection order for the participating conservation organizations based on the relative value of each groups market share as follows:

(a) groups will be ordered based on their percent of market share;

(b) each selection position will cost a group 10% of the total market share except the last selection by a group will cost whatever percent a group has remaining;

(c) no group can have more than three positions in the selection order; and

(d) the selection order will be established as follows:

(i) the group with the highest market share will be assigned the first position and ten percent will be subtracted from their total market share;

(ii) the group with the highest remaining market share will be assigned the second position and ten percent will be subtracted from their market share; and

(iii) this procedure will continue until all groups have three positions or their market share is exhausted.

(9) At least two weeks prior to the multi-year permit selection meeting, the division will provide each conservation organization applying for multi-year permits the following items:

(a) a list of multi-year permits available with assigned value;

(b) documentation of the calculation of market share;

(c) credits available to each conservation group to use in the selection process;

(d) the selection order; and

(e) date, time and location of the selection meeting.

(10) Between the establishing of the selection order and the selection meeting, groups may trade or assign draw positions, but once the selection meeting begins draw order cannot be changed.

(11) At the selection meeting, conservation organizations will select permits from the available pool according to their respective positions in the selection order. For each permit selected, the value of that permit will be deducted from the conservation organization's available credits. The selection order will repeat itself until all available credits are used or all available permits are selected.

(12) Conservation organizations may continue to select a single permit each time their turn comes up in the selection order until all available credits are used or all available permits are selected.

(13) A conservation organization may not exceed its available credits except a group may select their last permit for up to 10% of the permit value above their remaining credits.

(14) Upon completion of the selection process, but prior to the Wildlife Board meeting where final assignment of permits are made, conservation organizations may trade or assign permits to other conservation organizations eligible to receive multi-year permits. The group receiving a permit retains the permit for the purposes of marketing and determination of market share for the entire multi-year period.

(15) Variances for an extended season or legal weapon choice may be obtained only on area conservation permits and must be presented to the Wildlife Board prior to the final assignment of the permit to the conservation organization.

(16) Conservation organizations may not trade or transfer multi-year permits to other organizations once assigned by the Wildlife Board.

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

(18) If a conservation organization is unable to complete the terms of marketing the assigned permits, the permits will be returned to the regular public drawing process for the duration of the multi-year allocation period.

R657-41-8. Distributing Conservation Permits.

(1) The division and conservation organization receiving permits shall enter into a contract.

(2)(a) The conservation organization receiving permits must insure that the permits are marketed and distributed by lawful means. Conservation permits may not be distributed in a raffle except where the following conditions are met:

(i) the conservation organization obtains and provides the division with a written opinion from a licensed attorney or a written confirmation by the local district or county attorney that the raffle scheme is in compliance with state and local gambling laws;

(ii) except as otherwise provided in R657-41-8(5), the conservation organization does not repurchase, directly or indirectly, the right to any permit it distributes through the raffle;

(iii) the conservation organization prominently discloses in any advertisement for the raffle and at the location of the raffle that no purchase is necessary to participate; and

(iv) the conservation organization provides the division with a full accounting of any funds raised in the conservation permit raffle, and otherwise accounts for and handles the funds consistent with the requirement in Utah Admin. Code R657-41-9.

(3) The conservation organization must:

(i) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and

(ii) notify the division of the proposed permit recipient within 30 days of the recipient selection or the permit may be forfeited.

(4) If a person is selected by a qualified organization to receive a conservation permit and is also successful in obtaining a permit for the same species in the same year through the a division drawing, that person may designate another person to receive the conservation permit, provided the conservation permit has not been issued by the division to the first selected person.

(5) If a person is selected by a qualified organization to receive a conservation permit, but is unable to use the permit, the conservation organization may designate another person to receive the permit provided:

(a) the conservation organization selects the new recipient of the permit;

(b) the amount of money received by the division for the permit is not decreased;

(c) the conservation organization relinquishes to the division and otherwise uses all proceeds generated from the re-designated permit, pursuant to the requirements provided in Section R657-41-9;

(d) the conservation organization and the initial designated recipient of the permit, sign an affidavit indicating the initial designated recipient is not profiting from transferring the right to the permit; and

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

(6) Except as otherwise provided under Subsections (4) and (5), a person designated by a conservation organization as a recipient of a conservation permit, may not sell or transfer the rights to that designation to any other person. This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.

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

(a) elk, provided no more than two permits are obtained where one or both are antlerless permits; and

(b) turkey.

(8) the person designated on a conservation permit voucher must possess or obtain a current Utah hunting or combination license to redeem the voucher for the corresponding conservation permit.

R657-41-9. Conservation Permit Funds and Reporting.

(1) All permits must be marketed by September 1, annually.

(2) Within 30 days of the last event, but no later than September 1 annually, the conservation organization must submit to the division:

(a) a final report on the distribution of permits;

(b) the total funds raised on each permit;

(c) the funds due to the division; and

(d) a report on the status of each project funded in whole or in part with retained conservation permit revenue.

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

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in Subsection (5)(a).

(4)(a) Conservation organizations shall remit to the division by September 1 of each year 30% of the total revenue generated by conservation permit sales in that year.

(b) The permit revenue payable to the division under Subsection (4)(a), excluding accrued interest, is the property of the division and may not be used by conservation organizations for projects or any other purpose.

(c) The permit revenue must be placed in a federally insured account promptly upon receipt and remain in the account until remitted to the division on or before September 1 of each year.

(d) The permit revenue payable to the division under this subsection shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the permit revenue is not lost.

(e) Failure to remit 30% of the total permit revenue to the Division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code, and may further disqualify the conservation organization from obtaining any future conservation permits.

(5) A conservation organization may retain 70% of the revenue generated from the sale of conservation permits as follows:

(a) 10% of the revenue may be withheld and used by the conservation organization for administrative expenses.

(b) 60% of the revenue may be retained and used by the conservation organization only for eligible projects as provided in subsections (i) through (ix).

(i) eligible projects include habitat improvement, habitat acquisition, transplants, targeted education efforts and other projects providing a substantial benefit to species of wildlife for which conservation permits are issued.

(ii) retained revenue shall not be committed to or expended on any eligible project without first obtaining the division director's written concurrence.

(iii) retained revenue shall not be used on any project that does not provide a substantial and direct benefit to conservation permit species located in Utah.

(iv) cash donations to the Wildlife Habitat Account created under Section 23-19-43, Division Species Enhancement Funds, or the Conservation Permit Fund shall be considered an eligible project and do not require the division director's approval, provided the donation is made with instructions that it be used for species of wildlife for which conservation permits are issued.

~~(v)~~

(v) funds committed to approved projects will be transferred to the division within 90 days of being committed

(A) if the project to which funds are committed is completed under the projected budget or is canceled, funds committed to the project that are not used will be kept by the division and credited back to the conservation organization and will be made

available for the group to use on other approved projects during the current or subsequent year.

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

~~(vii)~~ retained revenue under this subsection must be placed in a federally insured account. All interest revenue earned thereon may be retained and used by the conservation organization for administrative expenses.

~~(viii)~~ retained revenue shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the retained revenue is not lost.

~~(ix)~~ retained revenue must be completely expended on or committed to approved eligible projects by September 1, two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to commit or expend the retained revenue by the September 1 deadline will disqualify the conservation organization from obtaining any future conservation permits until the unspent retained revenue is committed to an approved eligible project.

~~(x)~~ all records and receipts for projects under this subsection must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(6)(a) Conservation organizations accepting permits shall be subject to annual audits on project expenditures and conservation permit accounts.

(b) The division shall perform annual audits on project expenditures and conservation permit accounts.

R657-41-10. Obtaining Sportsman Permits.

(1) One sportsman permit is offered to residents through a drawing for each of the following species:

- (a) desert bighorn (ram);
- (b) bison (hunter's choice);
- (c) buck deer;
- (d) bull elk;
- (e) Rocky Mountain bighorn (ram)
- (f) Rocky Mountain goat (hunter's choice)
- (g) bull moose;
- (h) buck pronghorn;
- (i) black bear;
- (j) cougar; and
- (k) wild turkey.

(2) The following information on sportsman permits is provided in the proclamations of the Wildlife Board for taking protected wildlife:

- (a) hunt dates;
- (b) open units or hunt areas;

- (c) application procedures;
 - (d) fees; and
 - (e) deadlines.
- (3) a person must possess or obtain a current Utah hunting or combination license to apply for or obtain a sportsman permit.

R657-41-11. Using a Conservation or Sportsman Permit.

