

RAC AGENDA – MAY 2019

Revised May 9, 2019



1. Welcome, RAC Introductions and RAC Procedure
- RAC Chair
2. Approval of Agenda and Minutes
- RAC Chair
3. Wildlife Board Meeting Update
- RAC Chair **INFORMATIONAL**
4. Regional Update
- DWR Regional Supervisor **INFORMATIONAL**
5. Wild Turkey Transplant List
- Dax Mangus, Upland Game Coordinator **ACTION**
6. Collection, Importation and Possession Rule R657-53 Amendments
- Drew Dittmer, Herpetologist **ACTION**

Regional Presentations Only

- | | | |
|-----|--|----------------------|
| NRO | Gunnison Island WMA Habitat Management Plan
John Neil, Avian Biologist | INFORMATIONAL |
| CRO | Southwest Utah County WMA's Habitat Management Plans
Mark Farmer, Habitat Program Manager | INFORMATIONAL |

CR RAC – May 14th 6:30 PM
Springville Library
45 S. Main Street, Springville

NR RAC – May 15th 6:00 PM
Academy Conference Center
58 N. Main St. Brigham City

SR RAC – May 21st 7:00 PM (Location Change)
Beaver City Center
30 W. 300 N., Beaver

SER RAC – May 22nd 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River

NER RAC – May 23rd 6:30 PM
Wildlife Resources NER Office
318 North Vernal Ave, Vernal

Board Meeting – June 6th 9:00 AM
DNR, Boardroom
1594 W. North Temple, SLC



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

MICHAEL D. FOWLKS
Division Director

May 1, 2019

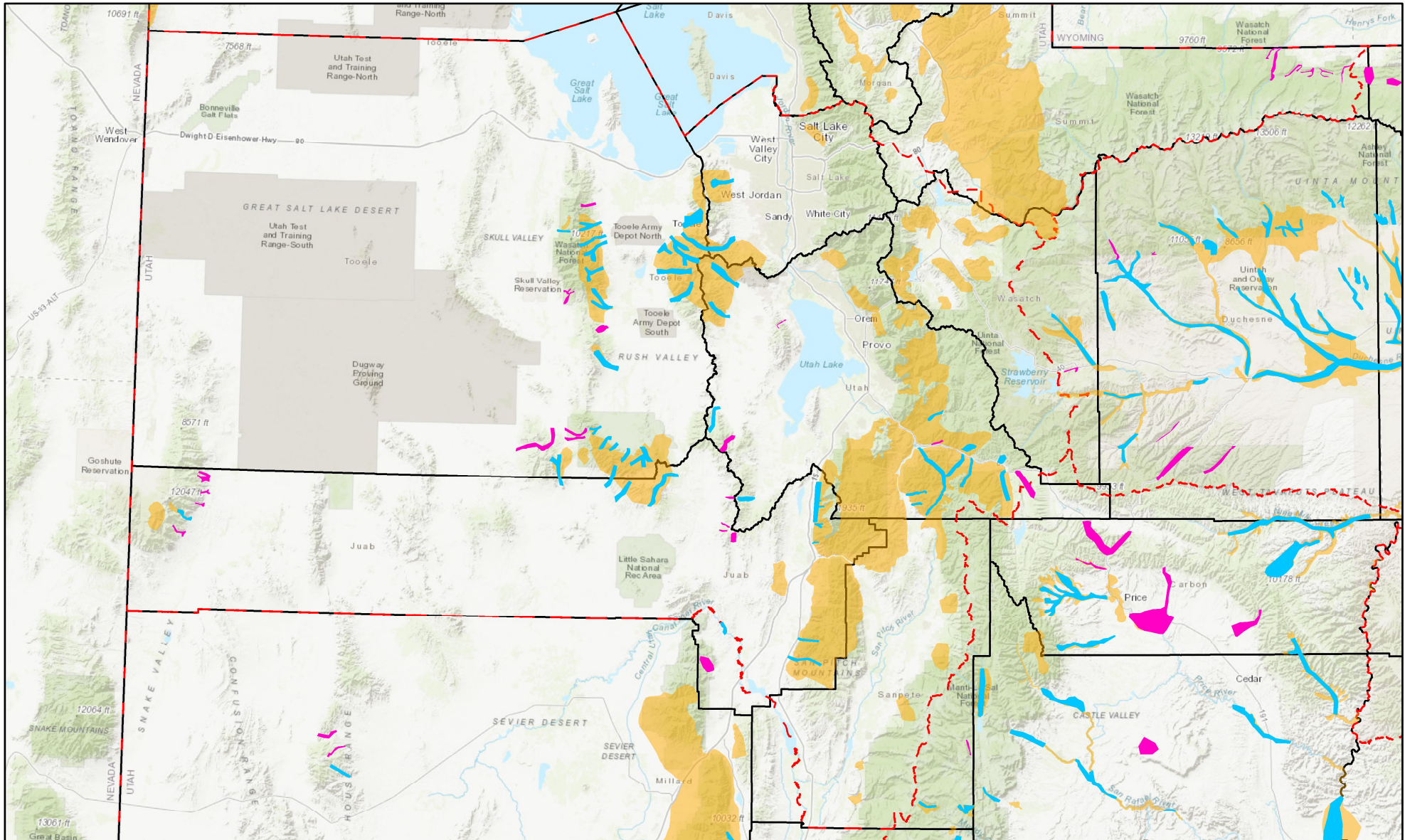
TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Dax L. Mangus
Upland Game Program Coordinator

SUBJECT: Wild Turkey Transplant Sites





The Division is recommending approval of a 5-year turkey transplant release site map. This recommendation represents a transition from a written list of approved sites to a map-based resource identifying more specific areas where wild turkey may be released. These locations include 267 mapped sites. Of these proposed release sites, 210 would be augmentations to existing wild turkey populations and 57 would be new.

Proposed Wild Turkey Transplant Release Locations: Central Region

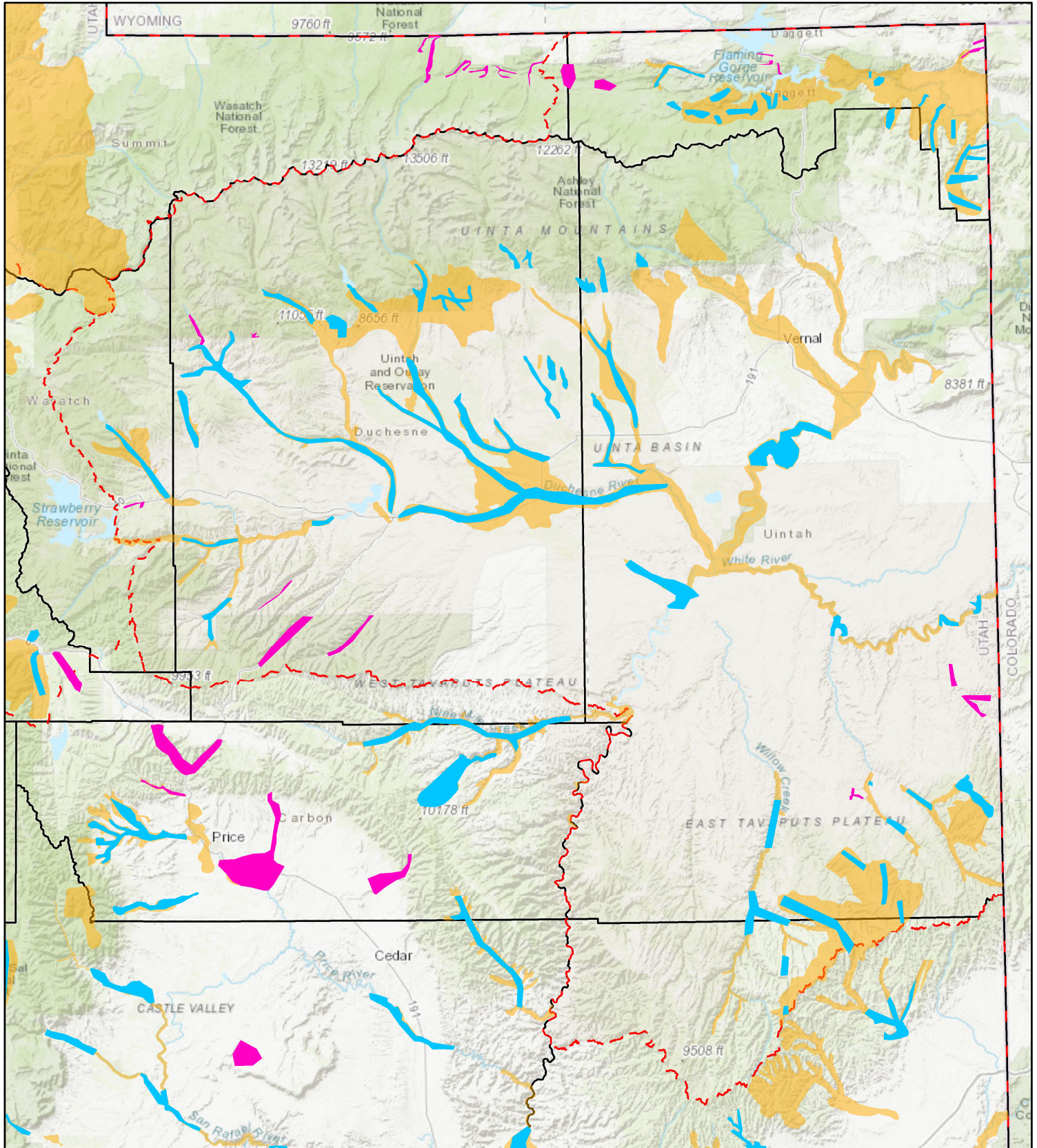


This map depicts proposed wild turkey transplant locations for population augmentations or introductions. If approved during the May 2019 Regional Advisory Council meetings and June 6, 2019 Utah Wildlife Board meeting these locations would be available for DWR wild turkey releases through June 6, 2024.

Transplant Area Status

-  Augmentation
-  Introduction
-  DWR Region
-  Occupied Habitat

Proposed Wild Turkey Transplant Release Locations: Northeast Region

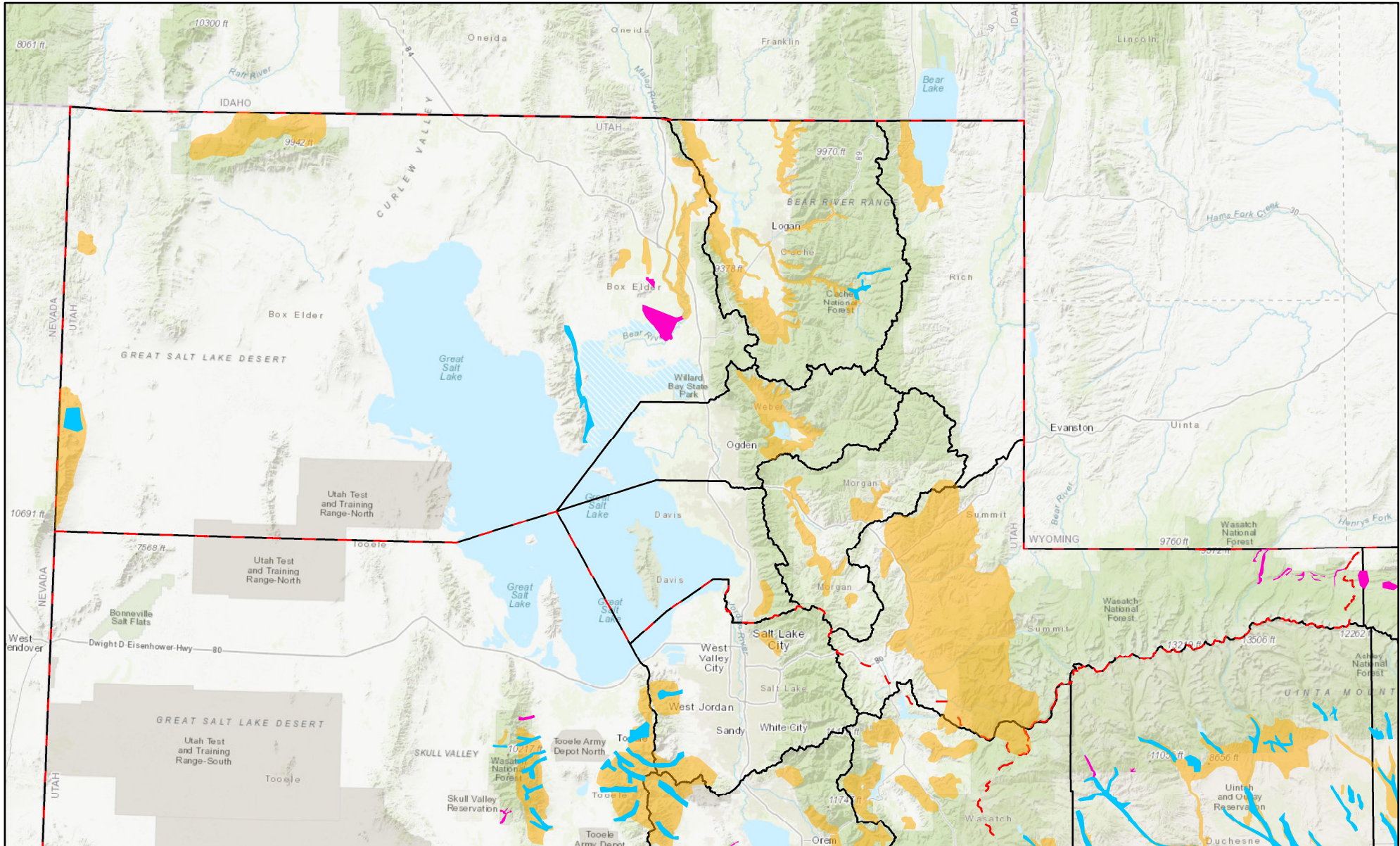


This map depicts proposed wild turkey transplant locations for population augmentations or introductions. If approved during the May 2019 Regional Advisory Council meetings and June 6, 2019 Utah Wildlife Board meeting these locations would be available for DWR wild turkey releases through June 6, 2024.

Transplant Area Status





- Augmentation
- Introduction
- DWR Region
- Occupied Habitat

Proposed Wild Turkey Transplant Release Locations: Northern Region

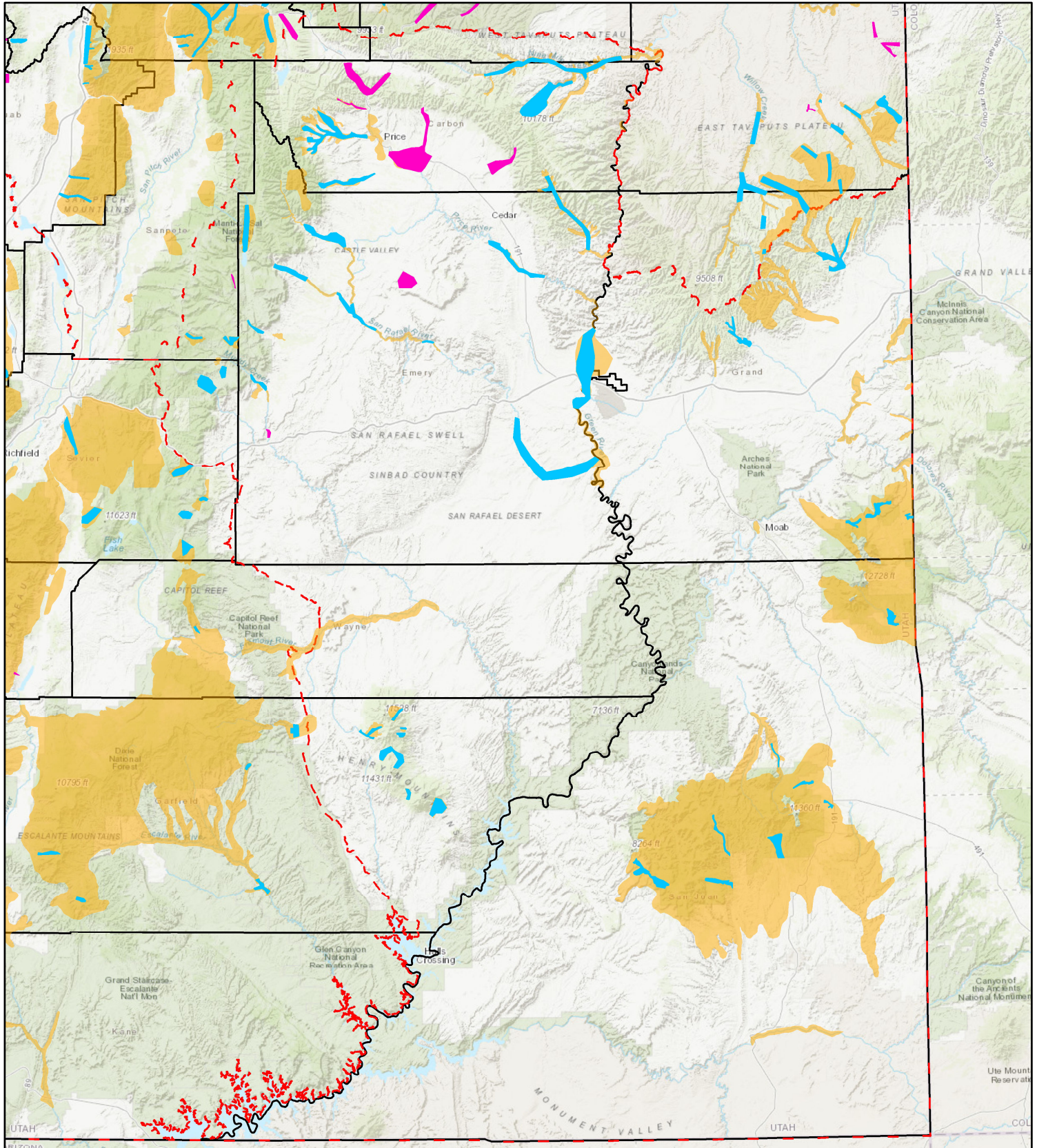


This map depicts proposed wild turkey transplant locations for population augmentations or introductions. If approved during the May 2019 Regional Advisory Council meetings and June 6, 2019 Utah Wildlife Board meeting these locations would be available for DWR wild turkey releases through June 6, 2024.

Transplant Area Status

-  Augmentation
-  Introduction
-  DWR Region
-  Occupied Habitat

Proposed Wild Turkey Transplant Release Locations: Southeast Region

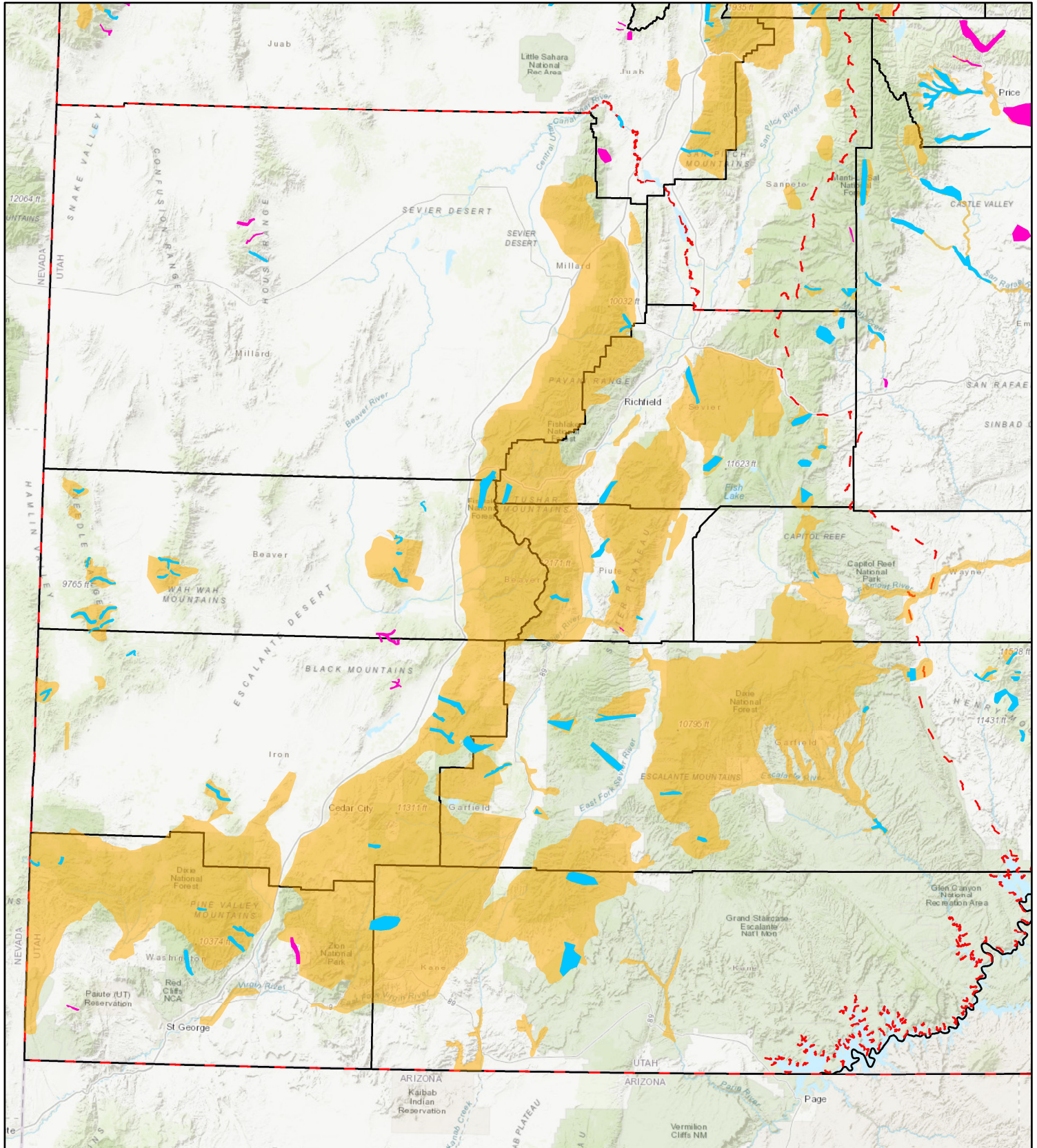


This map depicts proposed wild turkey transplant locations for population augmentations or introductions. If approved during the May 2019 Regional Advisory Council meetings and June 6, 2019 Utah Wildlife Board meeting these locations would be available for DWR wild turkey releases through June 6, 2024.