- (1)(a) A conservation or sportsman permit allows the recipient to take only one individual of the species for which the permit is issued, except a statewide turkey conservation or sportsman permit allows the holder to take two turkeys.
- (b) The species that may be taken shall be printed on the permit.
 - (c) The species may be taken in the area and during the season specified on the permit.
 - (d) The species may be taken only with the weapon specified on the permit.
- (2) The recipient of a conservation or sportsman permit is subject to all of the provisions of Title 23, Wildlife Resources Code, and the rules and proclamations of the Wildlife Board for taking and pursuing wildlife.
- (3) Bonus points shall not be awarded or utilized:
- (a) when applying for conservation or sportsman permits; or
 - (b) in obtaining conservation or sportsman permits.
- (4) Any person who has obtained a conservation or sportsman permit is subject to all waiting periods as provided in Rules R657-~~5, R657-6, R657-10 and R657-33.~~[62](#)

R657-41-12. Special Antelope Island State Park Conservation Permit.

- (1) If the Wildlife Board authorizes a hunt for bighorn sheep or mule deer on Antelope Island State Park, one permit for each species will be made available as a Special Antelope Island State Park Conservation Permit.
- (2) Special Antelope Island State Park Conservation Permits will be issued for one year.
- (3) Special Antelope Island State Park Conservation Permits will be issued under this section and will not be limited by the requirements of R657-41-3 through R657-41-8.
- (4) Special Antelope Island State Park Conservation Permits will be provided to the conservation group awarded the wildlife convention permit series as provided in R657-55 for marketing at the wildlife convention where the wildlife convention permits are awarded.
- (5) The division and conservation organization receiving Special Antelope Island State Park Conservation Permits shall enter into a contract
- (6) The conservation organization receiving Special Antelope Island State Park Conservation Permits must insure that the permits are marketed and distributed by lawful means.
- (7) The conservation organization must:

(a) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and

(b) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited.

(8) If a person is selected by a qualified organization to receive a Special Antelope Island State Park Conservation Permit and is also successful in obtaining a permit for the same species in the same year through a division drawing, that person may designate another person to receive the Special Antelope Island State Park Conservation Permit, provided the permit has not been issued by the division to the first selected person.

(9) If a person is selected by a qualified organization to receive a Special Antelope Island State Park Conservation Permit, but is unable to use the permit, the conservation organization may designate another person to receive the permit provided:

(a) the conservation organization selects the new recipient of the permit;

(b) the amount of money received by the division for the permit is not decreased;

(c) the conservation organization relinquishes to the division and otherwise uses all proceeds generated from the re-designated permit, pursuant to the requirements provided below:

(i) the conservation organization and the initial designated recipient of the permit, sign an affidavit indicating the initial designated recipient is not profiting from transferring the right to the permit; and

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

(10) Except as otherwise provided under Subsections (8) and (9), a person designated by a conservation organization as a recipient of a Special Antelope Island State Park Conservation Permit, may not sell or transfer the rights to that designation to any other person. This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.

(11) A person cannot obtain a Special Antelope Island State Park Conservation Permit for a bighorn sheep or mule deer and any other permit for a male animal of the same species in the same year.

(12) The person designated to receive a Special Antelope Island State Park Conservation Permit must possess or obtain a current Utah hunting or combination license before being issued the permit.

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

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

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

(c) the funds due to the division.

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

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in R657-41-9(5)(a).

(15)(a) Conservation organizations shall remit to the division 90% of the total revenue generated by the Special Antelope Island State Park Conservation Permit sales in that year.

(b) Failure to remit 90% of the total permit revenue to the division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code.

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

(17) Upon receipt of the permit revenue from the conservation organization, the division will transfer the revenue in its entirety to the Division of Parks and Recreation as provided in a cooperative agreement between the two divisions.

R657-41-13. Failure to Comply.

Any conservation organization administratively or criminally found in violation of this rule or the Wildlife Resources Code may be suspended from participation in the conservation permit program and required to surrender all conservation permit vouchers.

KEY: wildlife, wildlife permits

Date of enactment or last Substantive Change: August 9, 2010

Notice of Continuation: November 1, 2010

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



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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

April 24, 2012

TO: Regional Wildlife Advisory Councils
FROM: Paul Birdsey
Sport Fisheries Program 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 a definition of “Ornamental aquatic animal species”
- Add a definition of “Domestic” and exclude domestic cats, dogs and swine
- 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 Black-billed Magpies, 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 Animals.

R657-3-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, [propagation](#), and possession of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46, R657-52 through R657-54, and R657-~~58.~~ [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]~~ 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 or donkey (Equus asinus);

(3) ~~[Bison]~~ [American bison](#), privately owned (Bos bison);

(4) Camel (Camelus bactrianus and Camelus dromedarius);

(5) Cassowary (~~[all]~~ [All](#) species) (Casuarius);

(6) Cat ~~domestic~~, including ~~[any domestic breed]~~ [breeds that are](#) recognized by

The International Cat Association [as Preliminary New, Advanced New, Non-championship, and Championship Breeds](#) (Felis catus);

- (7) Cattle (Bos taurus [taurus](#));
- (8) Chicken (Gallus gallus);
- (9) Chinchilla (Chinchilla laniger);
- (10) Dog [~~and dog~~ [domestic, including](#) hybrids [between wild and domestic species and subspecies](#) (Canis familiaris);
- (11) Ducks distinguishable morphologically from wild birds (Anatidae);
- (12) Elk, privately owned (Cervus elaphus canadensis);
- (13) Emu (Dromaius novaehollandiae);
- (14) Ferret or polecat, European (Mustela putorius);
- (15) Fowl (guinea) (Numida meleagris);
- (16) Fox, privately owned, [~~ranch-~~ [domestically bred and](#) 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 (~~[all]~~ [All](#) species) (Mesocricetus spp.);
- (21) Hedgehog (white bellied)(Erinaceidae atelerix albiventris)
- (22) Horse (Equus caballus);
- (23) Llama (Lama glama);
- (24) [American](#) Mink, privately owned, ranch-raised (~~[Mustela]~~ [Neovison](#) vison);
- (25) Mouse, house (Mus musculus);
- (26) Mule and hinny (hybrids of Equus caballus and Equus asinus);
- (27) Ostrich (Struthio camelus);
- (28) Peafowl (Pavo cristatus);
- (29) Pig, guinea (Cavia porcellus);
- (30) Pigeon (Columba livia);
- (31) Rabbit, European (Oryctolagus cuniculus);
- (32) Rats, Norway and Black (Rattus norvegicus and Rattus rattus);
- (33) Rhea (Rhea americana);
- (34) Sheep (Ovis aries);
- (35) Sugar glider (Petaurus breviceps);
- (36) Swine, [domestic](#) (Sus scrofa [domesticus](#));
- (37) 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;
- (38) Water buffalo (Bubalis arnee);
- (39) Yak (Bos mutus); and
- (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:

- (a) protect the health, welfare, and safety of the public;

(b) protect the health, welfare, safety, and genetic integrity of wildlife, including environmental and ecological impacts; and

(c) protect the health, welfare, safety, and genetic integrity of domestic livestock, poultry, and other animals.

(2) The division is responsible for:

(a) issuing certificates of registration for the collection, possession, importation, and transportation of animals;

(b) maintaining the integrity of wild and free-ranging protected wildlife;

(c) determining the species of ~~aquatic~~ animals that may be imported, possessed, and transported within the state;

(d) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in public aquaculture facilities;

(e) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from public aquaculture facilities and private ponds to aquatic wildlife, other animals, and humans; ~~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;

(h) preventing the spread of disease-causing pathogens from terrestrial animals to other terrestrial animals transferred from one site to another; and

(i) enforcing laws and rules made by the Wildlife Board governing the collection, importation, transportation, and possession of animals.

(3)(a) The Utah Department of Agriculture and Food is responsible for eliminating, reducing, and preventing the spread of diseases among livestock, fish, poultry, wildlife, and other animals by providing standards for:

(i) the importation of livestock, fish, poultry, and other animals, including wildlife, as provided in Section R58-1-4;

(ii) the control of predators and depredating animals as provided in Title 4, Chapter 23, Agriculture and Wildlife Damage Prevention Act;

(iii) enforcing laws and rules made by the Wildlife Board governing species of ~~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) In addition to the authority and responsibilities listed in Subsection (3)(a) and (b), the Department of Agriculture and Food may make recommendations to the division

concerning the collection, importation, transportation, and possession of animals if a disease is suspected of endangering livestock, fish, poultry, or other domestic animals.

(4) The Utah Department of Health is responsible for promoting and protecting public health and welfare and may make recommendations to the division concerning the collection, importation, transportation, and possession of animals if a disease or animal is suspected of endangering public health or welfare.

R657-3-4. Definitions.

(1) Terms used ~~in~~ for purposes of this rule are defined in Section 23-13-2 ~~of Utah Code~~ and Subsection (2) through Subsection (29).

(2)(a) "Animal" means:

(i) native, naturalized, and nonnative animals belonging to a species ~~of animals, occurring~~ 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 ~~animals;~~ animal; including hybrids between wild and domestic species or subspecies and

(iii) viable embryos or gametes (eggs or sperm) of any native, naturalized, or nonnative species or subspecies of animals.

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

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

(4)(a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.

(b) Structures that are separated by more than ½ mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.

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

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

(7) "Certificate of registration" means an official document issued by the division authorizing the collection, importation, transportation, and possession of an animal or animals. A certificate of registration number may be issued in order to obtain an entry permit number and the entry permit number must in turn be provided to the division before final approval and issuance of the certificate of registration.

(8) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of animals, as provided in Rule R58-1.

(~~8~~)9 "CFR" means the Code of Federal Regulations.

(~~9~~)10 "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(a) Appendix I of CITES protects threatened species from all international commercial trade; and

(b) Appendix II of CITES regulates trade in species not threatened with extinction, but which may become threatened if trade goes unregulated.

(c) CITES appendices are published periodically by the CITES Secretariat and may be viewed at www.cites.org, which is incorporated herein by reference.

([40]11) "Collect" means to take, catch, capture, salvage, or kill any animal within Utah.

([44]12) "Commercial use" means any activity through which a person in possession of an animal:

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

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

([42]13) "Controlled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

([43]14) "Domestic" means an animal that belongs to a species which is notably different from its wild ancestors through generations of selective breeding and taming in captivity by humans for food, commodities, transportation, assistance, work, protection, companionship, display, and other beneficial purposes.

_____(15) "Educational use" means the possession and use of an animal for conducting educational activities concerning wildlife.

([44]16) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection. The entry permit number must be written on the certificate of veterinary inspection before the importation of the animal. This number must be provided to the division prior to final approval and issuance of a certificate of registration. The entry permit is valid only for 30 days after its issuance.

([45]17) "Export" means to move or cause to move any animal from Utah by any means.

([46]18) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage.

([47]19) "Import" means to bring or cause an animal to be brought into Utah by any means.

([48]20) "Native species" means any species or subspecies of animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

([49]21) "Naturalized species" means any species or subspecies of animal that is not native to Utah but has established a wild, self-sustaining population in Utah.

([20]22) "Noncontrolled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity[;] poses no detrimental

impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

(~~[21]~~[23]) (a) "Nonnative species" means a species or subspecies of animal that is not native to Utah.

(b) "Nonnative species" does not include domestic animals or naturalized species of animals.

~~([22]) (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, but not limited to, tropical fish, goldfish, and koi.~~ [24] (a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display.

(b) ~~["]"Ornamental [~~fish" does not include any~~]~~ aquatic animal species" does not include:

(i) fresh water:

(A) sport fish – aquatic animal species commonly angled or harvested for recreation or sport;

(B) baitfish – aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;

(C) food fish – aquatic animal species commonly cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animal species prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animal species listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.

(~~[23]~~[25]) "Personal use" means the possession and use of an animal for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, hunting or any other use.

(~~[24]~~[26]) "Possession" means to physically retain or to exercise dominion or control over a animal.

(~~[25]~~[27]) "Prohibited species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with ~~[Sections R657-3-20(1)(b) or R657-3-36.]~~ this rule and any applicable federal laws.

(~~[26]~~[28]) "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.

(~~[27]~~[29]) "Resident Canada Goose" means Canada geese that nest within ~~[the lower 48 states]~~ Utah in urban environments during the months of March, April, May or June.

(~~[28]~~[30]) "Scientific use" means the possession and use of an animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.

(~~29~~31) "Transport" means to move or cause to move any animal within Utah by any means.

(~~30~~32) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

R657-3-5. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, possession, and ~~propagation~~propagation of the authorized animal and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Utah Governmental Immunity Act, the division, Department of Agriculture and Food, and Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing animals.

R657-3-6. Animal Welfare.

(1) Any animal held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including the humane handling, care, confinement, transportation, and feeding, as provided in:

(a) 9 CFR 3, Subpart F, 2002 ed., which is adopted and incorporated by reference;

(b) Section 76-9-301; and

(c) Section 7 CFR 2.17, 2.51, and 371.2(g), 2002, ed., which are incorporated by reference.

(2) A person commits cruelty to animals under this section if that person intentionally, knowingly, or with criminal negligence, as defined in Section 76-2-103:

(a) tortures or seriously overworks an animal; or

(b) fails to provide necessary food, care, or shelter for any animal in that person's custody.

(3) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any animal.

R657-3-7. Take of Nuisance Birds, ~~Porcupine, Striped Skunk,~~ and ~~Squirrel~~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]~~ Black-billed Magpies, 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)~~ (ii) none of the birds killed pursuant to this section, nor their plumage, are sold or offered for sale; and

~~(iii)~~ (iii) any person killing [~~American Crows or Black-billed Magpies~~] 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~~] 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~~] 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~~] 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) Black-Billed Magpies, 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)~~ (e) This subsection incorporates Section 50 CFR 21.41, 21.42 and 21.43, 2007, ed., by reference.

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

~~[(b) A nuisance American porcupine, striped skunk, or Red 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 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 animal, including fish, without first obtaining authorization from the division.

(b) A violation of this section is punishable under Section 23-13-14.

(2) The division may seize or dispose of any illegally held animal.

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

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

R657-3-10. Inspection of Animals, Facilities and Documentation.

(1) A conservation officer or any other peace officer may require any person engaged in activities ~~[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 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.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any species of animal or its parts classified as prohibited or controlled, except as otherwise provided ~~[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, possess, or propagate any species or subspecies of animal classified as noncontrolled;

(ii) to export any species or subspecies of animal from Utah, provided that the animal is held in legal possession; or

(iii) to collect, transport or possess brine shrimp and brine shrimp eggs for personal use, provided:

(A) the brine shrimp and brine shrimp eggs are collected, transported and possessed together with water in a container no larger than one gallon;

(B) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and

(C) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River or any of their tributary waters.

(c) Applications for animals classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the animal meets the criteria provided in Subsections R657-3-20(1)(b) or R657-3-18(4)(b).

(2)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall ~~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 animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.

~~[(b) The authorizations on the face of the certificate of registration setting forth specific times, dates, places, methods of take, numbers and species of 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 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]~~suspended as provided in this rule, 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 an animal prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited~~[, or from controlled to~~

~~prohibited~~. The certificate of registration shall be obtained within six months of the reclassification. If a certificate of registration is not obtained possession of the animal thereafter shall be unlawful.

R657-3-14. Issuance Criteria.

(1) The following factors shall be considered before the division may issue or renew a certificate of registration for the collection, importation, transportation, possession, or propagation of an animal:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;
- (c) ecological and environmental impacts;
- (d) the suitability of the applicant's holding facilities;
- (e) the experience of the applicant for the activity requested; and
- (f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance or renewal of a certificate of registration for a scientific use of an animal;

- (a) the validity of the objectives and design;
- (b) the likelihood the project will fulfill the stated objectives;
- (c) the applicant's qualifications to conduct the research, including ~~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 animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance or renewal of a certificate of registration for ~~an~~ educational use of an animal:

- (a) the objectives and structure of the educational program; and
- (b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility ~~;~~ and
(c) whether the individual is in possession of the required federal permits.

(4) The division may deny issuing or renewing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, proclamation or guidebook, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing or propagating an animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of an animal may be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(6) The division, in making a determination under this section, may ~~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) 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 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 animals or their parts for a personal use only as follows:

(a) Certificates of registration are not issued for the collection, importation or possession of any live or dead animals or their parts classified as prohibited, except as provided in R657-3-36 or the rules and guidebooks of the Wildlife Board.

(b) A certificate of registration is required for collecting, importing or possessing any live or dead animals or their parts classified as controlled, except as otherwise provided by this rule or the rules and guidebooks of the Wildlife Board.

(c) A certificate of registration is not required for collecting, importing or possessing live or dead animals or their parts classified as noncontrolled.

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

(1)(a) A person may not collect or possess a live animal for a commercial use or commercial venture for ~~[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 animal or parts thereof classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of animals may not be sold or traded unless they originate from a captive-bred population.

(b) Complete and accurate records for native or naturalized species must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the animal has been obtained.

(3)(a) A person may not import, collect, or possess a live animal classified as controlled for a commercial use or commercial venture, without first obtaining a certificate of registration.

(b) A certificate of registration will not be issued to sell or trade a native or naturalized species of animal classified as controlled unless it originates from a captive-bred population.

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

(d) Complete and accurate records must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the animal has been obtained.

(e) Complete and accurate records must be maintained and available for inspection for two years from the date of transfer, documenting the date, name, address and certificate of registration number of the person receiving the animal.

(4)(a) A certificate of registration will not be issued for importing or possessing a live animal classified as prohibited for a commercial use or commercial venture, except as provided in Subsection (b) ~~or R657-3-36.~~

(b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, aquarium, or film company to import, collect, or possess live species of animals classified as prohibited if, in the opinion of the division, the importation for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, ~~or~~ aquarium, aviary, or film company under this Subsection is restricted to those facilities that keep the prohibited species of animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition ~~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 animal classified as noncontrolled, controlled or prohibited.