Transplant Area Status

- Augmentation
- Introduction
- DWR Region
- Occupied Habitat

Proposed Wild Turkey Transplant Release Locations: Southern Region



This map depicts proposed wild turkey transplant locations for population augmentations or introductions. If approved during the May 2019 Regional Advisory Council meetings and June 6, 2019 Utah Wildlife Board meeting these locations would be available for DWR wild turkey releases through June 6, 2024.

Transplant Area Status

- Augmentation
- Introduction
- DWR Region
- Occupied Habitat



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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

MICHAEL D. FOWLKS
Division Director

MEMORANDUM

Date: May 3, 2019

To: Wildlife Board and Regional Advisory Council members

From: Drew E. Dittmer, Native Species Coordinator/Herpetologist

Subject: Proposed Rule Change for Collection, Importation, and Propagation of Reptiles and Amphibians

The Division of Wildlife Resources has worked closely with a stakeholder group to prepare rule changes that will permit collection of reptiles and amphibians from the wild and allow for the possession of captive bred specimens. The key changes to be aware of are:

- Nonnative dangerous venomous reptiles will be prohibited for importation and possession
- The capture, possession, and breeding of native venomous species will be allowed with a COR but possession and breeding is subject to local regulations
- COR is still required for commercial uses, some scientific research, and education activities
- Crocodiles, Alligators, Caimans, and their relatives in the family Crocodylidae will be prohibited
- An education course and permit will be required and available online for individuals wanting to legally collect bag limits of reptiles and amphibians
- Harvest reporting will be required online, and will include species, number taken, and locality of the captures
- Persons who have taken the education course and acquired a permit will be allowed to breed and sell the offspring of wild caught reptiles and amphibians

With this cover letter we have attached the following: a briefing paper that summarizes the proposed rule changes; a list of all native species and their respective bag limits; and a full draft of the proposed rule.

Sincerely
D.E. Dittmer, PhD
Herpetologist and Native Species Program Coordinator
801 538 4828
ddittmer@utah.gov



~~[R657. Natural Resources, Wildlife Resources.]~~ [R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.

R657-53-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, ~~[transportation,]~~ possession, and propagation of amphibians and reptiles in Utah.

(2) (a) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah.

(b) 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, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.]~~

(~~[4]~~3) Specific dates, species, ~~[areas, number of pre-authorized certificates of registration,]~~ collection permit boundaries, number of collection permits, daily collection and total possession limits, and other administrative details which may change annually are published in the proclamation or guidebook of the Wildlife Board for amphibians and reptiles.

~~[(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.]~~

(4)(a) In addition to this rule, the Utah Department of Agriculture and Food regulates animal importation and disease testing requirements through Title 4 of Utah Code and Utah Admin. Rule R58-1.

(b) In addition to this rule, local government entities may impose additional prohibitions or restrictions through zoning restrictions and similar ordinances.

~~[(6) This rule does not apply to division employees acting within the scope of their assigned duties.]~~ (c) Nothing in this rule is intended to authorize an activity that is otherwise prohibited by federal law, rules of the Utah Department of Agriculture and Food, or properly enacted restrictions imposed by local government entities.

R657-53-2. Definitions.

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

(2) ~~[-u]~~ “Amphibian [u]” means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.

(3) [~~u~~] “Captive-bred [~~u~~]” or “born in captivity” means any legally-obtained amphibian or reptile [~~, for which fertilization and birth occurred~~] that:

- (a) was born in captivity [~~, has spent~~];
- (b) spends its entire life in captivity [~~,~~]; and
- (c) is the offspring of legally obtained progenitors.

(4) [~~u~~] “Certificate of registration [~~u~~]” means [~~a document issued under the Wildlife Resources Code, or any other rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit or tag.~~], for the purposes of this rule, a wildlife document issued by the division authorizing an individual or entity to undertake activities that are otherwise prohibited.

[~~— (5) — “Certificate of veterinary inspection” means an official health authorization issued by an accredited veterinarian required for the importation of an amphibian or reptile, as provided in Rule R58-1.~~] [~~— (6) — “Collect”~~] (5) “Collect” means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile or their parts within Utah, except as described in (22) below and in R657-53-7(2).

(6) “Collection permit” means a wildlife document authorizing collection from the wild and subsequent personal possession of amphibians and reptiles in Utah.

(7) [~~u~~] (a) “Commercial use [~~u~~]” means any activity through which a person [~~in possession of an~~] is:

(i) in lawful possession of a wild-caught amphibian or reptile [~~÷~~] categorized as controlled or prohibited;

[~~(a) receives any consideration for the amphibian or reptile or for a use of the amphibian or reptile, including nuisance control; or~~] ii) doing business in Utah wherein that business activity utilizes and relies upon a wild-caught amphibian or reptile for financial gain;

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

(iii) engaged in business activity that is continuous, such that it involves some permanent presence beyond casual or isolated financial transactions; and

(iv) receiving consideration exceeding the costs directly related to care, breeding, rearing of the wild-caught amphibian or reptile and its offspring.

(b) Consideration derived from the sale of offspring from captive-bred amphibians or reptiles does not constitute commercial use.

(8) [~~u~~] “Controlled species [~~u~~]” means [~~a~~] species or subspecies of amphibian or reptile [~~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 person must acquire certificate of registration [~~is required.~~] or collection permit prior to possessing the animal.

~~[(9) "Den"]~~ (9) "Daily collection limit" means the maximum limit, in number of individuals, that one person may legally remove from the field during one 24-hour period.

(10) "Den" means any place where reptiles congregate for winter hibernation or brumation.

~~([10] 11) [—]~~ "Educational use [—]" means the possession and use of an amphibian or reptile ~~[for conducting educational]~~ by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for the purposes of conducting instructional activities for the public concerning wildlife and wildlife-related activities, where the individual or entity does not receive compensation or remuneration beyond the costs incurred to conduct the instruction.

~~([11] 12) [—]~~ "Entry permit number [—]" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

~~([12] 13) [—]~~ "Export [—]" means to move or cause to move any amphibian or reptile or their parts from Utah by any means.

~~([13] 14) [—]~~ "Import [—]" means to bring or cause an amphibian or reptile or their parts to be brought into Utah by any means.

~~([14] 15) [—]~~ "Legally obtained [—]" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation if required, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal. A state-issued wildlife document and completion of all mandatory reporting satisfies any documentation requirement for specimens covered by the wildlife document and reporting.

~~([15] 16) [—]~~ "Native species [—]" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

~~([16] 17) [—]~~ "Naturalized species [—]" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

~~([17] 18) [—]~~ "Noncontrolled species [—]" means a species or subspecies of amphibian or reptile that ~~[if taken from the wild, introduced into the wild, or held in captivity, poses no significant detrimental impact to wild populations, the environment, or human health or safety, and for which]~~ does not require a certificate of registration ~~[is not required, unless otherwise specified]~~ or a collection permit to possess. ~~[(18)]~~
[—]

(19) "Nonnative species [—]" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

~~[(19) "Personal use" means the possession and use of an amphibian or reptile 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, or any other use.]~~

(20) [~~—~~] “Possession [~~—~~]” means to physically retain or to exercise dominion or control over an amphibian or reptile.

[~~— (21) —~~ “Pre authorized certificate of registration” means a certificate of registration that:

[~~— (a) —~~ meets the criteria established in Subsection R657-53-11(1)]

[~~— (b) —~~ has been approved by the division; and]

[~~— (c) —~~ is available for issuance.]

[~~— (22) —~~] (21) “Prohibited species [~~—~~]” means a species or subspecies of amphibian or reptile 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~~] requires variance approval from the Wildlife Board prior to issuing a certificate of registration [~~shall only be issued in accordance with Sections R657-53-23(1)(a) or R657-53-19.~~] or collection permit and prior to possessing the animal.

[~~— (23) —~~] (22) [~~—~~] “Propagation [~~—~~]” means the [~~mating of a male and female amphibian or reptile~~] reproduction of amphibians or reptiles in captivity that results in the production of offspring.

[~~— (24) —~~] (23) [~~—~~] “Reptile [~~—~~]” means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

(24) “Salvage” means the collection of a reptile or amphibian when that specimen is dead upon discovery and that death was not due to any action attributable to the individual collecting or ultimately receiving the specimen.

(25) [~~—~~] “Scientific use [~~—~~]” means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

[~~— (26) —~~ “Transport”] (26) “Temporary possession” or “temporarily possess” for the purposes of this rule means handling an amphibian or reptile for the minimum amount of time necessary for a person to complete measurements and documentation required as part of their mandatory reporting.

(27) “Total possession limit” means the maximum limit, in number of individuals, that one person or entity may possess.

(28) “Transport” means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

[~~— (27) —~~] (29) [~~—~~] “Turtle [~~—~~]” means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order [~~Testudinata~~] Testudines, Class Reptilia.

[~~— (28) —~~] (30) [~~—~~] “Wild population [~~—~~]” means native or naturalized amphibians or reptiles living in nature [~~including progeny from a gravid female where fertilization occurred in the wild and birth occurred within six months of collection~~].

[~~— (29) —~~] (31) [~~—~~] “Wildlife [~~Registration Office~~ ” means the ~~division office in Salt Lake City responsible for processing~~

~~applications and issuing certificates~~ document” means a document issued by the division allowing an activity that would otherwise be prohibited and includes a collection permit and certificate of registration.

R657-53-3. Liability.

(1) ~~(a)~~ Any person who ~~accepts a certificate of registration~~ engages in an activity described in this rule assumes all liability and responsibility ~~for the collection, importation, transportation, and possession of the authorized amphibian or reptile and for any other activity authorized by the certificate of registration.~~ and agrees to fully indemnify the State of Utah for any activity undertaken pursuant to this rule and for any injury, damage, or claim arising out of or related to their activity.

~~(b)~~ (2) Nothing in this rule shall be construed as a waiver or limitation of any protection, immunity, defense, or damage cap limitation available to the division under state or federal law.

(3) To the extent ~~provided~~ allowable under ~~the~~ Utah ~~Governmental Immunity Act~~ law, the division 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~~, a certificate of registration, or collection permit; 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, collection permit, 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 amphibians or reptiles.~~

R657-53-4. ~~Animal Welfare.~~ Prohibited Activities.

~~(1) Any amphibian or reptile held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.~~

~~(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.~~

(1) A person may not take, possess, import, export, transfer, or release to the wild a reptile or amphibian or their parts in Utah, or attempt to undertake such activity, except as provided in this rule or in a proclamation or guidebook issued by the Wildlife Board.

(2)(a) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining written authorization from the division.

(b) Any peace officer, division representative, or authorized animal control officer may seize, euthanize, or dispose of any live amphibian or reptile that escapes from captivity.

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

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a wildlife document authorizing that activity;

(b) trespass while engaged in an activity regulated by this rule;

(c) sell a wild caught reptile or amphibian;

(d) transfer a wild caught native amphibian or reptile without completing mandatory reporting;

(e) transfer any wild caught native amphibian or reptile to another individual between April 1 and December 31 without prior approval from the division;

(f) collect or attempt to collect a reptile or amphibian under another individual's collection permit;

(g) collect or attempt to collect a reptile or amphibian in an area that is closed to collection activities; or

(h) transport or propagate an amphibian without complying with Title 4 Chapter 37 Utah Code and implementing regulations of the Utah Department of Agriculture and Food.

(4)(a) A person may not conduct educational use or scientific use activities with a species categorized as controlled or prohibited without first obtaining a certificate of registration from the division.

(b)(i) A person may not conduct commercial use activities with controlled species without first obtaining a certificate of registration from the division.

(ii) A person may not conduct commercial use activities with a prohibited species without first obtaining a variance from the Wildlife Board and a certificate of registration from the division.

R657-53-5. [~~Collection, Importation, and Possession of Threatened and Endangered Species.~~] Activities Allowed Without a Wildlife Document.

(1) A person may conduct the following activities without acquiring a wildlife document from the division:

(a) collect a noncontrolled reptile or amphibian from the wild;

(b) possess, import, export, or transfer to another person a reptile or amphibian that was previously removed from the wild and is classified as noncontrolled or controlled, provided:

(i) the person receiving the animal maintains documentation verifying that the specimen was legally acquired;

(ii) the person transferring the animal certifies that they were in lawful possession of the animal;

(iii) if the animal is wild caught, no financial compensation or consideration is exchanged as part of the transfer of possession;

(iv) the person receiving the animal has otherwise completed all mandatory education courses necessary to obtain or possess the animal;

(v) the person receiving the animal will not exceed the total possession limit for that species, if applicable; and

(vi) the animal does not belong to a species subject to certificate or registration requirements under R657-53-12;

(c) possess, import, export, transfer, or salvage a dead reptile or amphibian or their parts, provided:

(i) such actions are allowed under applicable state and federal law;

(ii) the specimen was lawfully acquired;

(iii) proof of legal possession accompanies the specimens; and

(iv) the individual completes any required mandatory reporting as described in R657-53-19 and possesses any necessary federal permit necessary to possess the animal or it's part;

(d) pursue and temporarily possess a reptile or amphibian, if that action complies with the requirements in R657-53-8(2);

(e) propagate lawfully acquired amphibians and reptiles, unless:

(i) the species to be propagated requires a certificate of registration under R657-53-12;

(ii) the propagator is breeding a wild caught species native to Utah and is selling the progeny in a manner qualifying as a commercial use under R657-53-2(7); or

(iii) otherwise prohibited by local, state, or federal law; or

(f) transport any reptile or amphibian, regardless of total possession limit restrictions, through Utah without a wildlife document, provided:

(i) the transporter is otherwise in lawful possession of the specimens;

(ii) proof of legal possession or origin accompanies the specimens;

(iii) the transporter complies with importation requirements established by the Utah

Department of Agriculture and Food;

(iv) the specimens remain in Utah no more than 72 hours; and

(v) the specimens are not sold, transferred, exhibited, displayed, or used for a commercial use while in Utah.

R657-53-6. Activities Requiring a Wildlife Document.

(1) A person must acquire a collection permit or certificate of registration before capturing a controlled species from the wild in Utah.

(2) Only one collection permit or certificate of registration is required per individual, regardless of the number of animals collected under that permit, provided:

(a) the individual remains in compliance with daily collection limits and total possession limits; and

(b) the individual completes mandatory reporting under R657-53-19 as required.

(3)(a) Collection permits are valid for the capture season authorized by the Wildlife Board.

(b) Certificates of registration for personal collection under R657-53-12 are valid for the term indicated on the document.

(4)(a) If a person lawfully collects an amphibian or reptile from the wild using a collection permit or certificate of registration, the collection permit or certificate of registration serves as the authorization for continued possession of those collected specimens consistent with the provisions of this rule.

(b) A copy of the collection permit or certificate of registration may serve as documentation of lawful acquisition necessary to transfer possession of a wild caught specimen under R657-53-6.

(c) A person may not collect individual specimens in excess of the identified daily collection or total possession limits during the term of their collection permit, regardless of whether they transfer ownership of a specimen to another individual during the collection permit's term.

(5) A person must obtain a variance from the Wildlife Board to collect or possess a prohibited species.

(6)(a) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

(b) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

(c) Educational use certificates of registration are valid for 3 years and authorize wildlife-related instructional activities identified on the certificate of registration.

(d) Commercial use certificates of registration are valid for 3 years and authorize activities commercial use activities identified on the certificate of registration.

(7) A wildlife document may be suspended or revoked as provided in Section 23-19-9 and Rule R657-26.

R657-53-7. Total Possession Limits and Daily Collection Limits.

(1)(a) The division shall establish daily collection limits and total possession limits for amphibians and reptiles found in Utah based upon their classification as a noncontrolled species, controlled species, or prohibited species.

(b) Daily limits, total possession limits, collection permit numbers, collection season dates, and collection permit boundaries will be approved by the Wildlife Board and published in a guidebook by the division.

(2) Noncontrolled species may be given the following daily collection limits and total possession limits:

(a) "Unlimited," allowing an unlimited number of individuals that may be collected from the wild or otherwise possessed; or

(b) "Expanded," allowing for a daily collection limit of 25 individuals and total possession limit of 100.

(3) Controlled species may be given the following daily collection limits and total possession limits:

(a) "Standard," allowing for a daily collection limit of 3 individuals and total possession limit of 9 individuals; or

(b) "Limited," allowing for a daily and yearly collection limit of 2 individuals and total possession limit of 4 individuals.

(4) Prohibited species shall be given the daily collection limit and total possession limit of "Zero," prohibiting all collection and possession of prohibited species.

(3) A person may not exceed daily collection limits or total possession limits unless an authorization is provided in this rule, on a certificate of registration, or a variance granted by the Wildlife Board pursuant to R657-53-18.

(4) An individual's daily collection limit and total possession limit is established at the time they possess an individual specimen and are cumulative throughout the term of a collection permit.

(5) In establishing a daily collection limit or total possession limit, any specimen that belongs to a species that is native to Utah is presumed to be a wild caught specimen unless the individual in possession provides verifiable documentation required by R657-53-5.

(6) If a species classification and associated daily collection limit and total possession limit is not defined in this rule or otherwise included in the guidebook published by the Wildlife Board, it shall be classified as a Controlled species and have a Standard daily collection limit and total possession limit.

R657-53-8. Exceptions to Total Possession Limits and Daily Collection Limits.

(1) Total possession limits apply to all amphibians and reptiles acquired in-state, imported into the state, or lawfully acquired by intrastate transfer, except the following do not count towards an individual's applicable limit:

(a) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and accompanied by documentation described in R657-53-5 verifying lawful acquisition and possession;

(b) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and are in possession of an individual conducting reptile propagation, so long as:

(i) the individual performing the propagation registers with the division as a propagator; and

(ii) completes associated mandatory reporting under R657-53-19;

(c) animals and their parts that are legally obtained outside of Utah and not classified as Prohibited or subject to certificate of registration requirements in R657-53-12; and

(d) individuals or entities authorized to collect or possess species under commercial use, educational use, or scientific use certificates of registration may be subject to alternative total possession limits or daily collection limits established by the division.

(2) Daily collection limits apply to any reptile or amphibian captured in the wild in Utah, except that a person may temporarily possess an individual animal in excess of daily collection limits, provided:

(a) the animal is released immediately after the temporary possession time period has expired;

(b) the animal is not transported away from the capture site unless necessary to accurately complete mandatory reporting;

(c) the animal is released in reasonable proximity to the capture location;

(d) required reporting is accurately submitted to the division;

(e) temporary possession is not prohibited by federal law;

(f) the individual has completed all mandatory training courses necessary to possess the animal; and

(g) the animal does not belong to a species subject to certificate of registration requirements under R657-53-12.

(3) Specimens salvaged in accordance with this rule do not count towards an individual's daily collection limit or total possession limit for that species.

R657-53-9. Determination of Prohibited Species; Establishing Daily Limits and Total Possession Limits for Controlled Species.

(1)(a) A species of the Order Squamata (snakes and lizards) is classified as a prohibited species if:

- (i) it is venomous;
- (ii) not native to Utah; and
- (iii) a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.

(b) Species of the Order Crocodilia (crocodiles, gharials, caimans, and alligators) are classified as prohibited.

(c) The division may classify any species of reptile or amphibian as prohibited if take from the wild or introduction into the wild poses a significant detrimental impact to wildlife populations or their habitat and publish them in the guidebook of the Wildlife Board for amphibians and reptiles.

([~~1~~]d) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act [~~is prohibited from collection, importation,~~] shall have a zero daily and total possession limit, [~~or propagation~~] except:

([a]i) [~~The~~]the division may [~~authorize~~] issue a wildlife document authorizing the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule [~~for controlled species~~] where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; [~~or~~]and

([~~b~~]ii) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

~~[R657-53-6. Release of an Amphibian or Reptile to the Wild -- Capture or Disposal of Escaped Wildlife.]~~

~~[(1) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining authorization from the division.]~~

~~[(2)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live amphibian or reptile that escapes from captivity.]~~

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

~~[R657-53-7. Inspection of Documentation.]~~

~~[A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit~~

~~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.]~~

~~**[R657-53-8. Certificate of Registration Required.]**~~

~~[(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any amphibian or reptile or their parts as provided in rule and the proclamations of the Wildlife Board for amphibians and reptiles, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.]~~

~~[(b) A certificate of registration is not required:]~~

~~[(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-26(1)(c), R657-53-27(5) and R657-53-28(7); or]~~

~~[(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.]~~

~~[(c) An application for an amphibian or reptile 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 amphibian or reptile meets the criteria provided in Subsections R657-53-23(1)(a), R657-53-24(c)(i) or R657-53-19.]~~

~~[(d) Pre authorized certificates of registration may be issued for collection and the resulting possession of amphibians and reptiles classified as controlled for collection pursuant to R657-53-13.]~~

(2) The division may consider the following factors in establishing recommended daily limits, total possession limits, collection permit numbers, and collection permit boundaries for controlled species to the Wildlife Board for approval:

~~[(2)(a) Certificates of registration expire as designated on the certificate of registration.]~~ a) prevalence and distribution of the species;

~~(b) [Certificates of registration are not transferable.]~~ anticipated number of persons participating in the program;

(c) harvest success rates;

(d) population trends and related conservation data for the species;

(e) human safety concerns posed by collection and possession of the species; and

(f) other relevant social, biological, and political concerns.