R657-3-19. Collection, Importation or Possession of Dead Animals or Their Parts for a Commercial Use.

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead animal or its parts for a commercial use or commercial venture for ~~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 animals sold or traded for educational use.

R657-3-20. Collection, Importation or Possession for Scientific or Educational Use.

(1) A person may collect, import or possess live or dead animals or their parts for a scientific or educational use only as follows:

(a) Certificates of registration are not issued for collecting, importing or possessing live or dead animals classified as prohibited, except as provided in Subsection (b) or [R657-3-36](#).

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect, import or possess live or dead animals classified as prohibited if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A person shall obtain a certificate of registration before collecting, importing or possessing live or dead animals or their parts classified as controlled.

(3) A certificate of registration is not required to collect, import or possess live or dead animals classified as noncontrolled.

R657-3-21. Classification and Specific Rules for Birds.

(1) The following birds are classified as noncontrolled for collection, importation and possession:

- (a) Penguins, [family](#) Spheniscidae [~~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 (All species, except European Starling);~~][~~-(r)~~]
]Babblers, [family](#) Timaliidae [~~Family~~] (All species);
- (~~[s]~~r) 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]~~[c]) European Starling, [~~Sturnidae Family~~] (Sturnus [~~vulgaris~~]bulgaris), family Sturnidae; and

(~~[b]~~[c]) House (English) Sparrow [~~Passeridae Family~~] (Passer domesticus), family Passeridae.

(~~[d]~~[e]) Domestic Pigeon (Rock Dove) (Columba livia) family Columbidae.

~~(3) The following birds are classified as prohibited for collection and importation, and controlled for possession:~~

~~[—(a) Icteridae (Molothrus spp. and Scaphidura oryzivora).]~~ (~~4~~) 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 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;~~ (~~4~~) Crayfish, families Astacidae, Cambaridae and Parastacidae Families (All species except Cherax quadricarinatus) are prohibited for collection, importation and possession;

(d) Pilose crayfish, (*Pacificastacus 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 Achatinidae [Family (*Achatina fulica*)](All species)]~~ is prohibited for collection, importation and possession;

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

(c) Dark false mussel, ~~[Dreissenidae Family]~~(*Mytilopsis leucophaeta*) family Dreissenidae is controlled for collection, importation and possession;

(d) Desert mountainsnail, ~~[Oreohelicidae Family]~~(*Oreohelix peripherica*) family Oreohelicidae is controlled for collection, importation and possession;

(e) Desert springsnail, ~~[Hydrobiidae Family]~~(*Pyrgulopsis deserta*) family Hydrobiidae is controlled for collection, importation and possession;

(f) Desert valvata, ~~[Valvatidae Family]~~(*Valvata utahensis*) family Valvatidae is prohibited for collection, importation and possession;

(g) Eureka mountainsnail, ~~[Oreohelicidae Family]~~(*Oreohelix eurekaensis*) family Oreohelicidae is controlled for collection, importation and possession;

(h) Fat-whorled pondsnail, ~~[Lymnaeidae Family]~~(*Stagnicola bonnevillensis*) family Lymnaeidae is controlled for collection, importation and possession;

(i) Fish Lake physa, ~~[Physidae Family]~~(*Physella microstriata*) family Physidae is controlled for collection, importation and possession;

(j) Fish Springs marshsnail, ~~[Lymnaeidae Family]~~(*Stagnicola pilsbryi*) family Lymnaeidae is prohibited for collection, importation and possession;

(k) Floater, ~~[Anodontidae Family]~~(*Anodonta* spp.) [All species] family Anodontidae is controlled for collection, importation and possession;

(l) Glossy valvata, ~~[Valvatidae Family]~~(*Valvata humeralis*) family Valvatidae is controlled for collection, importation and possession;

(m) Kanab ambersnail, ~~[Succineidae Family]~~(*Oxyloma kanabense*) family Succineidae is prohibited for collection, importation and possession;

(n) Lyrate mountainsnail, ~~[Oreohelicidae Family]~~(*Oreohelix haydeni*) family Oreohelicidae is controlled for collection, importation and possession;

(o) New Zealand ~~[Mudsnail, Hydrobiidae Family]~~mudsnail, (*Potamopyrgus antipodarum*) family Hydrobiidae is prohibited for collection, importation and possession;

(p) Quagga mussel, ~~[Dreissenidae Family]~~(*Dreissena bugensis*) family Dreissenidae is prohibited for collection, importation and possession;

(q) Red-~~[Rimmed Melania, Thiaridae Family]~~rimmed melania, (*Melanoides tuberculatus*) family Thiaridae is prohibited for collection, importation and possession;

(r) Springsnails or pyrqs (Prygulopsis spp., All species) family Hydrobiidae are controlled for collection, importation and possession.

~~(s) Southern tightcoil, [Zonitidae Family](Ogaridiscus subrupicola) [is controlled for collection, importation and possession;]~~
~~[(s) Spruce snail, Thysanophoridae Family (Microphysula ingersolli)]~~family Zonitidae is controlled for collection, importation and possession;

~~(t) [Thickshell pondsnail, Lymnaeidae Family (Stagnicola utahensis) is prohibited]~~Spruce snail, (Microphysula ingersolli) family Thysanophoridae is controlled for collection, importation and possession;

~~(u) [Utah physa, Physidae Family (Physella)]~~Thickshell pondsnail, (Stagnicola utahensis) [is controlled]family Lymnaeidae is prohibited for collection, importation and possession;

~~(v) [Western Pearlshell, Margaritiferidae Family (Margaritifera falcata) is prohibited]~~Utah physa, (Physella utahensis) family Physidae is controlled for collection, importation and possession;

~~(w) [Wet-rock physa, Physidae Family (Physella zionis) is controlled]~~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

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

(3) All native species and subspecies of crustaceans and ~~[mollusks]~~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-(native-)]~~and~~[/or nonnative)]~~ 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, [~~Ictaluridae Family~~](*Ictalurus furcatus*) [family Ictaluridae](#)
 (b) Flathead catfish, [~~Ictaluridae Family~~](*Pylodictus olivaris*) [family Ictaluridae](#);
 (c) Giant walking catfish (airsac), [family Heteropneustidae](#)[~~Family~~] (All species);
 (d) Labyrinth catfish (walking), [family Clariidae](#)[~~Family~~] (All species); and
 (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, [~~Cyprinidae Family~~](*Notropis atherinoides*) [family Cyprinidae](#);
 (e) Humpback chub, [~~Cyprinidae Family~~](*Gila cypha*) [family Cyprinidae](#);
 (f) Least chub, [~~Cyprinidae Family~~](*Lotichthys phlegethontis*) [family Cyprinidae](#);
 (g) Northern [~~Leatherside~~][leatherside](#) chub, [~~Cyprinidae Family~~](*Lepidomeda copei*) [family Cyprinidae](#);
 (h) Red shiner, [~~Cyprinidae Family~~](*Cyprinella lutrensis*) [family Cyprinidae](#);
 (i) Redside shiner, [~~Cyprinidae Family~~](*Richardsonius balteatus*) [family Cyprinidae](#);
 (j) Roundtail chub, [~~Cyprinidae Family~~](*Gila robusta*) [family Cyprinidae](#);
 (k) Sand shiner, [~~Cyprinidae Family~~](*Notropis stramineus*) [family Cyprinidae](#);
 (l) Southern [~~Leatherside~~][leatherside](#) chub, [~~Cyprinidae Family~~](*Lepidomeda aliciae*) [family Cyprinidae](#);
 (m) Utah chub, [~~Cyprinidae Family~~](*Gila atraria*) [family Cyprinidae](#);
 (n) Virgin River chub, [~~Cyprinidae~~](*Gila seminuda*) [family Cyprinidae](#); and
 (o) Virgin spinedace, [Cyprinidae Family](#) (*Lepidomeda mollispinis*).
 (p) Woundfin, [~~Cyprinidae Family~~](*Plagopterus argentissimus*) [family Cyprinidae](#).
- (8) Burbot, [~~Lotidae Family~~](*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, [~~Carcharhinidae 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) Wallabies, wallaroos and kangaroos, ([All species](#)) [family Macropodidae](#) [~~Family (All species)~~] are prohibited for collection, importation and possession;
- (c) Bats and flying foxes ([All families, All species](#)) ([order 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, [~~Sloths~~slaths and [~~Armadillos (Xenartha),~~]armadillos (All families, [~~All species~~) ([order Xenartha](#)), are prohibited for collection, and controlled for importation and possession;
- (h) Aardvark (~~[Tubidentata], 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 or coypu, [Myocastoridae Family]~~]
(Myocastor coypus) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;
- (~~xiii~~)x) 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~~)xiii) Abert's squirrel, [~~Sciuridae Family,~~](Sciurus aberti [~~navajo~~]) family Sciuridae is prohibited for collection, importation and possession;
- (~~xviii~~)xiv) Black-tailed prairie dog, [~~Sciuridae Family~~](Cynomys ludovicianus) family Sciuridae is controlled for collection, and prohibited for importation and possession;
- (~~xix~~)xv) Gunnison's prairie dog, [~~Sciuridae Family~~](Cynomys gunnisoni) family Sciuridae is controlled for collection, importation and possession;
- (~~xx~~)xvi) Utah prairie dog, [~~Sciuridae Family~~](Cynomys parvidens) family Sciuridae is prohibited for collection, importation and possession;
- (~~xxi~~)xvii) White-tailed prairie dog, [~~Sciuridae Family~~](Cynomys leucurus) family Sciuridae is controlled for collection, importation and possession;