(3)(a) The division may establish a harvest objective for each species, which is the total number of specimens per species may be collected from the wild each year and close an area or region.

(b) If an established harvest objective for a particular species is reached, collection in that area or region is closed for the remainder of the collection season and removing additional specimens of that species from the wild is prohibited.

(c) The division will identify harvest objective species and numbers in the guidebook of the Wildlife Board for amphibians and reptiles and publish harvest objective criteria on their website.

(d) Individuals collecting amphibians or reptiles having an established harvest objective are responsible for verifying that collection remains open.

R657-53-10. Collection Permits and Certificates of Registration; Prohibited Collection Methods.

(1)(a) Collection permits authorize continued possession of an individual animal after it has been reduced to possession and removed from the wild, subject to the limitations identified in this rule.

(b) In lieu of a collection permit, a person must obtain a certificate of registration to collect, possess, import, or propagate certain venomous reptiles that are native to Utah, pursuant to R657-53-12.

(2) A person may collect amphibians and reptiles having an Unlimited daily collection limit without acquiring a wildlife document from the division.

(3)(a) A person may collect amphibians and reptiles having an Expanded daily collection limit after successfully completing the Reptile and Amphibian education course, so long as that person satisfies all the mandatory reporting requirements established in R657-53-19.

(b) No collection permit is needed to collect amphibians or reptiles having an Expanded daily collection limit.

(4)(a) A person may collect amphibians and reptiles having a Standard or Limited daily collection limit after:

(i) successfully completing the Reptile and Amphibian education course; and

(ii) acquiring a collection permit or certificate of registration from the division.

(b) A person may not collect amphibians or reptiles having a Standard or Limited daily collection limit if they have failed to complete mandatory reporting required in R657-53-19 under their current collection permit.

(5) A person may only collect amphibians and reptiles having a Zero daily collection limit after receiving a variance from the Wildlife Board.

(6) Collection methods.

(a) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a variance or the Wildlife Board.

(b) The following tools or methods may be utilized in collecting amphibians or reptiles pursuant to this rule:

(i) dip nets less than 24 inches in diameter;

(ii) snake sticks, including hooks, tongs, or grabbers;

(iii) lizard nooses;

(iv) use of a firearm considered a legal weapon under R657-5, so long as the individual has satisfied Hunter Safety requirements in the State of Utah; or

(v) capture-by-hand.

(c) Amphibians and reptiles may only be collected within boundaries established in the guidebook for amphibians and reptiles.

(d) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

(e) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

R657-53-11. Acquiring a Wildlife Document.

(1) A person may acquire a certificate of registration by:

(a) possessing a valid certificate of completion for the Amphibian and Reptile education course;

(b) submitting an application on the division's website;

(c) paying the associated application fee;

(d) providing required information for the type of certificate of registration applied for;

(e) being approved by the division; and

(e) paying the certificate of registration fee.

(2)(a) A person may acquire a collection permit by:

(i) possessing a valid certificate of completion for the Amphibian and Reptile education course;

(ii) paying the associated application fee; and

(iii) if applying for a collection permit distributed through a random drawing, submitting an application on the division's website during the designated application period and, if selected, paying the associated permit fee.

(b) If the division receives more valid applications than the number of available collection permits, the division will conduct a random drawing to identify successful applicants.

(3) Procedures regarding application errors, surrenders, refunds, reallocation of wildlife documents, and variance requests are processed pursuant to Utah Admin. Rules R657-42, R657-50, R657-57, and relevant sections of Utah Code.

(4) Wildlife documents are not transferable.

([e]5) If the holder of a [~~certificate of registration~~] wildlife document is a representative of an institution, organization, business, or agency, the [~~certificate of registration~~] wildlife document shall [~~end~~] be considered void upon the representative's discontinuation of association with that entity.

[~~(d) Certificates of registration~~] (6) Wildlife documents do not provide the holder with any rights of succession and any [~~certificate of registration~~]

wildlife document issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

([3]7) The issuance of a [~~certificate of registration~~] wildlife document automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the [~~certificate of registration~~] document is issued.

~~[(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.]~~

~~[(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.]~~

~~[(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.]~~

~~[(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.]~~

~~[(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending]~~

(8) In order to acquire a wildlife document, a person must be eligible to possess the wildlife document and submit a complete application or purchase request.

(9) An individual must register with the division as an amphibian or reptile propagator if they wish to breed reptiles or amphibians and maintain possession of those individuals beyond total possession limits that would otherwise apply.

R657-53-12. Regulations Specific to Venomous Reptiles Native to Utah.

(1) An individual must obtain a certificate of registration prior to collecting, possessing, importing, or propagating any reptile, whether wild caught or captive-bred, that is:

(a) native to Utah;

(b) venomous; and

(c) a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.

(2) An individual must be at least 18 years of age to receive a certificate of registration pursuant to this section.

(3) To apply for a certificate of registration, a person must submit the following materials to the division:

(a) the species and number of individual animals requested;

(b) the source from which they are to be acquired;

(c) a description of the knowledge, skills, and experience the applicant has in handling venomous reptiles, and if any mentor will be utilized during the term of the certificate of registration;

(d) the address where the animals will be housed and written verification from the local governmental entity that the activity requested is consistent with their ordinances;

(e) a description of the facilities and equipment to be utilized in housing the animals;

(f) all documentation required by the Utah Department of Agriculture and Food for lawful import, if necessary;

(g) verification that appropriate medical treatment from a medical provider is available in

proximity to the location where the animals will be housed; and

(h) registration with the division for propagation activities, if requested.

(4) The division may deny a certificate of registration application if:

(a) the applicant fails to submit any of the required application materials in this section;

(b) approval of which would violate local, state, or federal law;

(c) there is a basis for denial described in R657-53-17; or

(d) approval of which may continue to pose a substantial public safety concern.

(5) All activities conducted under a certificate of registration authorization issued pursuant to this section are subject to the mandatory reporting requirements identified in R657-53-19.

R657-53-13. Commercial Use Certificate of Registration.

(1) An individual or entity wishing to utilize an amphibian or reptile in manner qualifying as commercial use must first acquire a commercial use certificate of registration from the division.

(2) The division shall consider the following factors in reviewing an application for a commercial use certificate of registration:

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

(b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;

(c) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(d) ecological and environmental impacts of the proposed activity; and

(e) the acquisition of other necessary permits or approvals.

(3)(a) The division may review facility and operational guidelines to use in evaluating applications.

(b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection 3(b), a commercial use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board, unless they are an entity meeting the requirements described in Subsection (4).

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

(4) The division may issue a commercial use certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile having a total possession limit of Expanded, Standard, Limited, or Zero, provided:

(a) the applicant satisfies the application requirements in Subsection (2); and

(b) the benefits to the wildlife resource or the general public outweigh any negative impacts to the wildlife resource or the general public.

(4) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (See Federal Register 21 CFR 1240.62).

(5)(a) Applications for a commercial use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying an application within 30 days of receiving a complete application.

~~(6) [Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.]~~

~~[(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.]~~ A commercial use certificate of registration is non-transferable and automatically terminates upon any of the following:

(a) sale of the licensed commercial enterprise;

(b) a change in the majority of interest holder in the commercial enterprise; or

(c) closure of the commercial enterprise or discontinuation of the activities authorized under a certificate of registration.

~~**[R657-53-9. Application Procedures --- Fees.]**~~

~~[(1)(a) 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 may require up to 45 days for review and processing.]~~

~~[(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 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 significantly beneficial to the division, wildlife, or wildlife management.]~~

~~**[R657-53-10. Retroactive Effect on Possession.]**~~

~~[(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that amphibian or reptile where the~~

~~amphibian or reptile's classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited.]~~

~~[(2) The certificate of registration shall be obtained within six months of the reclassification, or possession of the amphibian or reptile thereafter shall be unlawful.]~~

~~[(3) The certificate of registration for a species where the classification has changed from noncontrolled to controlled shall be issued for the life of the animal.]~~

~~[(4) The certificate of registration for a species where the classification has changed from noncontrolled or controlled to prohibited shall be renewed annually for the life of the animal.]~~

~~[(5) The division may require annual reporting.]~~

R657-53-14. Scientific Use Certificate of Registration.

~~[R657-53-11. Issuance Criteria.]~~

(1) An individual or enterprise wishing to utilize a reptile or amphibian in a manner qualifying as a scientific use must first acquire a scientific use certificate of registration from the division.

(2) The division shall consider the following factors [~~shall be considered before the division may issue a~~] in analyzing an application for a scientific use certificate of registration:

~~[(a)]~~

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

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals; [~~and~~]

(c) ecological and environmental impacts [~~-~~] of the proposed activity;

~~[(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of an amphibian or reptile:]~~

(d) the acquisition of other necessary permits or approvals;

([~~a~~]e) the validity of the research objectives and design;

([~~b~~]f) the likelihood the [~~project~~] research will fulfill the stated objectives;

([~~e~~]g) the applicant's qualifications to conduct the research, including the requisite education

or experience;

([~~d~~]h) the adequacy of the applicant's resources to conduct the study and, if applicable, catalogue or otherwise store specimens in a long-term repository; and

([~~e~~]i) whether the scientific use is in the best interest of the amphibian or reptile, 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 of a~~

~~certificate of registration for an educational use of an amphibian or reptile:]~~

(3)(a) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(b) A scientific use certificate of registration may authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(c) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(d) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-12.

(4)(a) Applications for a scientific use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) The division may condition approval of a certificate of registration for scientific use on the applicant's agreement to provide an annual report to the division during the permit period, detailing the species and locality of specimens or tissues that were removed from the wild and the destination of any specimens submitted to a long-term collection or depository.

(6) A scientific use certificate of registration is non-transferable and automatically terminates upon:

(a) conclusion of the relevant research project for which the certificate of registration was issued; or

(b) a change in the researcher named as the principal investigator.

R657-53-15. Educational Use Certificate of Registration.

(1) An individual or entity wishing to utilize an amphibian or reptile in a method qualifying as an educational use must first acquire an educational use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a educational use certificate of registration:

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

(b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;

(c) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(d) ecological and environmental impacts of the proposed activity; and

(e) the acquisition of other necessary permits or approvals.

([a]f) the objectives and structure of the educational program; and

([b]g) whether the applicant has written approval from the appropriate official if the activity

is conducted in a school or other educational facility.

~~[(4) The division may deny issuing or reissuing a certificate of registration to any applicant, if:]~~

(3)(a) The division may establish facility and operational guidelines to use in reviewing Applications.

(b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection 2(b), an educational use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

(4)(a) Applications for educational use certificates of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) An educational use certificate of registration is non-transferable and automatically expires if the principal educator named on the certificate of registration is no longer providing the educational activity described on the certificate of registration.

R657-53-16. Reptile and Amphibian Education Course.

(1) A person must complete an amphibian and reptile education course before:

(a) importing, collecting, or possessing a species having a total possession limit of
Expanded:

(b) applying for or acquiring a collection permit; or

(c) applying for a certificate of registration; or

(d) engaging in any activity requiring a wildlife document.

(2) The Reptile and Amphibian Education Course may be comprised of educational materials on biology and conservation of reptiles and amphibians, laws and rules pertaining to reptiles and amphibians, field work etiquette and safety, and a written exam.

(3) A person must complete the entire course and obtain at least a 75% passing score on the exam in order to receive a certification of completion.

(4) A certification of completion is valid for three calendar years.

R657-53-17. Denials and Appeals.

(1) The division may deny issuing or reissuing a wildlife document to any applicant, if:

(a) the applicant has violated any provision of:

- (i) Title 23, Utah Wildlife Resources Code [7];
- (ii) Administrative Code R [~~657, a certificate of registration,~~] 657;
- (iii) any term in a wildlife document pertaining to activities described in this rule;
- (iv) an order of the Wildlife Board; or
- (v) any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, 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~~] mandatory reporting information required by this rule, the division, or the Wildlife Board; or
- (c) the applicant misrepresented or failed to disclose material information required in connection with the application [-]; or
- [~~— (d) The division may deny issuing or renewing a certificate of registration to an applicant where holding the amphibian or reptile at the proposed location~~] (d) where the conduct authorized by the wildlife document violates federal, state or local laws.
- [~~— (5) If an application is denied, the division~~]
- (2) If the division denies an application, they shall provide the applicant with written notice of the reasons for denial.
- [~~— (6) An appeal of the denial of an application may be made as provided in Section R657-53-20.~~]

[~~R657-53-12. Amendment to Certificate of Registration.~~]

- [~~— (1)(a) If material circumstances 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 applications provided in Section R657-53-11, 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 R657-53-20.~~]
- [~~— (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) An amphibian or reptile 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.]~~

~~[**R657-53-13. Pre-authorized Certificates of Registration for Personal Use.**]~~

~~[(1) Pre-authorized certificates of registration may only be issued for collection and the resulting possession for personal use of amphibians and reptiles classified as controlled for collection, as provided in this rule and the proclamation of the Wildlife Board.]~~

~~[(2) Pre-authorized certificates of registration shall be held to all conditions established in R657-53-8.]~~

~~[(3)(a) The criteria established in R657-53-11(1) shall be utilized to determine if pre-authorized certificates of registration shall be approved and issued.]~~

~~[(b) The criteria shall be applied to all amphibians and reptiles classified as controlled for collection.]~~

~~[(c) Pre-authorized certificates of registration shall be approved and issued only when the R657-53-11(1) criteria have been evaluated by the division and issuance found consistent with the criteria.]~~

~~[(4)(a) Applications for pre-authorized certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City.]~~

~~[(i) Applications for pre-authorized certificates of registration shall be accepted during the second full week of January and must be received by the Salt Lake Office by 5 p.m. Friday of that week.]~~

~~[(ii) Applications received before the second full week in January will not be accepted.]~~

~~[(iii) If necessary, a drawing will be held for those species that have more applications than available pre-authorized certificates of registration.]~~

~~[(iv) Remaining pre-authorized certificates of registration will be available after the second full week of January on a first come, first served basis.]~~

~~[(v) A person may not apply for or obtain more than one pre-authorized certificate of registration for each available species in a calendar year.]~~

~~[(vi) If available, pre-authorized certificates of registration shall be issued within five business days beginning the Monday after the second full week in January.]~~

~~[(vii) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be rejected.]~~

~~[(b)(i) Legal tender in the correct amount must accompany the application.]~~

~~[(ii) The pre-authorized certificate of registration fee includes a nonrefundable handling fee.]~~

~~[(c) Applications for pre-authorized certificates of registration may be denied as provided in R657-53-11(4).]~~

~~[(5)(a) Pre-authorized certificates of registration are not transferable, nor may they be amended to change collection area, species, bag limits, or dates.]~~

~~[(b) A holder of a pre-authorized certificate of registration shall notify the division within 30 days of any change in mailing address.]~~

~~[(c) An amphibian or reptile, or activities authorized by a certificate of registration may not be held or conducted at any location not specified on the certificate of registration without prior written permission from the division.]~~

~~[(6) Specific dates, species, areas, number of pre-authorized certificates of registration approved, and bag limits shall be published in the proclamation of the Wildlife Board for amphibians and reptiles.]~~

~~[(7)(a) Holders of a pre-authorized certificate of registration must report collection success or lack thereof to the division before the expiration date of the pre-authorized certificate of registration.]~~

~~[(b) The division shall issue a possession certificate of registration for the amphibian or reptile collected under the pre-authorized certification of registration for the life of the animal.]~~

~~[(c) Annual reporting to the division on the status of the animal is required or the possession certificate of registration becomes invalid.]~~

~~**[R657-53-14. Records and Reports.]**~~

~~[(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to applicable sections of 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 whom any amphibian or reptile 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 five 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.]~~

~~[R657-53-15. Transfer of Possession.]~~

~~[(1) Any person who lawfully possesses an amphibian or reptile classified as prohibited or controlled may transfer possession of that amphibian or reptile only to a person who has first applied for and obtained a certificate of registration for that amphibian or reptile from the division, except as provided in Subsection (3).]~~

~~[(2) The division may issue a certificate of registration granting the transfer and possession of an amphibian or reptile only if the applicant/transferee meets the issuance criteria provided in Section R657-53-11.]~~

~~[(3) Upon the death of a certificate of registration holder, a legally-obtained and possessed amphibian or reptile may pass to a successor, and a certificate of registration will be issued to the successor provided the amphibian or reptile poses no detrimental impact to community safety and the successor is qualified to handle the amphibian or reptile.]~~

~~[R657-53-16. Violations.]~~

~~[(1) Any violation of this rule is a class C misdemeanor, 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 which establishes a penalty greater than a class C misdemeanor.] [Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.]~~

~~[R657-53-17. Division Responsibilities.]~~

~~[(1) The division, in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:]~~

~~[(a) reviewing:]~~

~~[(i) petitions to reclassify species and subspecies of amphibians or reptiles; and]~~

~~[(ii) requests for variances to this rule; and]~~

~~[(b) making recommendations to the Wildlife Board.]~~

~~[(2) The division shall require a fee for the submission of a request provided in Section R657-53-18 and R657-53-19.]~~

(3) If the division denies an application, the applicant may request that the Director reconsider the division's decision by providing written notice to the Director within 30 days of denial.

(4) If the Director denies a request for reconsideration, the applicant may submit an appeal to the Wildlife Board consistent with R657-2.

~~[R657-53-18. Request for Species Reclassification.]~~

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

~~[(2) A request for reclassification must be made to the division by submitting an application for reclassification.]~~

~~[(3)(a) The application shall include:]~~

~~[(i) the petitioner's name, address, and phone number;~~

~~[(ii) the species or subspecies for which the application is made;~~

~~[(iii) the name of all interested parties known by the petitioner;~~

~~[(iv) the current classification of the species or subspecies;~~

~~[(v) a statement of the facts and reasons forming the basis for the reclassification; and]~~

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

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

~~[(4)(a) The division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.]~~

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

~~[(5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:]~~

~~[(i) consider the division recommendation; and]~~

~~[(ii) any information provided by the petitioner or other interested parties.]~~

~~[(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).]~~

~~[(6) A change in species classification shall be made in accordance with Title 63G, Chapter 4, Administrative Rulemaking Act.]~~

~~[(7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.]~~

R657-53-~~19.~~ 18. 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 amphibian or reptile ~~[classified as~~

~~prohibited under this rule~~] by submitting [a] the request [~~for variance~~] to the [~~division~~] Chairman of the Wildlife Board.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the

request must provide any information requested by the [~~division~~] committee necessary to formulate a recommendation to the Wildlife Board.

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

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

(a) consider the division's 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~~] evaluate the application materials and based upon the [~~issuance~~] criteria [~~provided~~] established in [~~Section R657-53-11.~~] [~~(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to~~] this rule for that particular type of certificate of registration.

(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~~] wildlife document which shall be signed by the person making the request.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-19. Data Collection and Mandatory Reporting.

(1) A person must complete mandatory reporting within 72 hours of obtaining possession of the specimen if:

(a) the individual is collected from the wild and belongs to a species having a daily collection limit of Standard or Limited;

(b) the individual is salvaging a species having a daily collection limit of Standard, Limited, or Zero;

(c) the individual is transferring a wild caught species native to the State of Utah to another individual; or

(d) the individual is a registered propagator and a breeding event results in amphibian or reptile possession beyond the total possession limit for the relevant species.

(2) Mandatory reporting must be completed using a division-approved reporting platform, and shall include:

(a) UTM or latitude/longitude coordinates of the location of the collection point;

(b) number of individuals or specimens obtained;

(c) morphological measurements and descriptions; and

(d) photographic documentation.

(3) A person who fails to complete mandatory reporting as required in this rule may be:

(a) considered in unlawful possession of animals that went unreported; and

(b) deemed ineligible to obtain wildlife documents until such reporting is completed.

(4) Mandatory reporting for commercial use, scientific use, and educational use certificates of registration will be established as part of the certificate of registration approval process.

(5) The division will offer an online method for completing mandatory reporting.

R657-53-20. [~~Appeal of Certificate of Registration Denial.~~] Animal Welfare.

~~[(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the consistent with R657-2.]~~

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

(1) Any amphibian or reptile possessed under the authority of a certificate of completion or wildlife document shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

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

(3) The division may impose specific requirements on the holder of a wildlife document, consistent with industry standards or generally accepted animal husbandry practices, deemed necessary for the safe and humane handling and care of the animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.

R657-53-21. [~~Prohibited Collection Methods.~~] Record Retention; Inspection of Documentation.

~~[(1) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a certificate of registration or the Wildlife Board.]~~

~~[(a) Lethal methods of collection are prohibited except as provided in Subsections R657-53-27(6) and R657-53-28(6), (8), and (9).]~~

~~[(b) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.]~~

~~[(c) The use of winches, auto jacks, hydraulic jacks, crowbars and pry bars are prohibited.]~~

~~[(d) The use of gasoline or other potentially toxic substance is prohibited.]~~

~~[(e) The use of firearms, airguns or explosives is prohibited.]~~

~~[(f) The use of electrical or mechanical devices, or smokers is prohibited except as provided in Subsection (2)(b).]~~

~~[(g) The use of traps including pit fall traps, can traps, or funnel traps is prohibited.]~~

~~[(h) The use of fykes, seines, weirs, or nets of any description are prohibited except as provided in Subsection (2)(b).]~~

~~[(2)(a) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.]~~

~~[(b) Dip nets less than 24 inches in diameter, snake sticks, and lizard nooses may be used.]~~

(1) An individual is required to maintain all records verifying compliance with this rule while in possession of an amphibian or reptile or otherwise engaging in an activity regulated under this rule.

(2) A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, bills of sale, or proof of ownership or legal possession.

~~R657-53-22. [Personal Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.]~~Retroactive Effect on Possession.

~~[(1) A person may collect and possess a live amphibian or reptile for personal use only as provided in Subsection (a), (b) or (c).]~~

~~[(a) Certificates of registration are not issued for the collection and possession of any live amphibian or reptile classified as prohibited for collection and possession, except as provided in R657-53-19.]~~

~~[(b) A certificate of registration is required for collection and possession of any live amphibian or reptile classified as~~

~~controlled for collection and possession, except as otherwise provided by the Wildlife Board.]~~

~~[(c) A certificate of registration is not required for collection and possession of any live amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).]~~

~~[(2) A person may collect and possess a dead amphibian or reptile or its parts for personal use only as provided in Subsections (a), (b) or (c).]~~

~~[(a) A person may collect and possess a dead amphibian or reptile or its parts classified as controlled for collection and possession without a certificate of registration as provided in Subsections (i) and (ii).]~~

~~[(i) The specimen must be frozen and submitted to the division by appointment within 30 days of collection; and]~~

~~[(ii) The specimen must be labeled with the species name, salvage date, salvage location, Universal Transverse Mercator (UTM) location coordinates and name of person collecting the dead amphibian or reptile.]~~

~~[(b) A certificate of registration is required for collection and possession of a dead amphibian or reptile or its parts classified as controlled for collection and possession where the dead amphibian or reptile or its parts remains in personal possession, except as otherwise provided by the Wildlife Board.]~~

~~[(i) A certificate of registration is not required for collection and possession of any dead amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).]~~

~~[(ii) Collection and possession of any dead amphibian or reptile or its parts classified as noncontrolled for collection and possession, which remain in personal possession will count against collection and possession limits.]~~

~~[(c) A dead amphibian or reptile or its parts classified as prohibited for collection and possession may not be collected and possessed without a certificate of registration issued by the division for collection and possession of the specimen.]~~

~~[(3) A person may temporarily handle for personal use live amphibians or reptiles classified as noncontrolled and controlled for collection and possession without a certificate of registration only as provided in Subsections (a) through (d).]~~

~~[(a) An amphibian or reptile may be held for up to 15 minutes in a non-harmful way for the purpose of photography, noninvasive data collection and moving out of harm's way;]~~

~~[(i) For the purposes of this Subsection, noninvasive data collection means the collection of external measurements, specimen~~

~~weights, external meristics, and sex determination which does not involve the use of probes or other instruments which enter the body of the animal;]~~

~~[(b) The amphibian or reptile cannot be moved more than 60 feet from the location found;]~~

~~[(c) The amphibian or reptile can be placed in any container, bag or device which confines the animal so it may be transported; and]~~

~~[(d) The amphibian or reptile must be released immediately when directed to do so by a division employee.]~~

~~[(4) A certificate of registration is required for a person to handle live amphibians or reptiles classified as prohibited for collection and possession.]~~

~~[(5) A person may import and possess a live or dead amphibian or reptile or its parts for personal use only as provided in subsection (b), (c) and (d).]~~

~~[(a) Certificates of registration are not issued for the importation and possession of any live or dead amphibian or reptile or its parts classified as prohibited for importation and possession, except as provided in Subsection (d) and R657-53-19.]~~

~~[(b) A certificate of registration is required for importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for importation and possession, except as otherwise provided by the Wildlife Board and subsection (i).]~~

~~[(i) Prior to importation, a certificate of registration shall be issued for the importation and the resulting possession of any live amphibian or reptile for personal use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.]~~

~~[(ii) Legal documentation of the acquisition of the amphibian or reptile shall be maintained as determined in the certificate of registration.]~~

~~[(iii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.]~~

~~[(iv) Imported native and naturalized species shall not count toward the possession limit.]~~

~~[(c) A certificate of registration is not required for importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for importation and possession.]~~

~~[(i) Legal documentation of the acquisition of the amphibian or reptile shall be maintained for the life of the animal or the time the animal is in possession.]~~

~~[(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.]~~

~~[(iii) Imported native and naturalized species shall not count toward the possession limit.]~~

~~[(d) Notwithstanding subsection (5)(a) or (b), a person may import and possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.]~~

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any reduction in total possession limit may continue to lawfully possess those individual specimens, even if it exceeds the newly established total possession limit.

(2) An individual utilizing the authorization described in Subsection (1) may not acquire specimens after the change total possession limits in that would exceed the newly established possession limit.

R657-53-23. [~~Scientific, or Educational Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.~~] Violations; Suspension and Revocation.

~~[(1) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for scientific or educational use only as provided in Subsections (a), (b) and (c) and R657-53-19.]~~

~~[(a) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit educational or scientific institution, or a person involved in wildlife research through an eligible institution to collect and possess or import and possess a live or dead amphibian or reptile classified as prohibited for collection and possession or importation and possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife and significantly benefits the general public without material detriment to wildlife.]~~

~~[(b) A certificate of registration is required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for collection and possession or importation and possession for scientific or educational use, except as otherwise provided by the Wildlife Board.]~~

~~[(i) Prior to importation, a certificate of registration shall be issued for the importation and resulting possession of any live amphibian or reptile for scientific or educational use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.]~~

~~[(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.]~~

~~[(iii) Imported native and naturalized species shall not count toward the possession limit.]~~

~~[(c)(i) A certificate of registration is not required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for collection and possession or importation and possession for scientific or educational use, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).]~~

~~[(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.]~~

~~[(iii) Imported native and naturalized species shall not count toward the possession limit.]~~

~~**[R657-53-24. Commercial Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.]**~~

~~[(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess a live amphibian or reptile for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in this rule or a certificate of registration.]~~

~~[(2) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for commercial use only as provided in Subsections (a), (b) and (c) and R657-53-19.]~~

~~[(a)(i) A person may import and possess a live amphibian or reptile classified as non-controlled for importation and possession for a commercial use or a commercial venture, except as provided in subsection (ii)]~~

~~[(ii) A native or naturalized species or subspecies of amphibian or reptile may not be sold or traded unless it originated from a captive-bred population.]~~

~~[(iii) Complete and accurate records for native or naturalized species must be maintained and available for inspection for five years from the date of the transaction, documenting the date, name, address, and telephone number of the person from whom the amphibian or reptile has been obtained.]~~

~~[(iv) Complete and accurate records must be maintained and available for inspection for five years from the date of the transfer, documenting the date, name, address and certificate of registration number if applicable of the person receiving the amphibian or reptile.]~~

~~[(b)(i) A person may not import and possess a live amphibian or reptile classified as controlled for importation and possession for a commercial use or commercial venture without first obtaining a certificate of registration.]~~

~~[(ii) A certificate of registration will not be issued to sell or trade a native or naturalized species of amphibian or reptile unless it originates from a captive-bred population.]~~

~~[(iii) It is unlawful to transfer a live amphibian or reptile classified as controlled for collection and possession or importation and possession to a person who does not have a certificate of registration to possess the amphibian or reptile, except as follows:]~~

~~[(A) the amphibian or reptile is captive bred;]~~

~~[(B) the transferee is not domiciled in Utah;]~~

~~[(C) the transferee is exporting the amphibian or reptile out of Utah; and]~~

~~[(D) the transferee follows the transport provisions in Section R657-53-25.]~~

~~[(iv) Complete and accurate records must be maintained by the buyer and the seller for five years from the date of the transaction or transfer, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained and the person receiving the amphibian or reptile.]~~

~~[(v) The records indicated in Subsection (iv) must be made available for inspection upon request of the division.]~~

~~[(c)(i) A certificate of registration will not be issued for importation and possession of a live amphibian or reptile, classified as prohibited for importation and possession for a commercial use or commercial venture, except as provided in Subsection (ii) or R657-53-19.]~~

~~[(ii) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile classified as prohibited for importation and possession if, in the opinion of the division, the importation and possession for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.]~~

~~[(iii) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited amphibian or reptile in a park, building, cage,~~

~~enclosure or other structure for the primary purpose of public exhibition or viewing.]~~

~~[(3) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (Referenced Federal Register 21 CFR 1240.62).]~~

~~[(4)(a) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess or import and possess any dead amphibian or reptile or its parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.]~~

~~[(b) The restrictions in Subsection (a) do not apply to importation and possession of a dead amphibian or reptile sold or traded for educational use.]~~

~~[R657-53-25. Transporting a Live Amphibian or Reptile Through Utah.]~~

~~[A certificate of veterinary inspection is required from the state of origin as provided in Utah Department of Agriculture Rule R58-1 and proof of legal possession must accompany the zoological animal]~~

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

~~[(a) the amphibian or reptile remains in Utah no more than 72 hours; and]~~

~~[(b) the amphibian or reptile is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.]~~

~~[(2) Proof of legal possession must accompany the amphibian or reptile.]~~

~~[(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.]~~

~~[R657-53-26. Propagation of Amphibians or Reptiles.]~~

~~[(1) A person may propagate native amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (c).]~~

~~[(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.]~~

~~[(b) A certificate of registration is required for propagating any native amphibian or reptile collected in Utah and classified as controlled for propagation, except as otherwise provided by the Wildlife Board.]~~

~~[(i) All progeny shall be marked as determined in the certificate of registration;]~~

~~[(ii) A report shall be submitted yearly as specified in the certificate of registration;]~~

~~[(iii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and]~~

~~[(iv) Progeny shall not count toward possession limits.]~~

~~[(c) A certificate of registration is required for propagating native amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.]~~

~~[(i) A report shall be submitted yearly as specified in the certificate of registration;]~~

~~[(ii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and]~~

~~[(iii) Progeny shall not count toward possession limits.]~~

~~[(2) A person may propagate naturalized amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (d).]~~

~~[(a) Certificates of registration are not issued for the propagation of any naturalized amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.]~~

~~[(b) A certificate of registration is required for propagating any naturalized amphibian or reptile legally collected in Utah and classified as controlled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession.]~~

~~[(c) A certificate of registration is not required for propagating any naturalized amphibian or reptile collected in Utah and classified as controlled for possession but classified as noncontrolled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession; and]~~

~~[(ii) Progeny shall not count toward possession limits.]~~

~~[(d) A certificate of registration is not required for propagating naturalized amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.]~~

~~[(i) Progeny shall not count toward possession limits.]~~

~~[(3) A person may propagate native amphibians or reptiles that are legally obtained from an instate captive source or imported into Utah and possessed only as provided in Subsection (a) through (d).]~~

~~[(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile imported into Utah~~

~~and classified as prohibited for propagation except as provided in R657-53-19.]~~

~~[(b) A certificate of registration is required for propagating any native amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession.]~~

~~[(c) A certificate of registration is not required for propagating any native amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession; and]~~

~~[(ii) Progeny shall not count toward possession limits.]~~

~~[(d) A certificate of registration is not required for propagating native amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession; and]~~

~~[(ii) Progeny shall not count toward possession limits.]~~

~~[(4) A person may propagate nonnative or naturalized amphibians or reptiles that are legally obtained from an instate captive source or imported into Utah and possessed only as provided in Subsections (a) through (d).]~~

~~[(a) Certificates of registration are not issued for the propagation of any nonnative or naturalized amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.]~~

~~[(b) A certificate of registration is required for propagating any nonnative or naturalized amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession.]~~

~~[(c) A certificate of registration is not required for propagating nonnative or naturalized amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.]~~

~~[(i) Records of the progeny shall be kept for the life of the animal or time in possession; and]~~

~~[(ii) Progeny shall not count toward possession limits.]~~

~~[(d) A certificate of registration is not required for propagating nonnative or naturalized amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.]~~

~~[(i) Progeny shall not count toward possession limits.]~~

~~[(5) Certificates of registration may be denied to an applicant who:~~

- ~~[(a) is a non-resident of Utah;~~
- ~~[(b) fails to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;~~
- ~~[(c) has been judicially or administratively found guilty of violating the provisions of this rule;~~
- ~~[(d) has been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a reasonable relationship to the applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles; or]~~
- ~~[(e) fails to maintain the propagation records and file the annual reports required in this section.]~~

~~[(6) Legally obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.]~~

~~**[R657-53-27. Classification and Specific Rules for Amphibians.]**~~

~~[(1) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) will be utilized in Subsection (2).]~~

~~[(2) Amphibians are classified as follows:~~

- ~~[(a) Frogs are classified as follows:~~
- ~~[(i) American bullfrog, Ranidae Family (*Rana catesbeiana*) is]~~
- ~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);]~~
- ~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~
- ~~[(ii) Canyon treefrog, Hylidae Family (*Hyla arenicolor*) is]~~
- ~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;~~
- ~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~
- ~~[(iii) Clawed frog, Pipidae Family (*Xenopus*) (All species) is]~~
- ~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~
- ~~[(iv) Columbia spotted frog, Ranidae Family (*Rana luteiventris*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(v) Green frog, Ranidae Family (*Rana clamitans*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (7);]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(vi) Lowland leopard frog, Ranidae Family (*Rana yavapaiensis*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(vii) Northern leopard frog, Ranidae Family (*Rana pipiens*) is]~~

~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(viii) Pacific treefrog, Hylidae Family (*Pseudacris regilla*) is]~~

~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(ix) Relict leopard frog, Ranidae Family (*Rana onca*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(x) Western chorus frog, Hylidae Family (*Pseudacris triseriata*) is]~~

~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(b) Spadefoots are classified as follows:]~~

~~[(i) Great basin spadefoot, Pelobatidae Family (*Spea intermontana*) is]~~

~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ii) Mexican spadefoot, Pelobatidae Family (*Spea multiplicata*) is]~~
~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iii) Plains spadefoot, Pelobatidae Family (*Spea bombifrons*) is]~~
~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(c) Salamanders are classified as follows:]~~
~~[(i) Tiger salamander, Ambystomatidae Family (*Ambystoma tigrinum*) is]~~
~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah.]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(d) Toads are classified as follows:]~~
~~[(i) Arizona toad, Bufonidae Family (*Bufo microscaphus*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ii) Cane (marine) toad, Bufonidae Family (*Bufo marinus*) is]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iii) Great Plains toad, Bufonidae Family (*Bufo cognatus*) is]~~
~~[(A) controlled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iv) Red-spotted toad, Bufonidae Family (*Bufo punctatus*) is]~~
~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(v) Western toad, Bufonidae Family (*Bufo boreas*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(t) Woodhouse's toad, Bufonidae Family (*Bufo woodhousii*) is]~~

~~[(A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.]~~

~~[(3)(a) Amphibians classified at the genus or family taxonomic level include all species and subspecies.]~~

~~[(b) Amphibians classified at the species taxonomic level include all subspecies.]~~

~~[(c) Amphibians classified at the subspecies taxonomic level do not include any other related subspecies.]~~

~~[(4) All species or subspecies of amphibians not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation.]~~

~~[(5)(a) A person must obtain a certificate of registration to collect and possess more than three amphibians of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (6).]~~

~~[(b) A person must obtain a certificate of registration to possess more than nine amphibians in aggregate classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (6).]~~

~~[(6) A person may collect and possess any number of American bullfrogs (*Rana catesbeiana*) or Green frogs (*Rana clamitans*) without a certificate of registration provided they are either killed or released immediately. A person may not transport a live bullfrog or green frog from the point of capture without first obtaining a certificate of registration.]~~

~~**[R657-53-28. Classification and Specific Rules for Reptiles.]**~~

~~[(1)(i) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) shall be utilized in Subsection (2) for North American species found north of Mexico.]~~

~~[(ii) Common and scientific nomenclature recognized and adopted by C. Mattison in The Encyclopedia of Snakes (1999) shall be utilized for all other snakes found in Subsection (2).]~~

~~[(iii) Common and scientific nomenclature recognized and adopted by O'Shea and Halliday in Smithsonian Handbooks: Reptiles and Amphibians (2002) shall be utilized for the Charial found in subsection (2).]~~

~~[(2) Reptiles are classified as follows:]~~
~~[(a) Crocodiles are classified as follows:]~~
~~[(i) Alligators and caimans, Alligatoridae Family (All species) are]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ii) Crocodiles, Crocodylidae Family (All species) are]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah; and]~~
~~[(iii) Charial, Gavialidae Family (Gavialis gangeticus) is]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah.]~~
~~[(b) Lizards are classified as follows:]~~
~~[(i) Beaded lizard, Helodermatidae Family, (Heloderma horridum) is]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ii) Chuckwalla, Iguanidae Family (Sauromalus) (All species) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation and possession and prohibited for propagation of individuals legally obtained outside of Utah;]~~
~~[(iii) Common lesser earless lizard, Phrynosomatidae Family (Holbrookia maculata) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iv) Common side blotched lizard, Phrynosomatidae Family (Uta stansburiana) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(v) Desert horned lizard, Phrynosomatidae Family (Phrynosoma platyrhinos) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(vi) Desert iguana, Iguanidae Family (Dipsosaurus dorsalis) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) controlled for importation and possession, and prohibited for propagation of individuals legally obtained outside of Utah;]~~

~~[(vii) Desert spiny lizard, Phrynosomatidae Family (Sceloporus magister) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(viii) Eastern collared lizard, Crotophytidae Family (Crotophytus collaris) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(ix) Gila monster, Helodermatidae Family (Heloderma suspectum) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(x) Great Basin collared lizard, Crotophytidae Family (Crotophytus bicinctores) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xi) Great Basin fence lizard, Phrynosomatidae Family (Sceloporus occidentalis longipes) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xii) Great Basin skink, Scincidae Family (Eumeces skiltonianus utahensis) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xiii) Great Basin Whiptail, Teiidae Family (Aspidoscelis tigris tigris) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xiv) Greater short horned lizard, Phrynosomatidae Family (Phrynosoma hernandesi) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xv) Long nosed leopard lizard, Crotaphytidae Family (Gambelia wislizenii) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xvi) Northern plateau lizard, Phrynosomatidae Family (Sceloporus undulatus elongatus) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xvii) Northern sagebrush lizard, Phrynosomatidae Family (Sceloporus graciosus graciosus) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (5);]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xviii) Ornate tree lizard, Phrynosomatidae Family (Urosaurus ornatus) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xix) Plateau striped whiptail, Teiidae Family (Aspidoscelis velox) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xx) Plateau tiger whiptail, Teiidae Family (Aspidoscelis tigris septentrionalis) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xxi) Southern plateau lizard, Phrynosomatidae Family (Sceloporus undulatus tristichus) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(xxii) Utah banded gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxiii) Utah night lizard, Xantusiidae Family (*Xantusia vigilis utahensis*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxiv) Variable (many-lined) skink, Scincidae Family (*Eumeces multivirgatus epipleurotus*)]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxv) Western zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah; and]~~
~~[(xxvi) Yucca night lizard, Xantusiidae Family (*Xantusia vigilis vigilis*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.]~~
~~[(c) Snakes are classified as follows:]~~
~~[(i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ii) Boomslang, Colubridae Family (*Dispholidus typus*) is]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iii) Burrowing asps, Atractaspididae Family (All species) are]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(iv) California kingsnake, Colubridae Family (*Lampropeltis getula californica*) is]~~
~~[(A) controlled for collection, possession and noncontrolled for propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(vi) Desert nightsnake, Colubridae Family (*Hypsiglena torquata deserticola*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(vii) Desert striped whipsnake, Colubridae Family (*Masticophis taeniatus taeniatus*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(viii) Desert gophersnake, Colubridae Family (*Pituophis catenifer deserticola*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(ix) Great Basin rattlesnake, Viperidae Family (*Crotalus oreganus lutosus*) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);]~~
~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(x) Great Plains ratsnake, Colubridae Family (*Elaphe emoryi*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xi) Groundsnake, Colubridae Family (*Sonora semiannulata*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are]~~

~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xiii) Midget faded rattlesnake, Viperidae Family (Crotalus oreganus concolor) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xiv) Mojave rattlesnake, Viperidae Family (Crotalus scutulatus) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xv) Mojave patch-nosed snake, Colubridae Family (Salvadora hexalepis mojavnensis) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xvi) Painted desert glossy snake, Colubridae Family (Arizona elegans philipi) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xvii) Pit vipers, Viperidae Family (All species) are]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xviii) Prairie rattlesnake, Viperidae Family (Crotalus viridis) is]~~
~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xix) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are]~~
~~[(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xx) Red racer (Coachwhip), Colubridae Family (Masticophis flagellum piceus) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[— (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxi) Regal ring-necked snake, Colubridae Family (*Diadophis punctatus regalis*) is]~~
~~[— (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxii) Rubber boa, Boidae Family (*Charina bottae*) is]~~
~~[— (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxiii) Sidewinder, Viperidae Family (*Crotalus cerastes*) is]~~
~~[— (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxiv) Smith's black-headed snake, Colubridae Family (*Tantilla hobartsmithi*) is]~~
~~[— (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxv) Smooth greensnake, Colubridae Family (*Opheodrys vernalis*) is]~~
~~[— (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxvi) Sonoran lyresnake, Colubridae Family (*Trimorphodon biscutatus lambda*) is]~~
~~[— (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxvii) Speckled rattlesnake, Viperidae Family (*Crotalus mitchellii*) is]~~
~~[— (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[— (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[— (xxviii) Spotted leaf-nosed snake, Colubridae Family (*Phyllorhynchus decurtatus*) is]~~
~~[— (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxix) Utah milksnake, Colubridae Family (*Lampropeltis triangulum taylori*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxx) Utah mountain kingsnake, Colubridae Family (*Lampropeltis pyromelana infralabialis*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxxi) Utah threadsnake, Leptotyphlopidae Family (*Leptotyphlops humilis utahensis*) is]~~
~~[(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxxii) Valley gartersnake, Colubridae Family (*Thamnophis sirtalis fitchi*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxxiii) Wandering gartersnake, Colubridae Family (*Thamnophis elegans vagrans*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxxiv) Western black necked gartersnake, Colubridae Family (*Thamnophis cyrtopsis cyrtopsis*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;]~~
~~[(xxxv) Western long-nosed snake, Colubridae Family (*Rhinocheilus lecontei lecontei*) is]~~
~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~
~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah; and]~~
~~[(xxxvi) Western yellow bellied racer, Colubridae Family (*Coluber constrictor mormon*) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.]~~