(~~xxiii~~xxviii) Chipmunks, All species except [~~Yellow~~yellow-pine chipmunk^[7] (Neotamias amoenus) family Sciuridae [~~Family (Tamias and Eutamias)~~] are noncontrolled for collection, and controlled for importation and [~~possession~~possession];

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

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

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

(~~xxvi~~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^[7] which are noncontrolled for collection^[7], [~~Sciuridae Family (Spermophilus spp. and Ammospermophilus leucurus) are controlled for collection, importation and possession~~];

(~~xxvii~~xxiv) Red squirrel, [~~except for nuisance animals, which are noncontrolled for collection, Sciuridae Family (Tamiasciurus hudsonicus)~~](Tamiasciurus hudsonicus) family Sciuridae are controlled for collection, importation and [~~possession~~possession, except for nuisance animals, which are noncontrolled for collection];

(~~xxviii~~xxv) Yellow-bellied marmot, [~~Sciuridae Family,~~](Marmota flaviventris) family Sciuridae is controlled for collection, importation and possession;

(~~xxix~~xxvi) Western jumping mouse, [~~Zapodidae Family~~](Zapus princeps) family Zapodidae is controlled for collection, importation and possession;

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

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

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

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

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

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

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

(~~xxxvii~~xxxiv) Hyraxes ([~~Hyracoidea~~), [~~Procaviidae Family~~](All species) family Procaviidae are prohibited for collection, and controlled for importation and possession;

(~~xxxviii~~xxxv) Idaho pocket gopher, [~~Geomyidae Family~~](Thomomys idahoensis) family Geomyidae is controlled for collection, importation and possession.

(n) Hoofed mammals (Artiodactyla and Perissodactyla) are classified as follows:

- (i) American [~~Bison~~ bison] or [~~Buffalo (Wild)~~ “buffalo” wild] and free ranging[~~]~~, [~~Bovidae Family~~](Bos bison) family Bovidae is prohibited for collection, importation and possession;
- (ii) Collared peccary or javelina, [~~Tayassuidae Family~~](Tayassu tajacu) family Tayassuidae 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;
- (xviii) Barbary sheep or aoudad, (Ammotragus lervia) family Bovidae is prohibited for collection, importation and possession;
- (xix) [~~Barbary~~] Bighorn sheep [or Aoudad,] (Ovis canadensis) (including hybrids) family Bovidae [~~Family (Ammotragus lervia) is~~] are prohibited for collection, importation and possession;

(xx) [~~Bighorn~~ Dall's and Stone's sheep (*Ovis dalli*) (including hybrids) family Bovidae [~~Family (*Ovis canadensis*)~~] 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, *Ovis nivicola*) are~~] snow sheep, *Ovis nivicola*, including hybrids, family Bovidae are prohibited for collection, importation and possession;

(xxii) Rocky Mountain goat, (*Oreamnos americanus*) family Bovidae is prohibited for collection, importation and possession;

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

(xxiv) [~~ibex, Bovidae Family (*Capra ibex*) is~~] Wild boar or pig (*Sus scrofa*), including hybrids, are 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 as applied to animals in the wild or taken from the wild, is noncontrolled for [~~collection,~~] lethal take and prohibited for [~~importation and~~] live collection, possession, or importation;

(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 (*Lynx rufus*)~~] is prohibited for collection, importation and possession;

(x) Bobcat, (*Lynx rufus*) captive-bred, family Felidae [~~Family (*Lynx rufus*)~~] is prohibited for collection, and controlled for importation and possession;

(xi) Cougar, [~~Puma~~ puma or [~~Mountain~~ mountain lion, [~~Felidae Family~~] (*Puma concolor*) family Felidae is prohibited for collection, importation and possession;

(xii) Canada lynx, (*Lynx*[;] lynx) wild and free ranging, family Felidae [~~Family (*Lynx lynx*)~~] is prohibited for collection, importation and possession;

(xiii) Eurasian lynx, (*Lynx*[;] lynx) captive-bred, family Felidae [~~Family (*Lynx 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~~][river otter](#), (*Lontra canadensis*) [family Mustelidae](#) is prohibited for collection, importation and possession;
- (xxii) Striped skunk, [~~except nuisance skunks, which are noncontrolled for collection, Mephitidae Family~~](*Mephitis mephitis*) [family Mephitidae](#) is prohibited for collection, importation, and possession, [except nuisance skinks, which are noncontrolled for collection](#);
- (xxiii) Western spotted skunk, [~~Mephitidae 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 madagascensis) family Daubentonidae is prohibited for collection, importation and possession;
 - (v) Bush babies, pottos and lorises, [~~Lorisiidae Family~~](All species) family Lorisiidae 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[~~;~~], All species), family Hylobatidae [~~Family (All species)~~] are prohibited for collection, importation and possession;
- (2) All species and subspecies of mammals and their parts, not listed in Subsection (1):
- (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;
 - (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;
 - (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.

R657-3-25. Importation of Animals into Utah.

(1) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any 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 Animals Through Utah.

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

(a) the animal remains in Utah no more than 72 hours; and
(b) the animal is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah[.]; [and](#)

[\(c\) the animal is a raptor used for falconry purposes in compliance with the requirements in R657-20.](#)

(2) A certificate of veterinary inspection is required from the state of origin as provided in Rule R58-1 and proof of legal possession must accompany the animal.

(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.

[\(4\) None of the provisions in this section will be construed to supersede R657-20-14 and R657-20-30.](#)

R657-3-27. Importing Animals into Utah for Processing.

(1) A person shipping animals directly to a state or federally regulated establishment for [immediate euthanasia and](#) processing is not required to obtain a certificate of registration or certificate of veterinary inspection provided the animals or their parts are accompanied by a waybill or other proof of legal ownership describing the animals, their source, and indicating the destination.

(2) Any water used to hold or transport fish may not be emptied into a stream, lake, or other natural body of water.

R657-3-28. Transfer of Possession.

(1) A person may possess an animal classified as prohibited or controlled only after applying for and obtaining a certificate of registration from the division [or Wildlife Board](#) as provided in this rule.

(2) Any person who possesses an animal classified as prohibited or controlled may transfer possession of that animal only to a person who has first applied for and obtained a certificate of registration for that animal from the division [or Wildlife Board](#).

(3) The division may issue a certificate of registration granting the transfer and possession of that animal only if the applicant meets the issuance criteria provided in Section R657-3-14.

[\(4\) A certificate of registration does not provide the holder any rights of succession.](#)

R657-3-29. Propagation.

(1) A person may propagate animals classified as noncontrolled for possession.

(2) A person may propagate animals classified as controlled for possession only after obtaining a certificate of registration from the division, or as otherwise authorized in Sections R657-3-30, R657-3-31, and R657-3-32.

(3) A person may not propagate animals classified as prohibited for possession, except as authorized in Sections R657-3-30, R657-3-~~31~~31,R657-3-32 and R657-3-~~32~~36.

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

(c) whether suitable captive stock is available; and

~~(e)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]~~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]~~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.

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

~~[(b) Interspecific hybridization between species is authorized only if each raptor produced is either imprinted on humans or surgically sterilized.]~~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 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~~] Enforcement Section;
- (f) the state veterinarian or his designee; and
- (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 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 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 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 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 Rule R657-2.]~~

KEY: wildlife, animal protection, import restrictions, animals

Date of Enactment or Last Substantive Amendment: 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

R657. Natural Resources, Wildlife Resources.

R657-16. Aquaculture and Fish Stocking.

R657-16-1. Purpose and Authority.

(1) Under the authority of Sections 23-15-9 and 23-15-10 of the Utah Code, this rule provides the standards and procedures for:

- (a) institutional aquaculture;
- (b) short-term fishing events;
- (c) private fish stocking; and
- (d) displaying aquaculture products or aquatic wildlife in aquaria.

(2) This rule does not cover private fish ponds as provided in R657-59, or fee fishing and commercial aquaculture as provided in Title 4, Chapter 37, Parts 2 and 3; and the Department of Agriculture Rule R58-17.