~~[(d) Turtles are classified as follows:]~~

~~[(i) Alligator snapping turtle, Chelydridae Family (*Macrochelys temminckii*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(ii) Common snapping turtle, Chelydridae Family (*Chelydra serpentina*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(iii) Desert tortoise, Testudinidae Family (*Gopherus agassizii*) is]~~

~~[(A) prohibited for collection, and propagation and controlled for possession of individuals from wild populations in Utah;]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(iv) Painted turtle, Emydidae Family (*Chrysemys picta*) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.]~~

~~[(v) Red-eared slider, Emydidae Family (*Trachemys scripta elegans*) is]~~

~~[(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;]~~

~~[(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.]~~

~~[(vi) Spiny softshell, Trionychidae Family (*Apalone spinifera*) is]~~

~~[(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);]~~

~~[(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;]~~

~~[(3)(a) Reptiles classified at the genus or family taxonomic level include all species and subspecies.]~~

~~[(b) Reptiles classified at the species taxonomic level include all subspecies.]~~

~~[(c) Reptiles classified at the subspecies taxonomic level do not include any other related subspecies.]~~

~~[(4) All species or subspecies of reptiles not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation.]~~

~~[(5) A person may not:]~~

~~[(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or]~~

~~[(b) indiscriminately kill any reptile.]~~

~~[(6)(a) Great Basin rattlesnakes, *Crotalus oreganus lutosus*, may be killed without a certificate of registration only for reasons of human safety.]~~

~~[(b) The carcass or its parts of a Great Basin rattlesnake killed pursuant to Subsection (a) may be retained for personal use or possessed.]~~

~~[(7)(a) A person must obtain a certificate of registration to collect more than three reptiles of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (8).]~~

~~[(b) A person must obtain a certificate of registration to possess more than nine reptiles of each species or more than 56 in aggregate which are classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (8).]~~

~~[(8) In a calendar year, a person may collect and possess for personal use 25 common side banded lizards (*Uta stansburiana*), 25 northern sagebrush lizards (*Sceloporus graciosus graciosus*), and 25 wandering gartersnakes (*Thamnophis elegans vagrans*), without obtaining a certificate of registration or counting against the aggregate possession limit.]~~

~~[(9)(a) A person may collect and possess any number of common snapping turtles (*Chelydra serpentina*), alligator turtles (*Macrochelys temminckii*) or spiny softshell (*Apalone spinifera*) turtles without a certificate of registration provided they are either killed or released immediately upon removing them from the point of capture.]~~

~~[(b) A person may not transport a live common snapping turtle, alligator turtle or spiny softshell turtle from the point of capture from which it was collected without first obtaining a certificate of registration.]~~

~~[KEY: wildlife, import restrictions, amphibians, reptiles]~~

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

~~[Notice of Continuation: April 12, 2018]~~

~~[Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14]~~

(1) Any violation of this rule is a class C misdemeanor, 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 which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) A wildlife document issued pursuant to this rule may be suspended or revoked consistent with Section 23-19-19.

DRAFT

Wild bag limits - Species List

Species preceded by an “*” and in boldface require a Certificate of Registration (COR) in lieu of a collection permit

Standard (3 yearly/9 total)

CANYON TREEFROG	<i>Hyla arenicolor</i>
GREAT BASIN SPADEFOOT	<i>Spea intermontana</i>
GREAT PLAINS TOAD	<i>Anaxyrus cognatus</i>
MEXICAN SPADEFOOT	<i>Spea multiplicata</i>
NORTHERN LEOPARD FROG	<i>Lithobates pipiens</i>
PLAINS SPADEFOOT	<i>Spea bombifrons</i>
RED-SPOTTED TOAD	<i>Anaxyrus punctatus</i>
TIGER SALAMANDER	<i>Ambystoma mavortium</i>
WESTERN CHORUS FROG	<i>Pseudacris tristeriata</i>
WOODHOUSE'S TOAD	<i>Anaxyrus woodhousii</i>
COACHWHIP	<i>Coluber flagellum</i>
COMMON GARTERSNAKE	<i>Thamnophis sirtalis</i>
DESERT HORNED LIZARD	<i>Phrynosoma platyrhinos</i>
DESERT NIGHT LIZARD	<i>Xantusia vigilis</i>
DESERT SPINY LIZARD	<i>Sceloporus magister</i>
EASTERN COLLARED LIZARD	<i>Crotaphytus collaris</i>
WESTERN RACER	<i>Coluber constrictor</i>
GLOSSY SNAKE	<i>Arizona elegans</i>
GOPHERSNAKE	<i>Pituophis catenifer</i>
*WESTERN RATTLESNAKE	<i>Crotalus oreganus</i>
(Great Basin/midget faded/Grand Canyon)	<i>(lutosus/concolor/abyssus)</i>
GREAT BASIN COLLARED LIZARD	<i>Crotaphytus bicinctores</i>
GREATER SHORT-HORNED LIZARD	<i>Phrynosoma hernandesi</i>
GROUND SNAKE	<i>Sonora semiannulata</i>
LONG-NOSED LEOPARD LIZARD	<i>Gambelia wislizenii</i>
LONG-NOSED SNAKE	<i>Rhinocheilus lecontei</i>
MANY-LINED SKINK	<i>Plestiodon multivirgatus</i>
NEW MEXICO WHIPTAIL	<i>Aspidoscelis neomexicana</i>
NIGHTSNAKE	<i>Hypsiglena torquata</i>
ORNATE TREE LIZARD	<i>Urosaurus ornatus</i>
PLATEAU STRIPED WHIPTAIL	<i>Aspidoscelis velox</i>
RING-NECKED SNAKE	<i>Diadophis punctatus</i>
RUBBER BOA	<i>Charina bottae</i>
SMITH'S BLACK-HEADED SNAKE	<i>Tantilla hobartsmithi</i>
SMOOTH GREENSNAKE	<i>Opheodrys vernalis</i>
STRIPED WHIPSNAKE	<i>Coluber taeniatus</i>
TERRESTRIAL GARTERSNAKE	<i>Thamnophis elegans</i>

TIGER WHIPTAIL	<i>Aspidoscelis tigris</i>
WESTERN SKINK	<i>Plestiodon skiltonianus</i>

Limited (2 yearly/4 total)

BLACK-NECKED GARTERSNAKE	<i>Thamnophis cyrtopsis</i>
COMMON CHUCKWALLA	<i>Sauromalus ater</i>
CALIFORNIA KINGSNAKE	<i>Lampropeltis californiae</i>
LESSER EARLESS LIZARD	<i>Holbrookia maculata</i>
GREAT PLAINS RATSNAKE	<i>Pantherophis emoryi</i>
DESERT IGUANA	<i>Dipsosaurus dorsalis</i>
LONG-TAILED BRUSH LIZARD	<i>Urosaurus graciosus</i>
*PRAIRIE RATTLESNAKE	<i>Crotalus viridis</i>
*WESTERN MILKSNAKE	<i>Lampropeltis gentilis</i>
*MOJAVE RATTLESNAKE	<i>Crotalus scutulatus</i>
*SIDEWINDER	<i>Crotalus cerastes</i>
SONORAN MOUNTAIN KINGSNAKE	<i>Lampropeltis pyromelana</i>
*SPECKLED RATTLESNAKE	<i>Crotalus mitchellii</i>
SPOTTED LEAF-NOSED SNAKE	<i>Phyllorhynchus decurtatus</i>
WESTERN BANDED GECKO	<i>Coleonyx variegatus</i>
WESTERN LYRESNAKE	<i>Trimorphodon biscutatus</i>
WESTERN PATCH-NOSED SNAKE	<i>Salvadora hexalepis</i>
WESTERN THREADSNAKE	<i>Rena humilis</i>
ZEBRA-TAILED LIZARD	<i>Callisaurus draconoides</i>

Zero (No Take)

COLUMBIA SPOTTED FROG	<i>Rana luteiventris</i>
RELICT LEOPARD FROG	<i>Lithobates onca</i>
WESTERN (BOREAL) TOAD	<i>Anaxyrus boreas</i>
ARIZONA TOAD	<i>Anaxyrus microscaphus</i>
GILA MONSTER	<i>Heloderma suspectum</i>
DESERT TORTOISE	<i>Gopherus agassizii</i>

Expanded (25 yearly/total)

SAGEBRUSH LIZARD	<i>Sceloporus graciosus</i>
SIDE-BLOTCHED LIZARD	<i>Uta stansburiana</i>
PLATEAU FENCE LIZARD	<i>Sceloporus trisichus</i>
WESTERN FENCE LIZARD	<i>Sceloporus occidentalis</i>



Utah's reptiles and amphibians

Learn more about proposed changes to collection and possession rules

The Utah Division of Wildlife Resources (DWR) is proposing rule changes related to the collection and possession of reptiles and amphibians. The current rule covers a broad range of activities, including the collection of wild specimens, live possession, importation, propagation (i.e., breeding), commercial use, and scientific research. Multiple constituents requested that DWR revisit these regulations to better accommodate their interest in this natural resource. The constituents represent



a diversity of backgrounds and professions (e.g., amateur naturalists, hobbyists, high school teachers, university professors and researchers, public land managers and scientists), and they have helped DWR identify the need for a number of program and administrative rule changes

Currently, the DWR's regulations require interested individuals to apply for a Certificate of Registration (COR) to collect, possess, import, or breed species categorized as "controlled," or to obtain a variance (exception) from the Utah Wildlife Board for species categorized as

"prohibited." Most of the highly sought-after native species in Utah are categorized as either "controlled" or "prohibited." With limited exceptions, any type of breeding, commercial activity or scientific research also requires a COR or a variance. General public sentiment is that these regulations are complicated and overly restrictive, and they interfere with the public's ability to enjoy these wildlife species. The DWR has worked with the stakeholder group on rule changes that will address these concerns while still protecting reptile and amphibian populations.

What rules will change?

The proposed rule streamlines the mechanism by which the DWR approves and permits collection of reptiles and amphibians from the wild and liberalizes the possession of captive bred specimens. Under the proposed rule, daily collection and total possession limits are established to regulate the take of species in the wild. Along with the new permits, the DWR is proposing mandatory reporting of collection events which will help the DWR better conserve reptiles and amphibians within Utah.

Additionally, DWR is proposing the creation of a mandatory education course that covers the laws, safety considerations, and ethics of reptile and amphibian collection and possession. After completing the course, a user can acquire a Reptile and Amphibian Collection Permit. The permitting process and education course will be automated and accessible through the UDWR website. Permit holders can collect from the wild and possess amphibians and reptiles as long as bag limits and possession limits are observed. Permit holders may also propagate these animals for personal use. Daily collection and total possession limits will apply to those species classified as "controlled". Some species will be classified as "prohibited" and cannot be possessed without a variance from the Wildlife Board. Under the current proposal, a species would be considered prohibited if any of the following circumstances apply:

- It is venomous, lethal to humans, and not native to Utah.
- It is listed as “Threatened” or “Endangered” under the Endangered Species Act, or is a Candidate species for listing, or is listed on Utah’s Sensitive Species List
- It is a member of the Crocodylian family (e.g., crocodiles, alligators and caimans).
- The DWR identifies a specific conservation concern regarding the species.

A consequence of this change is that a number of native species — including all rattlesnake species found within the state — will be “controlled” and subject to an established daily collection and total possession limit. However, rattlesnake species will require an additional COR for personal possession. Local, municipal, and county regulations will determine if individuals can possess wildlife, venomous or otherwise, in their homes. The proposed species list is included in this correspondence for your review. The DWR will focus regulatory efforts on managing wild populations, and relax regulations that are specific to specimens that are captive-bred for personal use. The DWR will continue to regulate all specimens categorized as “prohibited” and will require proof that those specimens were lawfully acquired. The DWR will **not** require a certificate of registration for the propagation (breeding) of controlled or noncontrolled specimens, and the offspring may be sold. There are certain exemptions to total possession limits in these scenarios.

What rules won’t change?

The following rules will not change:

- It is unlawful to release any specimen into the wild after it has been removed from the field.
- It is unlawful to sell a wild-caught specimen without a commercial-use COR.
- Other local, state and federal laws will continue to apply. (For example, species covered under the federal Endangered Species Act remain subject to those restrictions; specimens imported into the state will still require an import permit and certificate of veterinary inspection from the Utah Department of Agriculture and Food; and city and county zoning ordinances prohibiting the possession of certain dangerous animals or wildlife will still apply, regardless of any changes to the DWR’s rule.)

How does this compare to other states?

Our inclusion of mandatory online take reporting will place Utah in a more conservative management category than most other states. However, the remainder of the proposed changes are consistent with regulations in Nevada and Arizona. The native reptiles and amphibians of these adjacent states have the broadest overlap with those of Utah and are useful in assessing Utah’s proposed changes. Establishing a list of allowable species for collection and possession, requiring a license or permit, and implementing a daily collection limit and total possession limit, are universally accepted approaches.

What happens next?

The DWR will present these changes as part of its public meeting process during the Regional Advisory Council (RAC) meetings in May 2019 and at the Wildlife Board Meeting in June 2019. A specific schedule can be found at the link below, and updated meeting materials will be uploaded as they become available: <https://wildlife.utah.gov/meeting-agendas.html>

For specific questions or concerns, please contact:

Drew E. Dittmer (DWR herpetologist) 801-538-4828 or ddittmer@utah.gov

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EXECUTIVE SUMMARY

Gunnison Island Wildlife Management Area Habitat Management Plan January 2019

The habitat management plan for the Gunnison Island Wildlife Management Area (GIWMA) contains the following sections: background information (property description and location, encumbrances, land acquisition and management history, historic uses, purpose of ownership, and key wildlife species), property inventory (capital improvements, cultural resources, sensitive species, important habitats, habitat conditions and limitations, human use-related problems, and potential impacts from adjacent land uses), management goals and objectives, strategies for property management, strategies for habitat management, proposed uses, and monitoring and evaluation. The appendices contain location maps of GIWMA, acquisition and legal documents, and species lists and distribution maps. This habitat management plan provides background information and management direction to Utah Division of Wildlife Resources personnel. Listed below is a short summary of important aspects of the habitat management plan for GIWMA.

Primary Purpose of Gunnison Island Wildlife Management Area

The primary purpose of the GIWMA is to preserve and protect Gunnison and Cub islands in perpetuity for American white pelicans, other colonial nesting species such as California gull and great blue heron, and other wildlife. Any public use of GIWMA, including a one-mile buffer surrounding Gunnison and Cub islands from the shoreline at the lake elevation of 4,200 feet above mean sea level, is expressly prohibited.

Property Location, Acquisition, and Encumbrances

The Gunnison Island Wildlife Management Area within Box Elder County, Utah occurs in Gunnison Bay, the northwestern section of Great Salt Lake. It is approximately eight miles north of the east-west railroad causeway, which bisects Great Salt Lake, and roughly 24 miles west-northwest of the southern tip of Promontory Point.

For the purpose of protecting nesting American white pelicans, the Pelican Management Act, enacted by the Utah legislature and signed into law by the governor in 1977, authorized the condemnation and purchase of both Gunnison and Cub islands, which were privately held under mineral patent. The final court decree and purchase of the islands were completed in 1980. The decree allowed the previous owner to retain their subsurface mineral rights, but placed strict limits on where, when, and how the rights could be utilized. These rights have not been acted upon and could be considered expired in a court of law.

Wildlife Species

Gunnison Island is considered one of the more valuable colonial bird nesting sites in the state and is one of the largest (top five) American white pelican (*Pelecanus erythrorhynchos*) nesting colonies in North America. The island's isolation from predators and human disturbances, and its

location on Great Salt Lake make it an ideal nesting location to several bird species that inhabit the area. Its integrity is crucial to maintaining a healthy and productive environment for these bird populations.

Other bird species either known to nest or suspected to nest on the island are California gull, Caspian tern, great blue heron, long-eared owl, peregrine falcon, prairie falcon, loggerhead shrike, common raven, and rock wren. The area is also home to one reptile, the common side-blotched lizard, and two mammals, the deer mouse and a subspecies of the chisel-toothed kangaroo rat, which is believed to only reside on the island. There are no springs or seeps on the island, so no fish, aquatic mollusks, or amphibians live on the island.

Capital Improvements

There are only two functional structures on the island. One is a weather station owned by the Utah Division of Wildlife Resources and maintained by the University of Utah. The second structure is a remote camera station that takes one picture of the island every three minutes and uploads it to the internet via cellular modem. Fourteen temporary remote camera traps are also on the island to capture wildlife and document any disturbance to nesting pelicans by land-based predators or humans. The cameras are funded as a joint project by Great Salt Lake Institute at Westminster College, Tracy Aviary, Utah Division of Wildlife Resources, and MesoWest at the University of Utah. The structures are maintained on an annual or semiannual basis and conducted when impacts to breeding American white pelicans are minimized.

Cultural Resources

With limited archaeological investigation, it is unclear the number or distribution of cultural resources on the island, but at the minimum there are four known historic-period sites and potential for several more prehistoric and historic resources. Perhaps the most well-known is the Howard Stansbury expedition triangulation tower built with rocks and driftwood on the north end of the island at its highest point dating to 1850.

Alfred Lambourne, a painter and author, moved to Gunnison Island and attempted to homestead the land in 1895. During the same time period guano sifters began collecting rich deposits of guano from the nesting California gulls and American white pelicans. Lambourne's homestead application was disputed by guano sifters who claimed the land was mineral and not agricultural. The guano sifters eventually won and filed for, and received, mineral patents on much of Gunnison Island gaining ownership of the land. The collapsed guano sifter shack still exists on GIWMA. Lambourne's house was dismantled, but there are foundational remnants of his life on the island. Guano sifters dug up human bones, including a skull, which they believed to be the burial site of a person from a local, indigenous tribe.

Soil accumulation on the island's beaches allow for high potential of subsurface archaeological deposits around the known foundations in Lambourne Bay. Rockshelters on the west side of the island appear to have potential for prehistoric cultural remains but have not been formally investigated.

Habitat Conditions/Problems

Some invasive plant species range over the island (e.g., cheatgrass brome and prickly Russian

thistle), but they do not pose problems for nesting American white pelicans, California gulls, or other species, since plenty of space exists to accommodate all nesting birds.

The biggest threat to pelicans and other wildlife at GIWMA are low water levels in Great Salt Lake. Great Salt Lake is a terminal lake with no outflow. Lake levels rise with inputs by precipitation, groundwater, and rivers; and lake levels fall with evaporation. Low water levels expose a land bridge to GIWMA from the southwest, where people and land-based predators can access the island. Pelicans are extremely sensitive to disturbance, and the whole colony could abandon their nests for the year if the disturbance is too great. Coyotes have been documented on the island when the land bridge is exposed, but no major disturbance has been observed from occasional predator or human researcher visits.

DRAFT
GUNNISON ISLAND
Wildlife Management Area

-Habitat Management Plan-

DRAFT

January 2019

Prepared by:

Utah Division of Wildlife Resources

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Gunnison Island Wildlife Management Area Habitat Management Plan

Draft January 2019

I. Background Information

Property Description and Location

Gunnison Island Wildlife Management Area (GIWMA) within Box Elder County, Utah occurs in Gunnison Bay, the northwestern section of Great Salt Lake. Specifically, GIWMA is found within Township 7 North, Range 9 West in portions of Sections 10, 15, and 16. It is approximately eight miles north of the east-west railroad causeway, which bisects Great Salt Lake, and roughly 24 miles west-northwest of the southern tip of Promontory Point (Appendix A). The name of the island originates from John Gunnison of the Howard Stansbury expedition of 1849 and 1850. The GIWMA also includes two small islands located just off the northeastern tip of Gunnison Island collectively known as Cub Island.

Gunnison and Cub islands cover nearly 163 acres with an irregular shoreline about three miles in perimeter at average lake elevations (Figure 1). Its topographical variation includes bays, slopes and sandy beaches, but there is no freshwater source on the island. Near the middle of the island are two low saddles. Its long axis is situated in a north-south direction and has a rocky backbone that slopes down to sandy shores (Behle, 1958). The higher elevations consist of some rocky ledges, promontories, and outcrops. Its edges are made up of sand bars and salt flats. The bedrock consists of northerly dipping sediments provisionally identified as Silurian, Devonian and Mississippian in age (Stokes, 1980). It has a relief of 292 feet with a maximum elevation of 4,492 feet above sea level (Figure 2).



Figure 1. Gunnison Island Wildlife Management Area, Great Salt Lake, Utah. The two small islands collectively known as Cub Island are off the northeastern tip of Gunnison Island. Aerial image taken looking north on April 4, 2017.

The island is considered one of the more valuable colonial bird nesting sites in the state and is one of the largest (top five) American white pelican (*Pelecanus erythrorhynchos*) nesting colonies in North America. Gunnison Island's isolation from predators and human disturbances, and location on Great Salt Lake make it an ideal nesting location to several bird species that inhabit the area. Its integrity is crucial to maintaining a healthy and productive environment for these bird populations.

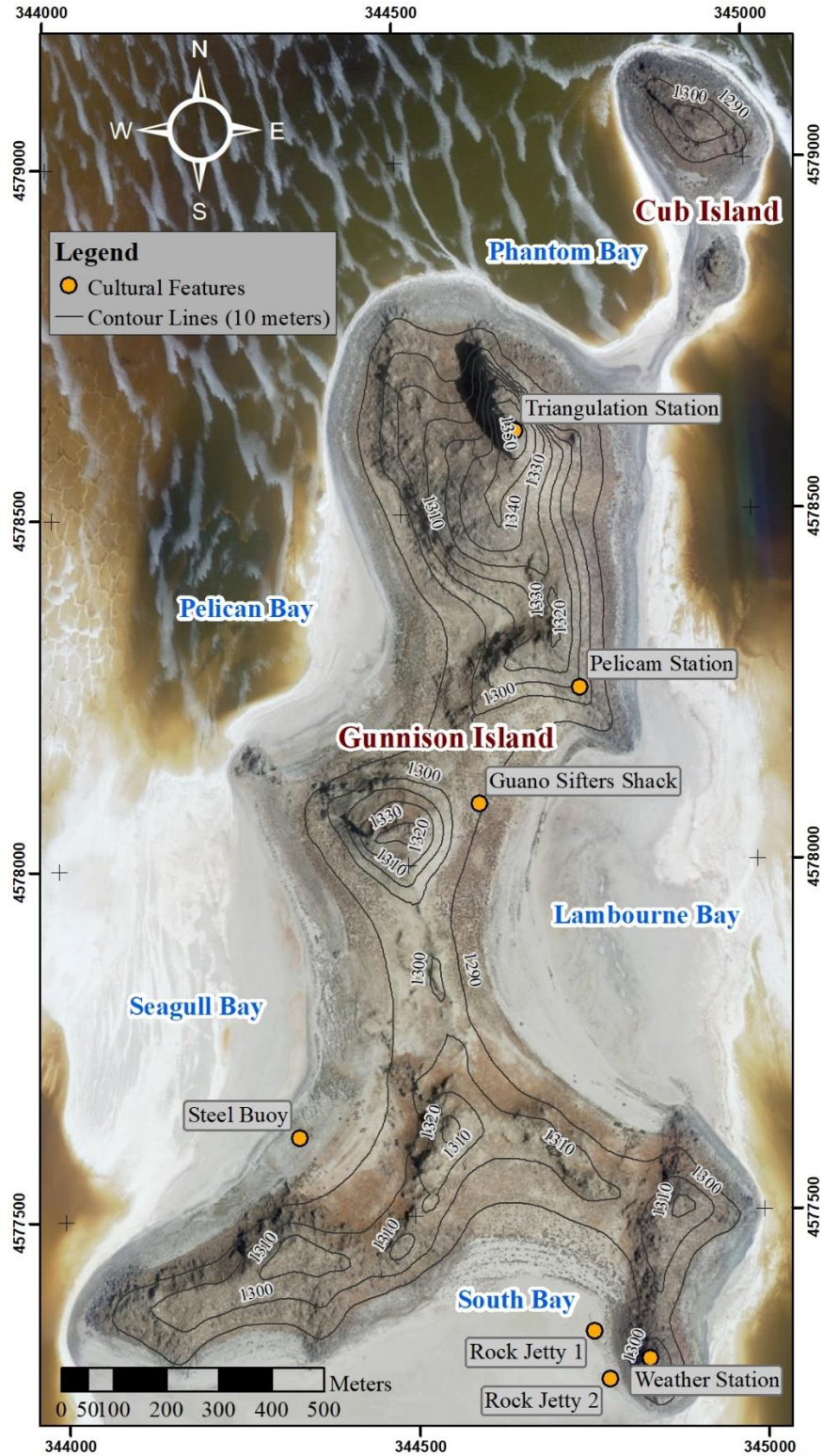


Figure 2. Map showing Gunnison Island Wildlife Management Area, Great Salt Lake, Utah. Selected cultural features shown. Aerial imagery from Google taken on August 16, 2014 with a Great Salt Lake elevation of 4,193.2 feet above mean sea level. Coordinates are in Universal Transverse Mercator with North American Datum 1983.

The lakebed surrounding GIWMA, and below the Great Salt Lake meander line, are sovereign lands owned by the State of Utah and managed for the Public Trust by the Utah Division of Forestry, Fire and State Lands (Appendix A). Upland areas west of GIWMA have some private ownership, but most of the land is governmental, managed by the United States Bureau of Land Management and Utah's School and Institutional Trust Lands Administration.

Encumbrances

- Mineral Rights:

Prior private ownership of GIWMA retained all mineral rights following the condemnation and sale of Gunnison Island by the State of Utah in the First District Court in and for Box Elder County on February 28, 1980, Civil Number 14375 (Appendix B). These areas are all within Township 7 North, Range 9 West, Salt Lake Base and Meridian. They include lots 3, 4, 5, 6, and 7 in Section 10; lots 1, 2, 3, and 4 in Section 15; and lot 1 in Section 16. Lots 1 and 2 in Section 10 are still owned by the United States Bureau of Land Management (Appendix B).

The court decree says *"in the event of a mineral discovery, it shall be obtained by off-shore slant drilling or mining."* The decree sets strict limits on mineral extraction such as where, when, and how the mineral extraction activities can occur. Any island activity must be limited to lots 3 and 4 in Section 15 and lot 1 in Section 16. Activities can only take place from October 1st to February 28th. Additionally, bird life cannot be disturbed and any structures or equipment *"shall be so erected or placed as to avoid disturbing the natural habitat of and migratory patterns of the bird life on said property, including camouflaging the same where necessary."* A stipulation in the decree revokes the right *"to remove oil and/or natural gas . . . after twenty (20) years from the date of the settlement"* if discovery and extraction was not acted upon. These rights have not been acted upon since 1980 and could be considered expired in a court of law.

- Water Rights/shares

No water rights were identified for GIWMA.

- Easements/Rights-of-Way (ROW's)/MOU's:

Easements, rights-of-way, and memorandums of understanding do not currently exist.

- Grazing

Grazing on GIWMA is not allowed in order to protect colonial nesting American white pelicans and other wildlife from disturbance.

Land Acquisition and Management History

Ownership of Gunnison Island involved a decade long court case between the State of Utah and the United States Bureau of Land Management that finally ended on June 28, 1976 after several trips to the Supreme Court of the United States (1975; Appendix B). The State of Utah was officially declared owner of Gunnison Island on February 28, 1980 by court decree, Civil Number 14375 (Appendix B), in the First District Court in and for Box Elder County, Utah.

At the time of statehood on January 4, 1896, Utah obtained ownership of Great Salt Lake under

the Equal Footing Doctrine, which gives States ownership of all navigable waterways and the land beneath them. The United States' official survey of Great Salt Lake determined the meander line of the lake over 18 separate surveys from 1855 to 1966. Any water, lakebed, or unsurveyed land within the surveyed meander line, including Gunnison and Cub islands, was granted to Utah as sovereign land. The dispute arose when the Bureau of Land Management wanted to designate the boundary of Great Salt Lake as the elevation at the time of statehood, which was 4,201.8 feet above mean sea level. The Supreme Court of the United States denied all claims of ownership by the United States as decreed on June 28, 1976 (Appendix B) and reasserted ownership by Utah (Dewsnup and Jensen, 1980).

The decrees from the Supreme Court of the United States ended the dispute, but much of Gunnison Island was privately held under mineral patents previously issued by the United State Bureau of Land Management. The Utah Fertilizer Company owned lots 3, 4, 5, 6, and 7 in Section 10 totaling 76.81 acres; Reed and Katheryn Bullen owned lots 1, 2, 3, and 4 in Section 15 totaling 69.61 acres; and Leone H. Gurr and Maxine Ahleen owned lot 1 in Section 16 totaling 7.10 acres. The remaining two lots in Section 10 were not leased and are still owned by the United States Bureau of Land Management. These include lot 1 with 7.30 acres and comprises Cub Island, and lot 2 with 1.15 acres on the northwest corner of Gunnison Island (Appendix A). Although the titles of these two lots are not currently held by the state of Utah, legal conveyance of the title could be pursued and received under the Equal Footing Doctrine.

At the time of statehood, the United States Congress granted Utah four Sections out of every Township of federal land for the benefit of state institutions. The single lot in Section 16 was originally granted to the Utah School and Institutional Trust Lands Administration following the official land survey of Gunnison and Cub islands on June 13, 1896 (Appendix A), Title Serial Order Number 31385 (Appendix B). The Central Pacific Railroad Company was the original owner of the four lots in Section 15. The patent was the first on the island and was issued by President Grover Cleveland on December 8, 1896.

In 1977, Utah enacted the Pelican Management Act, Utah Code Annotated, Section 23-21a, which allowed for the condemnation and purchase of Gunnison Island for the purpose of protecting the American white pelican colony and designating the island as a wildlife management area (Appendix B). The Utah Division of Forestry, Fire and State Lands officially transferred ownership of Gunnison Island to the Utah Division of Wildlife Resources (UDWR) on May 29, 1990 (Appendix B).

Historic Uses

During the mid-1890s into the early 1900s, guano sifters began collecting rich deposits of guano from the nesting California gulls and American white pelicans. The guano sifters eventually filed for and received mineral patents from the United States Bureau of Land Management on much of Gunnison Island, thereby gaining ownership of the land. See previous section, Land Acquisition and Management History, for additional details on the patents.

Purpose of Division Ownership

In 1977, Utah enacted the Pelican Management Act, Utah Code Annotated, Section 23-21a, which designated Gunnison and Hat islands *“as wildlife management areas under jurisdiction of the*

Utah state Division of Wildlife Resources to be administered for the protection and perpetuation of the American white pelican” (Appendix B).

Federal Aid Grant

None.

Key Wildlife Species Occurring on Gunnison Island Wildlife Management Area

A total of 120 avian species have been documented on Gunnison and Cub islands, and 10 of these species are known to have nested on Gunnison Island: California gull (*Larus californicus*), Caspian tern (*Hydroprogne caspia*), American white pelican, great blue heron (*Ardea herodias*), long-eared owl (*Asio otus*), peregrine falcon (*Falco peregrinus*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), common raven (*Corvus corax*), and rock wren (*Salpinctes obsoletus*) (Appendix C; Marshall and Leatham, 1942; Knopf and Bachman, 1977). Gunnison Island is critical for these nesting birds. Although Knopf and Bachman (1977) did note an active great blue heron nest on Cub Island from 1972-1974, Cub Island is not a critical habitat for birds.

Gunnison Island serves a vital role in the Great Salt Lake ecosystem by providing a safe haven for colonial nesting species susceptible to disturbance. The American white pelican nests on the island and is on the sensitive species list for Utah. Pelicans are extremely susceptible to disturbance and will abandon their nests if human encroachment and activity becomes too frequent. The Gunnison Island pelican colony is among the top five largest in the United States.

Great Salt Lake is home to the largest concentration of breeding California gulls in the world. Several islands, including Gunnison, are important to this population. The large complex of California gulls nesting in association with the pelicans consistently averages 19,000 to 21,000 breeding adults, approximately 12-15% of the total breeding population at Great Salt Lake. Gunnison Island is also one of the most secure sites over time for breeding California gulls. They have nested here during both the historic low and historic high lake elevations. Gunnison Bay is a Global IBA (Important Bird Area), a designation given by National Audubon Society, in part, because of the high populations of American white pelicans and California gulls on GIWMA.

Gunnison Island Wildlife Management Area is known to have only one resident reptile and two mammals. The lone reptile is the common side-blotched lizard (*Uta stansburiana stansburiana*; Behle, 1935; Rawley, 1976). The two mammals are the deer mouse (*Peromyscus maniculatus sonoriensis*) and a subspecies of the chisel-toothed kangaroo rat (*Dipodomys microps alfredi*), which is believed to only reside on the island (Marshall, 1940; Durrant and Setzer, 1945; Durrant, 1952; Rawley, 1976). The subspecies *D. m. cesus* is on the list of Species of Greatest Conservation Need, but *D. m. alfredi* is not; however, no population studies of the *D. m. alfredi* have been done. No fish or amphibians reside on the WMA or surrounding water due to the arid habitat, no freshwater, and high salinity of the lake water. Mollusks have not been described on the WMA.

Public Recreation Opportunities

Public recreation is not permitted on Gunnison Island or within one mile of Gunnison and Cub islands in any direction from the shoreline at the 4,200-foot mean sea level elevation. This restriction is year-round and detailed in UDWR Administrative Rules: R657-15 – Closure of

Gunnison, Cub and Hat Islands (Appendix B).

Conservation Partners Involved in Acquisition

Not known.

II. Property Inventory

Existing Capital Improvements

There are not any existing roads, fences, facilities, water rights, water developments, harbors or piers, or wood products on GIWMA. There are only two functional structures on the island. One is a weather station owned by the UDWR and maintained by the University of Utah. The second structure is a remote camera station that takes one picture of the island every three minutes and uploads it to the internet via cellular modem. It is funded as a joint project by Great Salt Lake Institute at Westminster College, Tracy Aviary, UDWR, and MesoWest at the University of Utah. Temporarily, 14 remote camera traps are also on the island to capture wildlife and document any disturbance to nesting pelicans by land-based predators or humans (Figure 3).

Cultural Resources

The Utah Division of State History (State History) assisted UDWR with documentation of five archaeological sites during a limited site visit in October of 2018. These sites are summarized below, but include the Stansbury Triangulation Station of 1850, Lambourne House of 1895-1896, Guano Sifter Shack of 1896-1994, an unknown foundation, and the remains of the 1940 test bombing of Cub Island. State History will complete archaeological site forms for these resources and will be added to the state's database.

A triangulation tower built with rocks and driftwood lies on the north end of the island at its highest point (Figure 3). Members of the Howard Stansbury expedition erected the tower for their survey of Great Salt Lake on May 8, 1850 (Stansbury, 1852). A pair of island nesting peregrines often perches on this rock formation and one of the remaining triangulation beams.



Figure 3. Remnants of the Gunnison Island triangulation station built by the Howard Stansbury expedition on May 8, 1850 to survey Great Salt Lake. A temporary remote camera is set up on the east side of the station.

In November of 1895, Alfred Lambourne, a painter and author, moved to Gunnison Island and attempted to acquire some land by homesteading. He spent the next 14 months on the island building a home and trying to start a grape vineyard, watering them with rainwater collected in cisterns. During the mid-1890s, guano sifters spent the dry summer months on Gunnison Island bagging guano for shipment to the mainland for use as fertilizer. When Lambourne filed the application for Homestead Right #12592 for 78.53 acres on Gunnison Island in February of 1897, he was met with a lawsuit from the guano sifters claiming the land was mineral and not agricultural. He fought the suit for several months, but he had little money to

sustain the struggle for the land, and later that year he abandoned the application (Morgan, 1995; Czerny, 1976). Although the remnants of his home may still be found on the island, they are not obviously evident. Mining the guano entailed digging trenches on the island, and in Lambourne's book titled *Our Inland Sea*, he mentioned that the sifters dug up human bones including a skull, which they believed to be the burial site of a person from a local, indigenous tribe (Morgan, 1995; Lambourne, 1909).

During Lambourne's stay on Gunnison Island, guano sifters constructed a small shack in the northern half of Lambourne Bay, which persisted until 1994 (Figure 4). During the winter or early the following spring, the shack was razed by a possible wind storm. One account of the collapse involves brine shrimp harvesters seeking shelter from a storm in the shack, which may have further contributed to the demise of the shack. The collapse was first detected during the annual census of breeding pelicans in mid-May 1994 (Figure 5). This shack had also served as the campsite for Fritz Knopf, a Ph.D. candidate studying colonial nesting pelicans, and his graduate assistant Val



Figure 4. Guano sifters shack located on the north end of Lambourne Bay on Gunnison Island Wildlife Management Area, Great Salt Lake, Utah. Aerial image taken looking west on May 24, 1982.

Bachman during several field seasons in the early-1970s. They harbored their boat in two makeshift jetties on the east side of South Bay.

There are other interesting features to note on Gunnison and Cub islands. First, is a large steel buoy that washed ashore long ago. It is located on the southwest side of Gunnison Island in Seagull Bay near the high water line. Second, Cub Island was used as a target location for practice bombing runs during World War II. The remains of some of the dummy bombs can still be found. Third, the high water mark shoreline on the west side of the island, includes hundreds of historic-

period artifacts and materials that floated on Great Salt Lake for perhaps decades before deposition on the island. These artifacts include railroad pilings, cross-ties, deck piers, iron tie-plates, steel drums, and other various and sundry items.

Species of Greatest Conservation Need/Utah State Sensitive Species

Six wildlife species considered either a Species of Greatest Conservation Need, as designated in the 2015-2025 Utah Wildlife Action Plan, or a Utah state Sensitive Species, are known to occur on GIWMA (Table 1; Utah Wildlife Action Plan Joint Team, 2015; Utah Division of Wildlife Resources, 2017). An additional 11 species on these lists may reside in the mainland nearby and could potentially migrate to or take up residence on the WMA given the habitat types present. Some species are found on both lists.



Figure 5. Razed guano sifter shack located on the north end of Lambourne Bay on Gunnison Island Wildlife Management Area, Great Salt Lake, Utah. Aerial image taken looking northeast on May 18, 2001.

Table 1. Species on Gunnison Island Wildlife Management Area that are designated as Utah Species of Greatest Conservation Need (SGCN) or on the Sensitive Species List (SSL). B--Known Breeder; M--Known Migrant; P--Potential Breeder/Migrant.

Species	Scientific Name	SGCN	SSL	Status
American Bittern	<i>Botaurus lentiginosus</i>	X		M
American White Pelican	<i>Pelecanus erythrorhynchos</i>	X	X	B
Burrowing Owl	<i>Athene cunicularia</i>	X	X	P
Caspian Tern	<i>Hydroprogne caspia</i>	X		B
Ferruginous Hawk	<i>Buteo regalis</i>	X	X	M
Golden Eagle	<i>Aquila chrysaetos</i>	X		M
Grasshopper Sparrow	<i>Ammodramus savannarum</i>		X	P
Long-billed Curlew	<i>Numenius americanus</i>		X	P
Short-eared Owl	<i>Asio flammeus</i>		X	P
Peregrine Falcon	<i>Falco peregrinus</i>	X		B
Snowy Plover	<i>Charadrius nivosus</i>	X		P
White-faced Ibis	<i>Plegadis chihi</i>	X		M
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	X		P
Dark Kangaroo Mouse	<i>Microdipodops megacephalus</i>	X	X	P
Kit Fox	<i>Vulpes macrotis</i>	X	X	P
Pygmy Rabbit	<i>Brachylagus idahoensis</i>	X	X	P
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	X	X	P

The American white pelican is the most numerous species on GIWMA listed on either the Species of Greatest Conservation Need or the Sensitive Species list for Utah. The pelicans nest on Gunnison Island, but they are extremely susceptible to disturbance and will abandon their nests if human encroachment and activity become too frequent. Their sensitivity goes so far that even the

disruption of nesting substrate during the non-breeding season can cause colony abandonment. During the time that Alfred Lambourne settled on the island, no pelicans nested on the island, presumably, due to his presence, other visitors, and the activities of guano collectors.

Not only does nest abandonment create problems, but disturbing adults and exposing their eggs or young to predation and sun exposure can pose a danger (Low et al., 1950). The young form pods or crèches once they are old enough to be left alone without fear of gull predation or lethal exposure to cold or heat. When frightened these young birds rush away from danger and can trample one another. A disturbance may force the juveniles to move from their subcolony to another part of the island where they become lost or come into conflict with other subcolonies and attendant adults. Pelicans are so susceptible to disturbance that they need to be protected during their nesting period. The adults begin to arrive on Gunnison Island in early March to set up their territories. Most juveniles fledge and leave the island before October, and some will stay in the local marshes through the end of November or until the lakes and marshes begin to freeze.

Prairie falcons have nested on Gunnison in the past, but they have given way to the peregrine falcon. Peregrine falcons were listed as endangered under the Endangered Species Act in 1970. Recovery of the species led to the removal from the endangered species list in 1999. Peregrines have nested on the island since 1995. The island is in an ideal location for a natural eyrie. Knopf and Bachman (1977) reported five Caspian tern nests in 1974, but subsequent nesting is unknown and unmentioned by researchers since Knopf completed his fieldwork on Gunnison Island in 1974. Short-eared owl (*Asio flammeus*) has been suspected of nesting on Gunnison Island, but a nest has never been documented.

Most of the Species of Greatest Conservation Need and Utah State Sensitive Species do not have specific management plans to guide their management. In the future, as species management plans are written and adopted by the Utah Wildlife Board, they may be implemented at GIWMA.