(3) A person engaging in any activity provided in Subsection (1) must also comply with the provisions set forth in Rule R657-3 and the Department of Agriculture Rule R58-17.

(4) Any violation of, or failure to comply with, any provision of this rule or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for revocation or suspension of the certificate of registration or denial of future certificates of registration, as determined by a division hearing officer.

R657-16-2. Definitions.

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

(2) In addition:

(a) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(b) "Aquaculture facility" means any facility used for propagating, rearing, or producing aquatic wildlife or aquaculture products. Facilities that are separated by more than 1/2 mile, or facilities that drain to, or are modified to drain to, different drainages are considered to be separate aquaculture facilities, regardless of ownership.

(c)(i) "Aquaculture product" means privately purchased aquatic wildlife or their gametes.

(ii) "Aquaculture product" does not include aquatic wildlife obtained from the wild.

(d) "Aquarium" means any container located in an indoor facility that is used to hold fish from which no water is discharged, except during periodic cleaning, and which discharged water is passed through a filtering system capable of removing all fish and fish eggs and is disposed of only in a septic tank approved by the county or in a municipal wastewater treatment system approved by either the state or local health department.

(e) "Display" means to hold live aquaculture products or aquatic wildlife in an aquarium for the purpose of viewing for commercial or noncommercial purposes.

(f) "FEMA" means Federal Emergency Management Administration.

(g) "Institutional aquaculture" means aquaculture engaged in by any institution of higher learning, school, or other educational program, or public agency.

(h) ~~—~~(a) "Ornamental ~~[fish]~~ aquatic animal species" means any species of fish that are raised or held for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics, including tropical fish, goldfish, and koi, but not including those, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water:

(A) sport fish – aquatic animal species commonly angled or harvested for recreation or sport;

(B) baitfish – aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;

(C) food fish – aquatic animal species commonly cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animal species prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animal species listed as prohibited or controlled in [Rule] Sections R657-3-~~34.~~22 and R657-3-23. (i) "Private fish pond" means a pond, reservoir, or other body of water, or any fish culture system which is contained on privately owned land and used for holding or rearing fish for a private, noncommercial purpose.

(j) "Private stocking" means noncommercial stocking of live aquaculture products in waters of the state not eligible as a private fish pond under R657-59 or other private fish facility.

(k) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.

(l) "Short-term fishing event" means any event where privately acquired fish are held or confined for a period not to exceed seven days for the purpose of providing fishing or recreational opportunity and where no fee is charged as a requirement to fish.

KEY: wildlife, aquaculture, fish

Date of Enactment or Last Substantive Amendment: August 21, 2008

Notice of Continuation: October 10, 2007

Authorizing, and Implemented or Interpreted Law: 23-15-9; 23-15-10

R657. Natural Resources, Wildlife Resources.

R657-59. Private Fish Ponds.

R657-59-1. Purpose and Authority.

(1) Under the authority of Sections 23-15-9 and 23-15-10 of the Utah Code, this rule provides the standards and procedures for private fish ponds.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 of the Utah Code, and Department of Agriculture Rule R58-17.

(3) Any violation of, or failure to comply with, any provision of Title 23 of the Utah Code, this rule, or any specific requirement contained in a certificate of registration or exemption certificate issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59-2. Definitions.

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

(2) In addition:

(a) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(b) "Aquaculture facility" means any facility used for propagating, rearing, or producing aquatic wildlife or aquaculture products. Facilities that are separated by more than 1/2 mile, or facilities that drain to, or are modified to drain to, different drainages are considered to be separate aquaculture facilities, regardless of ownership.

(c)(i) "Aquaculture product" means privately purchased aquatic wildlife, or their eggs or gametes.

(ii) "Aquaculture product" does not include aquatic wildlife obtained from the wild.

(d) "Certified sterile salmonid" means any salmonid fish or gamete that originates from a health certified source and is incapable of reproduction due to triploidy or hybridization.

(i) Triploid salmonids accepted as sterile under this subsection shall originate from a source that is certified as incapable of reproduction using the following protocols:

(A) fish samples shall be collected, prepared, and submitted to a certified laboratory by an independent veterinarian, certified fish health professional, or other professional approved by the division;

(B) certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division; and

(C) sterility shall be determined by sampling and testing 60 fish from each egg lot with procedures generally accepted in the scientific community as reliable for verifying triploidy with a 95% or greater success rate.

(ii). An aquaculture facility that receives certified sterile salmonid aquaculture product is not required to conduct additional sterility testing prior to stocking the aquaculture product in a private fish pond, provided the sterile salmonids are kept segregated from other fertile salmonids.

(iii) Hybrid salmonid fish species accepted as sterile under this subsection are limited to splake trout (lake trout/brook trout cross) and tiger trout (brown trout/brook trout cross).

(e) "Exemption certificate" means a document issued by the division pursuant to R657-59-7 that exempts a designated private fish pond from the requirement of obtaining a certificate of registration to stock aquaculture product in the pond.

(f)(i) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States. HUCs are typically reported at the large river basin (6-digit HUC) or smaller watershed (11-digit and 14-digit HUC) scale.

(ii) HUC maps and other associated information are available at <http://water.usgs.gov/wsc/sub/1602.html>.

(g) ~~"Ornamental fish" means fish that are raised or held for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics, including tropical fish, goldfish, and koi, but not including those species listed as prohibited or controlled in Rule R657-3-23.~~ (a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water:

(A) sport fish – aquatic animal species commonly angled or harvested for recreation or sport;

(B) baitfish – aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;

(C) food fish – aquatic animal species commonly cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animal species prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animal species listed as prohibited or controlled in Sections R657-3-22 and R657-3-23. (i) "Private fish pond" means a pond, reservoir, or other body of water, or any fish culture system which is contained on privately owned land and used for holding or rearing fish for a private, noncommercial purpose.

(h) "Private fish pond" means a pond, reservoir, or other body of water, or any fish culture system which is contained on privately owned land and used for holding or rearing fish for a private, noncommercial purpose.

(i) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.

(j) "Salmonid" means any fish belonging to the trout/salmon family.

KEY: wildlife, aquaculture, fish

Date of Enactment or Last Substantive Amendment: January 10, 2012

Notice of Continuation: New Rule

Authorizing, and Implemented or Interpreted Law: 23-15-9; 23-15-10

Division Variance Rule Proposal R657-57

The Division *may* grant a *variance* to a person that is *substantially precluded* from hunting because of:

- Person injury or illness
- Death or significant injury or illness of an immediate family member or group member
- Military deployment or mobilization

Variance request must be received by the Division within *120 days* of season closure or application deadline.

Substantially precluded means: Two or less days hunting in the field. Any amount of time spent hunting in a single day is considered a full day.

Variances are limited to:

1. Season extension
2. Bonus and preference point restoration
3. Waiting period waiver

Eligible permits and what they are eligible for:		
Preference point restoration (Division drawing permits only)	Bonus point restoration / waiting period waiver (Division drawing permits only)	Season extension (for the following year)
General Season Deer Antlerless Deer Antlerless Elk Antlerless Pronghorn Sage and Sharp-tailed Grouse Sandhill Crane Swan	Limited Entry Big Game Once-in-a-lifetime Big Game Antlerless Moose LE Cougar, LE Bear, LE Turkey Public CWMU Convention Sportsman	Conservation Poaching Rewards Private CWMU* Limited Entry Landowner* *Requires approval by landowner

Limitations on Board Authority:

Board cannot consider or grant a variance if:

1. Request is received beyond 120 day deadline
2. Applicant hunts more than two days
3. Season extensions on any hunt other than conservation, poaching-reported reward, Private CWMU; and limited entry landowner
4. Season extension beyond one year
5. Animal is harvested

R657. Natural Resources, Wildlife Resources.
R657-57. Division Variance Rule.

R657-57-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 this rule is established to provide authority, standards and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

R657-57-2. Definitions.

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

(2) In addition:

(a) "CWMU" means cooperative wildlife management unit, as defined in Section 23-23-2;

(b) "Event or condition" means a circumstance in a person's life beyond their control that precludes or substantially limits their ability to obtain or use a wildlife document;

(c) "Harvesting" means, for purposes of this rule, killing an animal;

(d) "Hunt day" means spending any time in the field hunting the permitted animal species in a single day, during lawful hunting hours, and within the prescribed season;

~~(e)~~(e) "Immediate family member" means a person's spouse, child, stepchild, grandchild, brother, sister, parent, stepparent, grandparent, mother-in-law, or father-in-law;

(f)(i) "Limited entry hunt" means any hunt identified in the proclamations and guide books of the Wildlife Board as:

(A) a premium limited entry or limited entry hunt; and

(B) that awards a bonus point to unsuccessful permit applicants pursuant to R657-62-8.

(ii) "Limited entry hunt" further includes antlerless moose hunts and CWMU hunts available to the public through a Division administered drawing.