Important Fish and Wildlife Habitats

No fish habitat is present on GIWMA or in the surrounding water due to the high salt content of Gunnison Bay. The commercially profitable brine shrimp (*Artemia franciscana*) will survive in Gunnison Bay after getting washed in from the southern portion of Great Salt Lake, but the high salinity within the bay inhibits development and reproduction of this macroinvertebrate. During lower salinities of high lake levels, brine shrimp will persist and reproduce in Gunnison Bay. The island is devoid of any freshwater streams, seeps or springs. The remoteness and isolation of GIWMA from land-based predators, sparse vegetation, and gently sloping shores of the island provide important habitat for colonial nesting birds. None of the habitats on GIWMA are considered key terrestrial or aquatic habitats in the Utah Wildlife Action Plan.

Gunnison Island WMA has several features that accentuate its importance. It is isolated and not accessible by land. The relief of the island is enough that it still provides nesting habitat in high water years; however, at the lake elevations between 4,194 and 4,193 feet above mean sea level, a land-bridge develops allowing land-based predators and human disturbance to access the island (Baskin, 2006). Low lake conditions from 1960 to 1966 exposed the land-bridge, but more recent exposure occurred during the fall of 2008 through 2010, year-round from 2014-2017, and in the summer of 2018 (United States Geological Survey, 2018).

With GIWMA located within a terminal saline lake, its location in Gunnison Bay of Great Salt Lake makes it more isolated from recreationists than other parts of the lake. The higher salinity in Gunnison Bay, as compared to Gilbert Bay, is not conducive to brine shrimp production; therefore, brine shrimp harvesters tend to concentrate their efforts in Gilbert Bay. However, during high water years in the past, brine shrimp harvesters spent more time harvesting in Gunnison Bay when conditions favor brine shrimp production.

Gunnison Island is remote enough to provide security, yet it is still within a reasonable distance of some of the food rich marshes and riverine environments along the Wasatch Mountains. These areas provide the pelicans and gulls with important foraging areas. The island is also situated close to areas that provide important thermal updrafts to help pelicans attain the necessary altitude to travel back-and-forth between the island and foraging areas without expending too much energy. The island itself allows for thermal development, but it also has lower gradient slopes for easy takeoff and landing at the nesting colony. Greasewood and rock outcrops provide shade for many of the young, flightless birds during the long and hot summer period.

General Condition of Habitats

Plant Community species

The habitat on GIWMA is cold desert shrub (Figure 6, Figure 7, Figure 8, Figure 9, and Figure 10). Vegetative cover descriptions and species maps were last completed during the mid-1970s (Appendix C). The described species are forbs, grasses, and shrubs (Table 2).

Table 2. List of native, introduced (*), and undetermined (†) plants species (forbs, grasses, and shrubs) found on Gunnison Island Wildlife Management Area.

<p>Forbs</p> <p>Fiddleneck (<i>Amsinckia spp.</i>)</p> <p>Fivehook bassia (<i>Bassia hyssopifolia</i>)*</p> <p>Alyssum evening primrose (<i>Camissonia boothii</i>)</p> <p>Low fleabane (<i>Erigeron pumilus</i>)</p> <p>Redstem stork's bill (<i>Erodium cicutarium</i>)*</p> <p>Saltlover (<i>Halogeton glomeratus</i>)*</p> <p>Prickly lettuce (<i>Lactuca serriola</i>)*</p> <p>Pepperweed (<i>Lepidium spp.</i>)[†]</p> <p>Gray's biscuitroot (<i>Lomatium grayi</i>)</p> <p>Prickly Russian thistle (<i>Salsola tragus</i>)*</p> <p>Mojave seablite (<i>Suaeda moquinii</i>)</p> <p>Yellow salsify (<i>Tragopogon dubius</i>)*</p> <p>Pickleweed (<i>Allenrolfea occidentalis</i>)</p> <p>Wild onion (<i>Allium spp.</i>)[†]</p>	<p>Grasses</p> <p>Foxtail brome (<i>Bromus rubens</i>)*</p> <p>Cheatgrass brome (<i>Bromus tectorum</i>)*</p> <p>Saltgrass (<i>Distichlis spicata</i>)</p> <p>Indian ricegrass (<i>Achnatherum hymenoides</i>)</p> <p>Sandberg bluegrass (<i>Poa Sandbergii</i>)</p> <p>Bottlebrush squirreltail (<i>Elymus elymoides</i>)</p> <p>Shrubs</p> <p>Shadscale saltbush (<i>Atriplex confertifolia</i>)</p> <p>Tumbling saltweed (<i>Atriplex rosea</i>)*</p> <p>Rubber rabbitbrush (<i>Ericameria nauseosa</i>)</p> <p>Spiny sage (<i>Artemisia spinescens</i>)</p> <p>Spiny hopsage (<i>Grayia spinosa</i>)</p> <p>Greasewood (<i>Sarcobatus vermiculatus</i>)</p> <p>Brittle prickly pear (<i>Opuntia fragilis</i>)</p> <p>Prickly pear (<i>Opuntia rhodantha</i>)</p>
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Figure 6. Seagull Bay, Gunnison Island Wildlife Management Area. Photo taken looking south-southwest on September 21, 2011.



Figure 7. Distant American white pelican colonies in Lambourne Bay, Gunnison Island Wildlife Management Area. Photo taken looking north-northwest on April 5, 2007.



Figure 8. Juvenile American white pelicans on the beach (far right) in Pelican Bay, Gunnison Island Wildlife Management Area. Photo taken looking southwest on September 21, 2011.



Figure 9. The weather station is located on the highest point of the southeast "leg" of Gunnison Island in the South Bay, Gunnison Island Wildlife Management Area. Photo taken looking southeast on July 5, 2011.

Habitat Limitations

In general, there are no major habitat concerns or problems at GIWMA. The islands are isolated, relatively free from disturbance and habitat manipulation. Although there are several invasive or non-native plants (e.g., prickly Russian thistle, cheatgrass brome, tumbling saltweed), these species do not seem to interfere or limit the nesting areas for American white pelicans or California gulls. If any habitat management techniques were to be needed, access and application of the treatments would be technically and fiscally challenging due to the remoteness of GIWMA and the sensitivity of nesting American white pelicans. Great Salt Lake elevations typically limit access only by boat or, possibly, by helicopter; however, access by all-terrain vehicles is possible over the exposed land bridge when lake levels are below 4,193.5 feet above mean sea level.

Human Use-Related Problems

Gunnison Island WMA is off limits to the general public, so problems related to human use are restricted to official fieldwork and trespass. The remoteness of GIWMA limits access by humans either by boat or by land, so impacts are reduced. People are known to trespass on the island via all-terrain vehicle as documented from remote camera traps placed around the island in 2017. Access to the island by boat is now easier through a new breach in the railroad causeway, which opened on December 1, 2016. Official fieldwork associated with pelican research typically requires dozens of volunteers who receive some general instruction to minimize impacts while handling the pelicans. Impacts to pelicans are not significant and disturbance to juvenile pelicans is limited to an annual half-day time period.



Figure 10. Phantom Bay, Gunnison Island Wildlife Management Area. Photo taken looking south on July 15, 2014.

Adjacent Land Uses and Potential Impacts

There are no adjacent land use issues since GIWMA is an island, but there are potential impacts to the waters surrounding the island. Although there is no active development of oil or mineral leases in Gunnison Bay, the potential exists for development of leases, which could lead to possible oil spills that could wash up on the shoreline of Gunnison Island, and subsequently impact the pelican colony. If underground mineral leases on the island are developed, surface structures and activities would have to be limited to lots 3 and 4 in Section 15 and lot 1 in Section 16 with all activities occurring from October 1st to February 28th when pelicans are mostly absent from the island.

III. Management Goals and Objectives

Management Goals

1. Protect the existing resources, wildlife and habitat from unnecessary disturbances with an emphasis on colonial nesting birds, especially the American white pelican.

2. Educate and inform the public about the Great Salt Lake ecosystem with an emphasis on the island and its value to colonial nesting birds in Utah and the continent.
3. Maintain and monitor the island's habitat and wildlife with special attention paid to mitigate against disturbance, abandonment, and mortality of the American white pelican.

Management Objectives

1. Continue annual pelican population surveys to monitor status and trends and cooperate with continental conservation efforts by sharing these data for regional and continental roll-up of population data and trends.
2. Continue periodic gull population surveys to monitor status and trends and cooperate with the continental conservation efforts by sharing these data for regional and continental roll-up of population data and trends.
3. Educate the public at large, lake industries, and other agencies as to the value of Gunnison Island and its role in the continental population of American white pelicans.

Property Management Objectives

1. Limit access on island to essential studies or surveys.
2. Maintain a 1-mile buffer zone and closure (R657-15) on and around the island that cannot be trespassed upon unless authorized by UDWR as provided for by Rule R657-15-2 and Utah Code Annotated 23-21a-3.
3. Maintain a 1-mile "no fly zone" around the island that cannot be compromised unless otherwise authorized by UDWR as provided for by Rule R657-15-2 and Utah Code Annotated 23-21a-3.
4. Provide access and cooperate with official personnel to maintain the weather station and cameras.
5. Protect and preserve archaeological and historical resources as compatible with wildlife management needs, and consult with the Utah State Historic Preservation Office on proposed undertakings pursuant to Utah Code Annotated 9-8-404.
6. Collaborate with State History to complete additional archaeological inventories and potential National Register of Historic Places nominations for identified resources.

Habitat Management Objectives

1. Monitor general habitat conditions during annual American white pelican surveys and other periodic visits to the island.
2. Update vegetation maps as needed.

Gunnison Island WMA management is based primarily upon the goals, objectives, and strategies of various plans summarized below.

Strategic Plan (2007-2011) of the Utah Division of Wildlife Resources

The management of GIWMA has relevance to the following goals and objectives as outlined in the Strategic Plan of the UDWR (Division).

Resource Goal: Expand wildlife populations and conserve sensitive species by protecting and improving wildlife habitat.

Objective R1- Protect existing wildlife habitat and improve 500,000 acres of critical habitats and watersheds throughout the state by 2011.

Objective R3- Conserve sensitive species to prevent them from being listed as threatened or endangered.

Constituency Goal: Achieve broad-based support for Division programs and budgets by demonstrating the value of wildlife to all citizens of Utah.

Objective C1- Increase public awareness of wildlife as a quality of life issue in order to expand our support base and achieve stable funding.

Objective C2- Improve coordination with organizations, public officials, private landowners, industry, and government agencies to obtain support for Division programs.

These goals and objectives will be accomplished by properly managing the vegetation, wildlife, and human components of GIWMA according to those strategies mentioned in the property and habitat management sections below. These sections detail property maintenance and development, wildlife species and habitat management, and access and fire management on the WMA.

Utah Wildlife Action Plan

The 2015-2025 edition of the Utah Wildlife Action Plan (WAP) was created with the express purpose and goal of managing native wildlife species and their habitats to help prevent listings under the Endangered Species Act. To help achieve this goal, the WAP provides a statewide approach for the partnership-based, coordinated planning and implementation of wildlife and habitat conservation practices. The WAP addresses the following elements:

- Conservation targets include species of greatest conservation need, and those species' key habitats; information about the status and distribution of these species; and information about the location and condition of these key habitats.
- Threats and limiting factors facing designated species and habitats and the research required to help managers more effectively address these problems. Threats are measured and prioritized on a statewide basis and based on how many targets they impact and how severely the targets are impacted.
- Conservation actions required to abate the highest-priority threats and improve the supply of these limiting factors.
- Monitoring the status of these targets, and in particular the effectiveness of these actions.
- Approaches for including the public, partners, and stakeholders, in consideration of the mission and authority of partners.
- Provisions for coordinating the WAP with other natural resource management plans.

The GIWMA habitat management plan process is used to address wildlife species and habitats found on the WMA by explicitly including their needs in routine, novel, and emergency management activities. This aligns well with the intent of the WAP, which identifies specific management actions that can be taken to reduce priority threats to these species and habitats.

Great Salt Lake Comprehensive Management Plan and Mineral Leasing Plan

In order to more specifically articulate the Utah Department of Natural Resources (UDNR) management objectives for the resources of Great Salt Lake, and to reconcile the diverse mandates of the seven divisions within UDNR, the Great Salt Lake Planning Project was initiated. The UDWR has authority for managing wildlife in, on and around Great Salt Lake, and participated in the development of both the Great Salt Lake Comprehensive Management Plan and the Mineral Leasing Plan (Utah Division of Forestry, Fire and State Lands, 2013a; Utah Division of Forestry, Fire and State Lands, 2013b). The Utah Division of Forestry, Fire and State Lands has been given authority (via Utah Code Annotated 65A-2; and Utah Administrative Code R652-90) to prepare and adopt comprehensive management plans for sovereign lands and resources, including Great Salt Lake, and was the lead agency in developing these plans.

The purposes of the Great Salt Lake Planning project are:

- To establish unifying UDNR management objectives and policies for Great Salt Lake trust resources
- To coordinate the management, planning, and research activities of UDNR divisions on Great Salt Lake
- To improve coordination among UDNR divisions, establish a decision-making proposal review and appeal process, resolve some issues between divisions, and improve management of the lake and its resources
- To develop a sovereign land and resource management plan for the lake that balances multiple-uses and sustainability issues
- To establish processes for plan implementation, monitoring, evaluation, and amendment

The comprehensive management plan covers a wide range of elements of Great Salt Lake including information about the hydrology, chemistry, water quality, wetlands, air quality, climate, biology, ecosystem, land, minerals and hydrocarbons, recreation, tourism, paleontological and cultural resources, commercial and industrial use, agriculture, transportation, law enforcement, search and rescue, open space, critical lands, and visual resource management. It also developed a Great Salt Lake level matrix and lake level management strategies to help guide the timing of various management strategies to minimize impacts to trust resources.

The mineral leasing plan identifies the extractive resources found on, in, adjacent to or under Great Salt Lake. It further identifies critical wildlife habitat areas where habitat protection is the preferred option. One of the goals of this planning effort is to integrate mineral resource planning with other resources and resource planning efforts.

Great Salt Lake Drainage Management Plan

The UDWR Great Salt Lake Drainage Management Plan (Utah Division of Wildlife Resources, 2011) mainly describes and catalogs the aquatic resources of the many diverse habitats of Great Salt Lake and the surrounding wetlands, but it does briefly mention some terrestrial reptiles and the abundance of birds utilizing the resources of the lake. The plan also mentions major resource issues concerning Great Salt Lake: water use; habitat fragmentation and loss; pollution; land ownership; hunting and wildlife viewing; boating and sailing; camping, hiking, and off-highway vehicle use; industry; commercial lake use; and species of concern. Management objectives

pertinent to the Gunnison Island Wildlife Management Area are listed below.

- Identify, monitor, and manage the avian resources utilizing Great Salt Lake throughout the whole year.
- Monitor populations of native aquatic species and reptiles.
- Coordinate all objective actions to reduce potential conflicts.

Intermountain West Waterbird Conservation Plan

The UDWR is supportive of the Intermountain West Waterbird Conservation Plan and the state has benefitted from several Intermountain West Joint Venture Projects although no specific projects have been completed on GIWMA.

IV. Strategies for Property Management

Development Activities

- **Sign needs:** Signs barring motorized travel on the lakebed of Great Salt Lake need to be placed at access points from Compass Minerals' dike to the west of GIWMA.
- **Communication needs:** Communicate with law enforcement, Compass Minerals, brine shrimp harvesters, and the boating public to discuss ways to limit trespass by land, by water or by air within one mile of Gunnison and Cub islands.

Annual Maintenance Activities

- **Sign replacement:** Periodically check and replace damaged signs barring motorized travel on the lakebed of Great Salt Lake placed at access points from Compass Minerals' dike to the west of GIWMA.
- **Weather station:** Transport and assist personnel who conduct annual maintenance of the Gunnison Island weather station. Assure that pelicans and other nesting birds are not disturbed.
- **Pelican stations:** Transport and assist personnel who conduct annual maintenance of the live pelican station and any temporary remote camera traps. Assure that pelicans and other nesting birds are not disturbed.

Compatibility of Proposed Uses with Local Government General Plans and Zoning and Land Use Ordinances

There are no known conflicts with existing local government general plans, zoning regulations or land use ordinances.

V. Strategies for Habitat Management

Unit Management Plans for Wildlife Species

There are no management plans for the individual species which utilize GIWMA.

Habitat Improvement Plan

Habitat improvements for GIWMA are not planned. If regular and cursory monitoring of the habitat notes significant changes worthy of attention (e.g., fire damage), then a plan will be developed to address the problem.

Access Management Plan

The general public is not permitted on GIWMA, so an access management plan has not been developed.

Fire Management Plan

Due to the remoteness of GIWMA a fire management plan has not been developed.

Wood Products Plan

The general public is not permitted on GIWMA, so a wood products plan has not been developed.

Livestock Grazing Plan

Livestock are not permitted on the property due to lack of forage quality and quantity, and lack of freshwater sources. A livestock grazing plan has not been developed.

Other Plans

Other plans have not been developed for GIWMA since it receives very little use.

Compatibility of Proposed Plans with Local Government General Plans and Zoning and Land Use Ordinances

There are no known conflicts with existing local government general plans, zoning regulations or land use ordinances.

VI. Summary Statement of Proposed Uses

The primary purpose of GIWMA is to preserve and protect Gunnison and Cub islands in perpetuity for American white pelicans, other colonial nesting species (i.e., California gull and great blue heron), and other wildlife. Any public use of GIWMA, including a one-mile buffer surrounding Gunnison and Cub islands from the shoreline at the lake elevation of 4,200 feet above mean sea level, is expressly prohibited. Any authorized use is at the behest of the Program Manager for the Great Salt Lake Ecosystem Program or certified peace officers and emergency personnel acting under the direction of the UDWR.

VII. Monitoring and Evaluation

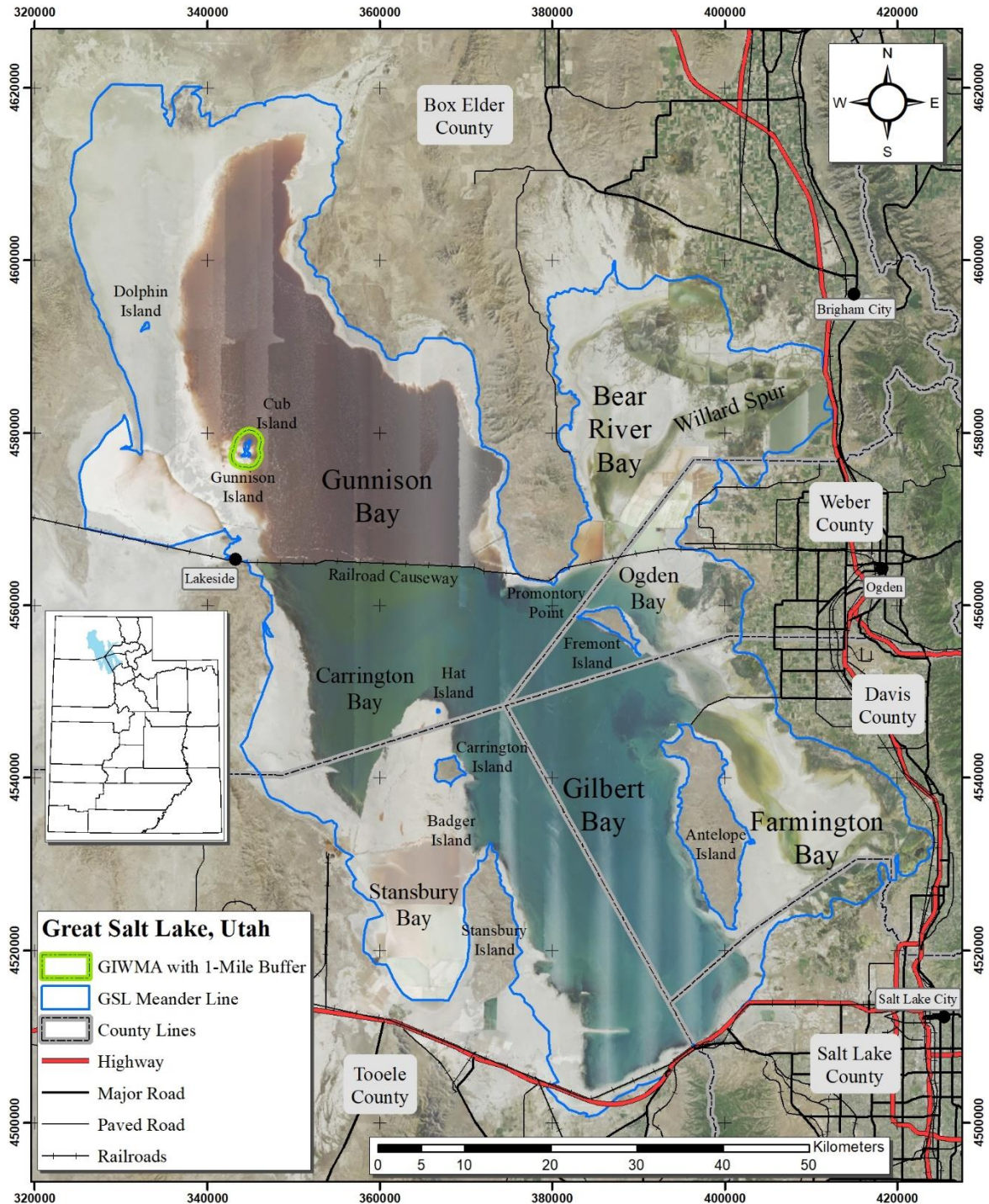
Monitoring and evaluation is accomplished through cursory site assessments by land and by plane, colonial nesting surveys, data collections and analysis (pelican band and wing tagging, remote camera traps, and other studies), and through general observations. The Program Manager for the Great Salt Lake Ecosystem Program is responsible for monitoring projects to ensure they meet all stated goals and objectives. Assistance will be required and requested, as needed, from other sections within UDWR and from divisions within the Utah Department of Natural Resources.