(g) "Once-in-a-lifetime hunt" means any hunt for which a wildlife document is issued to take a bull moose, big horn sheep, bison, or mountain goat.

(h) "Substantially precluded" means participating in two or less hunt days during the prescribed hunting season because of a qualifying event or condition set forth in R657-57-6.

~~(d)~~(i) "Variance" means remedial relief granted by the Division or Wildlife Board to restore a person's opportunity to obtain or use a wildlife document which is completely lost or substantially impaired because of an intervening event or condition; and

~~(e)~~(j) "Wildlife document" means any license, permit, tag, ~~or~~ certificate of registration, or wildlife permit voucher issued by the Division.

R657-57-3. Division Variance Authority.

(1) The Division may issue variances to qualified individuals, subject to the standards, limitations, requirements, and procedures in this rule.

R657-57-4. Division Variance Authority Scope.

(1)(a) The Division may grant a season extension variance extending the hunting season on an applicant's wildlife document to the same or substantially similar hunt in the following year, provided:

(i) the variance request involves a wildlife document authorized in R657-57-5 for a:

(A) conservation permit hunt under R657-41;

(B) limited entry landowner permit hunt under R657-43;

(C) poaching-reported reward permit hunt under R657-5; or

(D) CWMU hunt obtained through the operator or landowner under R657-37-9.

(ii) the applicant was completely substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions;and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and

(iii) the season extension occurs the following year and is restricted to the same species, gender, unit, weapon type, and season as the original wildlife document;

(iv) any changes in unit descriptions and season dates in the extension year are applied; and

(v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) Any waiting period associated with a wildlife document for which a season extension variance is granted begins on the date the original wildlife document is obtained.

(2)(a) The Division may grant a variance by restoring forfeited bonus points and waiving an incurred waiting period, provided:

(i) the variance request involves a wildlife document for a:

(A) limited entry hunt or once-in-a-lifetime hunt; or

(B) any other hunt that triggers a waiting period to participate in a Division administered drawing;

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and

(iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) The Division may not restore a bonus point on a wildlife document that did not cause a bonus point forfeiture.

(3)(a) The Division may grant a variance by restoring forfeited preference points, provided:

- (i) the variance request involves a wildlife document obtained through a Division administered drawing and for which preference points are awarded to unsuccessful applicants and forfeited by successful applicants;
- (ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in R657-57-6; and
- (A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and
- (B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued; and
- (iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.
- ~~(2)(4)~~(a) The Division may grant a variance by awarding a bonus or preference point to a person who filed an untimely wildlife document application in a Division administered drawing, provided:
- (i) the variance request involves a wildlife document authorized in R657-57-5 for any hunt identified in Subsections (2)(a)(i) or (3)(a)(i);
- (ii) the applicant was precluded or substantially significantly impaired from filing a timely application in a Division administered drawing because of a qualifying event or condition set forth in R657-57-6;
- (iii) the untimely application was rejected and a bonus or preference point was not awarded for the selected species;
- (iv) the applicant would have been eligible to receive the bonus or preference point had the application been timely filed; and
- (v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.
- ~~(3)(5)~~ A Division administered drawing for purposes of this section does not include a drawing conducted at a wildlife convention pursuant to R657-55.
- (6) The Division may not refund wildlife document fees, except as authorized in Sections 23-19-38, 23-19-38.2, and R657-42-5.

~~R657-57-5. Eligible Wildlife Documents.~~

- ~~(1) The Division's authority to grant a variance consistent with the requirements of this rule extends to all resident and nonresident wildlife documents, excluding the following:~~
- ~~(a) hunting licenses;~~
 - ~~(b) fishing licenses;~~
 - ~~(c) combination licenses;~~
 - ~~(d) waterfowl permits;~~
 - ~~(e) sandhill crane permits;~~
 - ~~(f) upland game permits;~~
 - ~~(g) furbearer licenses;~~
 - ~~(h) bobcat and marten permits;~~
 - ~~(i) cougar harvest objective permits;~~
 - ~~(j) cougar and bear pursuit permits; and~~
 - ~~(k) certificates of registration.~~

~~(2) A season extension variance for a CWMU permit may not be granted without the concurrence of the CWMU operator.~~

R657-57-5. Group Applications.

(1) Except as provided in Subsection (2), all members of a group successful in obtaining a wildlife document pursuant to R657-62-7 are eligible to receive the same variance relief granted by the Division to any single member of the group under R657-57-4(2) or (3).

(2) Group members are not eligible to receive a refund of the wildlife document fee unless otherwise authorized by Sections 23-19-38, 23-19-38.2, and R657-42-5.

R657-57-6. Qualifying Events and Conditions.

(1) The Division's authority to grant a variance consistent with the requirements of this rule is limited to persons that are completely or substantially precluded during the prescribed season from participating in the hunting activity authorized by an eligible wildlife document, or precluded or substantially impaired from filing a timely wildlife document application in a Division administered drawing because of:

- (a) personal illness or injury;
- (b) the death, or significant injury or illness of an immediate family member; or
- (c) mobilization or deployment under orders of the United States Armed forces, a public health organization, or public safety organization in the interest of national defense or a national emergency.

R657-57-7. Variance Application.

(1) A person may request a variance pursuant to the requirements of this rule by filing an application with the Division within ~~200~~ 120 days of the:

- (a) last day of the hunting season for which a season extension variance is requested; or
- (b) drawing application deadline for which a bonus or preference point variance is sought.

(2) The Division may not grant a variance under this rule when the application is received beyond the 120 day limitation period set forth in Subsection (1).

~~(2)(3)~~ (3) An application for a season extension variance under R657-57-4(1), a bonus point restoration and waiting period waiver variance under R657-57-4(2), or a preference point restoration variance under R657-57-4(3) shall contain the following information and documentation:

- (a) name, address and telephone number of the applicant;
- (b) a brief statement of the variance relief sought;
- ~~(c) a description of the wildlife document for which a season extension variance is sought, including the permit number, species and sex, season dates, and weapon type;~~
- ~~(d)~~ (c) the original wildlife document for which a season extension variance is sought with an undetached and unnotched tag;
- ~~(e)~~ (d) a statement verifying the applicant was completely substantially precluded from participating in a qualified hunt because of:

- (i) personal illness or injury;
- (ii) the death, or significant injury or illness of an immediate family member; or
- (iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency.

~~(f)~~(e) corroborating documentation of the qualifying event or condition listed in Subsection (2)~~(e)~~(d), in the form of:

- (i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;
 - (ii) a photocopy of the deceased immediate family member's certified death certificate;
- or
- (iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:
 - (A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and
 - (B) the nature and length of duty while deployed or mobilized.

~~(3)~~(4) An application for a bonus or preference point variance under R657-57-4(4) shall contain the following information and documentation:

- (a) name, address and telephone number of the applicant;
- (b) a brief statement of the variance relief sought;
- (c) a description of the wildlife document application and permit type for which a bonus or preference point variance is sought, including the wildlife species and sex, season dates, and weapon type;
- (d) a statement verifying the applicant was precluded or substantially impaired from submitting a wildlife document application because of:
 - (i) personal illness or injury;
 - (ii) the death, or significant injury or illness of an immediate family member; or
 - (iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency.

(e) corroborating documentation of the qualifying event or condition listed in Subsection (3)(d), in the form of:

- (i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;
 - (ii) a photocopy of the deceased immediate family member's certified death certificate;
- or
- (iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:
 - (A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and
 - (B) the nature and length of their duty while deployed or mobilized.

~~(4)~~(5) The Division may reject an application that is incomplete or that contains false or misleading information.

~~(5)~~(6) The Division may require the applicant to provide additional information, documentation, or clarification in conjunction with an application to determine eligibility for a variance.

~~(6)~~(7) The Division ~~shall~~ should make its written decision within 30 days of receiving an application for variance and mail a copy of the decision to the applicant.

R657-57-8. Division Variance Committee.

(1) The Division shall establish a variance committee consisting of the Wildlife Chief, Administrative Services Chief, Licensing Coordinator, and Rules Coordinator, or their designees, which shall:

- (a) review variance applications submitted to the Division pursuant to this rule;
- (b) determine facts relative to variance requests;
- (c) apply the provisions of this rule to relevant facts; and
- (d) grant or deny variance requests in accordance with this rule.

(2) Any variance request granted or denied shall be reviewed and approved by the Division director/designee before notice of decision is provided to the variance request applicant.

R657-57-9. Variance Denial.

(1) The variance committee and Division director shall deny a variance request where the applicant:

- (a) fails to satisfy the variance criteria set forth in this rule;
- (b) is under a judicial or administrative order suspending his/her Utah hunting privileges for the species at the time:
 - (i) the variance request is filed or at any time during a extension season; or
 - (ii) the wildlife document application period expired for a bonus or preference point variance;
- (c) was legally ineligible to receive or use the wildlife document for which a season extension variance is sought;
- (d) is legally ineligible to hunt during the extension season;
- (e) is legally ineligible to use the weapon type authorized by the wildlife document during the original hunting season or the extension season;
- (f) provides false or misleading information on a material fact in the variance request application; or
- (g) provides false or misleading information on a material fact in a previous variance request application.

(2) The Division may deny a variance request when it is contrary to sound public policy, wildlife management objectives, Division policies and interests, or the interests sought to be served by this rule.

R657-57-10. Wildlife Board Appeals.

(1) A person may appeal the Division's decision on a variance application to the Wildlife Board pursuant to the requirements of this rule. The appeal request must be in writing

and received by the ~~Wildlife Board~~ Division within 30 calendar days of the issuance date on the Division's decision.

(2) The appeal shall contain the following information and documentation:

(a) name, address and telephone number of the petitioner;

(b) a statement of the variance relief sought and justification for the relief;

(c) a description of the wildlife document application for which the variance is sought, including the document number, species and sex, season dates, and weapon type;

(d) the original wildlife document for which the variance is sought;

(e) a statement describing the degree of lost opportunity because of an event or condition; and

(f) corroborating documentation of the event or condition listed in R657-57-7~~(2)(e)(3)(d)~~ and ~~(3)(d)(4)(d)~~, which may include:

(i) a physician's written statement;

(ii) a certified death certificate photocopy;

(iii) a photocopy of the military orders;

(iv) a letter from an employment supervisor on official letterhead; or

(v) court documentation.

(3) The Wildlife Board may reject a variance appeal that is incomplete or that contains false or misleading information.

(4) The Wildlife Board may require the petitioner to provide additional information, documentation, or clarification in conjunction with the variance appeal.

(5) The Wildlife Board may set a time and date for a hearing on the variance appeal where the petitioner will may be given an opportunity to address the Wildlife Board concerning the appeal.

(a) The Wildlife Board will provide the petitioner notice of the date, time, and location of the hearing. ~~, and the petitioner or a representative shall be present at the hearing, in person or telephonically, to advance the merits of the variance appeal.~~

~~(b) Failure to participate in the hearing may result in dismissal of the variance appeal.~~

(6) The Wildlife Board may sustain, overturn, or modify the Division's order which is the subject of the variance appeal, provided the relief granted is consistent with the standards, limitations, requirements, and procedures in R657-57-11 through R657-57-13.

(7) The Wildlife Board will prepare a written decision on the variance appeal and mail a copy to the petitioner.

R657-57-11. Wildlife Board Variance Authority.

(1) Except as provided otherwise in this rule, The the Wildlife Board may grant a variance to any regulation promulgated in Title R657 of the Administrative Code or in proclamation concerning the acquisition or use of a wildlife document, provided the event or condition justifying the variance:

(a) is not the result of the applicant's willful misconduct or gross negligent acts or omissions;

(b) substantially precludes the applicant from participating in:

~~(i) the activity authorized by the wildlife document during a substantial portion of the authorized season; or~~

~~(ii)(c)~~ completely or significantly impairs the application or drawing procedures for receiving a wildlife document applicant from filing a timely application in a Division administered drawing; and

~~(e)(d)~~ is of a nature that it deprives opportunity from the applicant in a substantially more severe manner than other similarly situated individuals.

(2) The Wildlife Board is limited to considering only those variance applications on which the Division has issued a letter indicating the variance relief sought is beyond its legal authority to grant.

~~(3)~~ The Wildlife Board shall consider the Division's recommendation on a variance request.

~~(3)(4)~~ The Wildlife Board may grant a variance that extends a wildlife document season no more than ~~five~~ one years ~~into~~ the future.

~~(4)(5)~~ The Wildlife Board may award a bonus or preference point pursuant to a variance request only when the applicant would have received such a point had the event or condition not intervened.

~~(5)(6)~~ The Wildlife Board may not grant a variance:

~~(a)~~ where the request is filed with the Division beyond the 120 day deadline established in R657-57-7(1);

~~(b)~~ where the applicant is not substantially precluded from participating in the prescribed wildlife activity;

~~(c)~~ for a season extension on any hunt not identified in R657-57-4(1)(a)(i) as eligible for a season extension;

~~(d)~~ where the applicant was successful in harvesting an animal for which the wildlife document was issued; or

~~(e)~~ in direct conflict with any provision of the Wildlife Code or elsewhere in statute.

~~(6)(7)~~ The Wildlife Board may not refund wildlife document fees, except as authorized in Sections 23-19-38 and 23-19-38.2.

R657-57-12. Variance Guidelines.

(1) The Wildlife Board may use the following guidelines in considering and deciding variance appeals and requests submitted pursuant to this rule:

(a) monetary cost of the wildlife document;

(b) degree of difficulty in obtaining the original wildlife document;

(c) future opportunity to obtain the same or similar wildlife document;

(d) extent of lost opportunity;

(e) time actually engaged in the activity authorized by the wildlife document relative to the overall season length;

(f) time available to engage in the activity authorized by the wildlife document prior to the event or condition precluding further activity;

(g) impact on wildlife management objectives;

(h) degree of difficulty in tracking and monitoring season extensions into the future;

(i) applicant's fault or contribution in failing to mitigate the degree of lost opportunity;

(j) nature of the event or condition contrasted against the advisability of attempting to insure optimal opportunity;

- (k) objective of a variance is to restore lost opportunity, not provide increased opportunity; and
- (l) consistency with previous variance request decisions.
- (2) Nothing herein shall be construed as limiting or prohibiting the Wildlife Board from considering additional factors in its discussions and deliberations concerning variance appeals and requests.

R657-57-13. Wildlife Board Variance Denial.

- (1) The Wildlife Board shall deny a variance appeal or request where the applicant:
 - (a) fails to satisfy the variance criteria set forth in this rule;
 - (b) is under a judicial or administrative order suspending his/her wildlife document privileges at the time the variance request is filed or at any time while the variance would be in effect;
 - (c) was legally ineligible to apply for, obtain, or use the original wildlife document for which a variance is sought;
 - (d) is legally ineligible to engage in the activity proposed for authorization in a variance;
 - (e) is legally ineligible to use the weapon type or implement authorized by a wildlife document during the original season or the proposed substitute season;
 - (f) provides false or misleading information on a material fact in the variance request application or the appeal; or
 - (g) provides false or misleading information on a material fact in a previous variance request application or appeal.
- (2) The Wildlife Board may deny a variance appeal or request when it is contrary to sound public policy, wildlife management objectives, Division policies and interests, or the interests sought to be served by this rule.

R657-57-14. Fraud, Deceit, or Misrepresentation.

Any variance obtained under this rule by fraud, deceit or misrepresentation is void.

R657-57-15. Finality of Decision.

- (1) The decision of the Wildlife Board on any variance appeal or request under this rule constitutes final agency action and is not subject to:
 - (a) further administrative review; or
 - (b) judicial review under Title 63G, Chapter 4 of the Utah Code, Utah Administrative Procedures Act.
- (2) The variance relief authorized in this rule is discretionary and neither a right nor entitlement in form or substance. The Division and Wildlife Board shall exercise sole discretion in determining whether relief will be granted and to what extent.



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

MEMORANDUM

Date: April 23, 2012
To: Utah Wildlife Board / Regional Advisory Council Members
From: Anis Aoude, Big Game Coordinator
SUBJECT: Deer and Elk Unit Plan Revisions

The plans are voluminous and it would be too costly to print them all so we decided to make them available online. This web link contains the recommended revisions to the deer and elk unit plans.

http://wildlife.utah.gov/public_meetings/

Highlights:

Deer unit plans

- The NER and SER did a comprehensive revision using most recent range trend data
 - SER collected in summer 2009
 - NER collected in summer 2010
- The NR, SR and CR will do a comprehensive revision when new range trend data becomes available
 - NR collected in summer 2011
 - CR collected in summer 2012
 - SR collected in summer 2013
- Deer plan content
 - Boundary Description
 - Land Ownership Acreage
 - Yearlong, Summer and Winter Range
 - Population Objectives
 - Long term objectives
 - Short term objectives
 - Habitat Objectives
 - Strategies
 - Range Trend



Summary of deer unit plan revisions

- There were no changes in long term or short term population objectives in any of the deer plans from 2006
- General season buck to doe ratios objectives will comply with the statewide plan

Elk unit plans

- All elk unit plans needed revised
- Committees were formed on units where we considered raising the population objective
- Units where the division did not think a population increase were warranted we revised without a committee

Summary of elk unit plan revisions

- We recommend a total statewide increase in elk population objective of 2,140
- We recommend decreasing the objective on one unit
Paunsaugunt -35
- We recommend increasing objectives on the following units

Chalk Creek	+500
Kamas	+200
Avintaquin	+350
West Desert	+150
Fillmore	+175
Fishlake	+800
- We recommend changing the Fillmore Oak Creek South and the part of the Beaver unit west of I-15 to general any bull units