VIII. Appendices

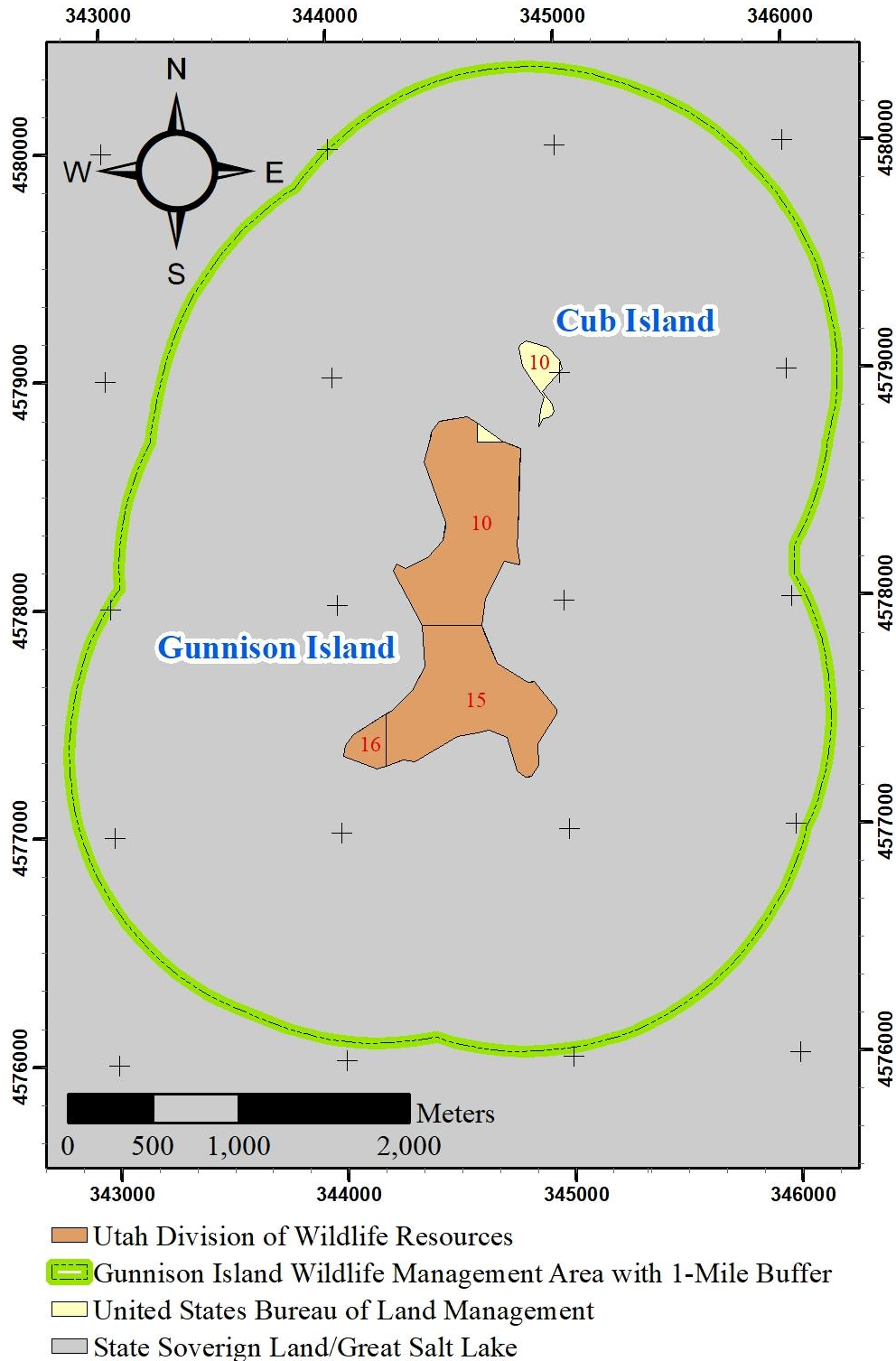
- Appendix A: Maps
 - Great Salt Lake and Vicinity (Map 1)
 - Land Ownership (Map 2)
 - Master Title Plat (Map 3)
 - Original Survey Plat (Map 4)

- Appendix B: Legal Description, Encumbrances, Agreements, Enhancements, and Easements
 - Supreme Court of the United States Decree, Utah v. United States, 427 U.S. 461
 - Chapter 21a Pelican Management Act
 - Utah First District Court Order of Condemnation, Civil No. 14375
 - Utah Division of Wildlife Resources Land Acquisition Receipt
 - Acknowledgement of Title T. 7 N., R. 9 W., sec. 16, Lot 1
 - Cancellation of ML 37185
 - R657-15. Closure of Gunnison, Cub and Hat Islands
- Appendix C: Plants and Birds
 - Vegetative Map of Gunnison Island
 - Bird List for Gunnison Island Wildlife Management Area
 - American White Pelican Census Data
- Appendix D: Literature Cited

Appendix A – Maps



Map 1. Map showing Gunnison Island Wildlife Management Area (GIWMA) within Great Salt Lake (GSL) in northern Utah. Aerial imagery from National Agriculture Imagery Program taken from June 30, 2014 to September 12, 2014 with a Great Salt Lake elevation ranging from 4,193.85 feet to 4,192.95 feet above mean sea level. Coordinates are in Universal Transverse Mercator with North American Datum 1983.

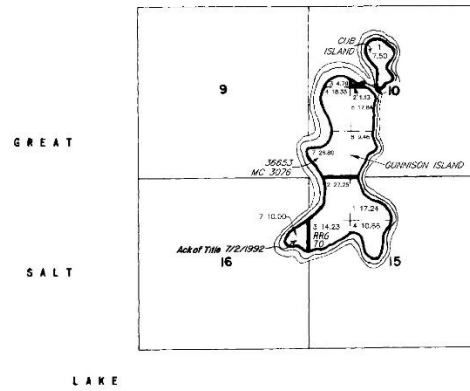


Map 2. Land ownership map of Gunnison Island Wildlife Management Area within Great Salt Lake, Utah. Section numbers are in red. Coordinates are in Universal Transverse Mercator with North American Datum 1983.

TOWNSHIP 7 NORTH RANGE 9 WEST OF THE SALT LAKE MERIDIAN, UTAH

SALT LAKE FIELD OFFICE
BOX ELDER COUNTY

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

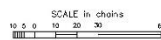


INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO.	T	R	SEC.	SUBDIVISION

FOR ORDERS AFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHIN FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

Supreme Court Decree, 6/28/1976, title passed To the State of Utah all lands lying below the Record meridian line, except lands within the Bear River Migratory Refuge, Webster Basin Federal Reclamation Project and Hill Air Force Base.

Segregated from Mineral Leasing:
Sec. 10: Lot 1 Pt SW 1/4 NW 1/4
Sec. 15: Pt SW 1/4 NW 1/4
Sec. 16: Lot 7

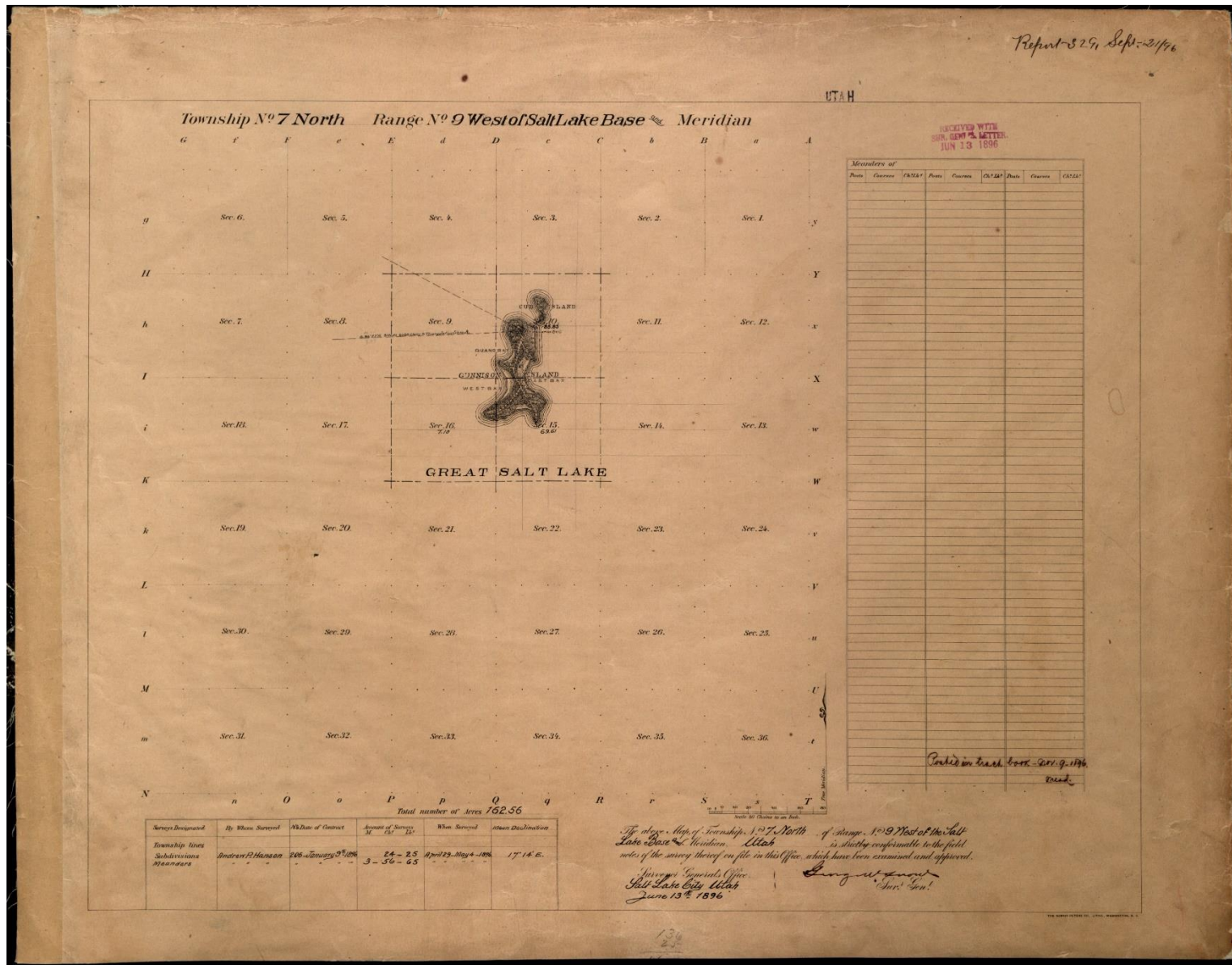


WARNING STATEMENT
This plat is the Bureau's record of title, and should be used only as a graphic display of the Bureau's survey data. Recorders should not create title documents which may have been affected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Lat 41°19'47"N
Long 112°51'16"W

CURRENT TO	PV	RA	T	R
2-1-2011			7 N	9 W

Map 3. Master Title Plat for Gunnison and Cub islands, Great Salt Lake, Utah.



Map 4. Original Survey Plat for Gunnison and Cub islands, Great Salt Lake, Utah is dated June 13, 1896.

Appendix B – Legal Description and Encumbrances, Agreements, Enhancements, and Easements

UTAH *v.* UNITED STATES

461

Decree

UTAH *v.* UNITED STATES

ON BILL OF COMPLAINT

No. 31, Orig. Decided February 19, 1975—Decree entered
February 19, 1975—Further decree entered June 28, 1976

Further decree is entered.

Opinion reported: 403 U. S. 9; decree reported: 406 U. S. 484; *per curiam* and decree reported: 420 U. S. 304.

DECREE

IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. Taking into consideration Sections 1, 2, and 5 of the decree of this Court entered May 22, 1972, *Utah v. United States*, 406 U. S. 484, 485–486, Sections 1, 2, and 4 of the decree of this Court entered February 19, 1975, *Utah v. United States*, 420 U. S. 304, 305–306, and the further proceedings had herein pursuant to the decree of this Court entered February 19, 1975, *Utah v. United States*, 420 U. S. 304, and

2. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments and agencies, are enjoined from asserting against the State of Utah any claim of right, title and interest:

(a) to any lands within the meander line of the Great Salt Lake (as duly surveyed prior to or in accordance with Section 1 of the Act of June 3, 1966, 80 Stat. 192), with the exception of any lands within the Bear River Migratory Bird Refuge, the Weber Basin Federal Reclamation Project, and the Hill Air Force Range (as bounded by water's edge June 15, 1967), the title to which last-named parcel is not decided by this decree;

(b) to the natural resources and living organisms in or beneath the lands delineated in (a) above; and

(c) to the natural resources and living organisms either within the waters of the Great Salt Lake, or extracted therefrom, as delineated in (a) above.

3. The State of Utah is not required to pay the United States for the lands, including the minerals, delineated in paragraph 2 above of this decree.

4. The prayer of the United States in its answer to the State of Utah's Complaint that this Court "confirm, declare and establish that the United States is the owner of all right, title and interest in all of the lands described in Section 2 of the Act of June 3, 1966, 80 Stat. 192, as amended by the Act of August 23, 1966, 80 Stat. 349, and that the State of Utah is without any right, title or interest in such lands, save for the right to have these lands conveyed to it by the United States, and to pay for them, in accordance with the provisions of the Act of June 3, 1966, as amended," is denied.*

MR. JUSTICE MARSHALL took no part in the consideration or decision of this decree.

*When "lands" appears in this decree to describe the interests involved, the word is used to include the brines and minerals in solution in the brines or precipitated or extracted therefrom.

Chapter 21a Pelican Management Act

23-21a-1 Short title.

This act shall be known and may be cited as the "Pelican Management Act."

Enacted by Chapter 103, 1977 General Session

23-21a-2 Legislative findings and policy.

The legislature of the state of Utah recognizes that the number of breeding sites of the American white pelican has been reduced from in excess of 50 prior to 1932 to only seven major sites in 1976 as a result of the removal of water barriers around breeding sites, loss of food supply, and human disturbance of nesting colonies. The legislature of the state of Utah further recognizes that Gunnison Island in the Great Salt Lake, one of the seven remaining pelican rookeries in North America, produces over 20% of the world's population of the American white pelican, and is the only remaining major pelican rookery that does not have refuge status. It is hereby declared to be the policy of the state of Utah that areas that will support certain threatened life forms shall be preserved for their benefit and for the benefit and enjoyment of present and future generations of people.

Enacted by Chapter 103, 1977 General Session

23-21a-3 State to condemn and purchase islands in Great Salt Lake -- Protection of American white pelican.

This act proposes to implement the policy set forth in Section 23-21a-2 by initiating the condemnation and purchase of the 163-acre Gunnison Island and the 22-acre Hat (Bird) Island in the Great Salt Lake situated in Box Elder County in the state of Utah, to be designated as wildlife management areas under jurisdiction of the Utah state Division of Wildlife Resources to be administered for the protection and perpetuation of the American white pelican.

Enacted by Chapter 103, 1977 General Session

23-21a-4 Payment of fair market value to landowners -- Impartial appraisal.

The state of Utah, through condemnation, will pay to the landowners a sum equal to the fair market value, as determined by impartial appraisal, for their right, title and interest in and to the surface of said lands.

Enacted by Chapter 103, 1977 General Session

23-21a-5 Mineral rights retained by landowners -- Oil discovery.

The landowners will retain the mineral rights to said lands and in the event of oil discovery, it shall be obtained by off-shore slant drilling.

Enacted by Chapter 103, 1977 General Session

23-21a-6 Nonlapsing appropriation for appraisal and purchase.

There is appropriated from the General Fund to the Division of Wildlife Resources the sum of \$11,000 for appraisal and purchase of the lands designated in Section 23-21a-3. This appropriation shall be non-lapsing.

Enacted by Chapter 103, 1977 General Session

BOOK 329 PAGE 311

STEPHEN C. WARD
Assistant Attorney General
115 State Capitol
Salt Lake City, Utah 84114
Telephone: 533-6684

RECORDERS NO. 76696H ✓ RECORDED FEB 28 1980
FEE \$ NONE TIME 10:00 ^{AM} ~~PM~~ BOOK 329 PAGE 311
MARGARET R. EVANS - BOX ELDER COUNTY RECORDER *Margaret R. Evans*

IN THE FIRST DISTRICT COURT IN AND FOR BOX ELDER COUNTY
STATE OF UTAH

STATE OF UTAH, DEPARTMENT	:	
OF NATURAL RESOURCES,	:	
DIVISION OF WILDLIFE	:	
RESOURCES,	:	
	:	
Plaintiff,	:	FINAL ORDER OF CONDEMNATION
	:	
-vs-	:	Civil No. 14375
	:	
UTAH FERTILIZER COMPANY,	:	
a Utah Corporation; REED	:	
and KATHERYN BULLEN;	:	
LEONE H. GURR; and	:	TOTAL PAYMENT: \$39,239.50
MAXINE AHLEEN,	:	
	:	
Defendants.	:	

It appearing to the Court and the Court now finds that heretofore, on the 5th day of February, 1980, this Court made and entered its Judgment on Stipulation in the above entitled proceeding, and said Judgment is hereby referred to; and

It appearing to the Court and the Court now finds that pursuant to the law and the said Judgment, the plaintiff did pay said Judgment to the defendants, Utah Fertilizer Company, a Utah Corporation, Reed and Katheryn Bullen, Leone H. Gurr, and Maxine Ahleen, together with all interest required by said Judgment to be paid; and

It further appearing to the Court that the plaintiff has made all payments as required by law and order of this Court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the Court understood and fully considered,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and condemned in fee simple title as to Parcels No. 1, 2, 3, 4 for

the purpose described and set forth in the plaintiff's complaint, i.e., for the use of the plaintiff, State of Utah, Department of Natural Resources, Division of Wildlife Resources for wildlife management areas.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County Recorder of Box Elder County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcels No. 1, 2, 3, 4, in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in fee simple title as to Parcel Nos. 1, 2, 3, 4, in the plaintiff, all of such property being situated in Box Elder County, State of Utah, and is more particularly described as follows:

Parcel No. 1:

GUNNISON ISLAND

That land designated as lots numbered three, four, five, six and seven of section ten, Township 7 North, Range 9 West of the Salt Lake Meridian, in the County of Box Elder and State of Utah, containing 76.81 acres (recorded owner: Utah Fertilizer Company).

Parcel 2:

That land designated as lots numbered one, two, three, and four of section fifteen, Township 7 North, Range 9 West of the Salt Lake Meridian, in the County of Box Elder and State of Utah, containing 69.61 acres (recorded owner: Reed Bullen).

Parcel No. 3:

That land designated as lot number one of section sixteen, Township 7 North, Range 9 West of the Salt Lake Meridian, in the County of Box Elder and State of Utah, containing 7.10 acres (recorded owners: Leone H. Gurr and Maxine Ahleen).

Parcel No. 4:

HAT (BIRD) ISLAND

That land designated on April 29, 1902 by the Surveyor General as Lot No. 4693, known as Birds Nest placer mining claim and embracing a portion of the unsurveyed public domain in the

Mining District in the County of Box Elder and State of Utah in the District of Land subject to sale at Salt Lake City and bounded described and platted as follows: with magnetic variation 17°29' East beginning at corner No. 1 from which U.S. location monument No. 1 bears North 54°24' West, 762 feet distant; thence first course North 16°11' West 458.9 feet to corner No. 2; thence second course North 33°51' West 358.3 feet to corner No. 3; thence third course North 54°20' West 348.2 feet to corner No. 4; thence fourth course South 88°46' West 180.1 feet to corner No. 5; thence fifth course South 52°5' West 276.7 feet to corner No. 6; thence sixth course South 23°45' West 227.5 feet to corner No. 7; thence seventh course South 8°27' East 617.7 feet to corner No. 8; thence eighth course, South 61° East 436.6 feet to corner No. 9; thence ninth course North 86°58' East 366.2 feet to corner No. 10; then tenth course, North 47°2' East 358.1 feet to corner No. 1 the place of beginning. Being in Township 4 North, Range 7 West of the Salt Lake Meridian, in the County of Box Elder and State of Utah, containing 22.07 acres (recorded owner: Utah Fertilizer Company).

The landowners of both islands will retain the mineral rights to said land, and in the event of a mineral discovery, it shall be obtained by off-shore slant drilling or mining. The minerals operation can in no way disturb the surface of the two islands, subject to the following exception:

The present owners of the property, their assigns and lessees will be permitted to remove oil and/or natural gas from the two islands under the following terms and conditions:

(a) All activities on the islands will take place between January 1 to February 28 and October 1 to December 31 of any given year;

(b) The right to remove oil and/or natural gas from the property in question shall cease after twenty (20) years from the date of the settlement unless oil and/or natural gas has been discovered and is being commercially removed from the property, in which case that activity may continue for such period of time until the removal of said oil and/or natural gas ceases. However, when it is no longer commercially feasible to remove either oil or gas from the islands, the owners shall remove at their own expense any improvements they may have put on the islands;

(c) The right to conduct activities on the islands shall include the right of constructing and maintaining all necessary drilling and exploration equipment, and erection of all necessary dock and access facilities, and the performance of any and all other activities normally associated with exploring for, drilling of, and removal of oil and/or natural gas;

(d) Any equipment, roads, docks, storage tanks and the like which is constructed or placed upon said property shall be so erected or placed as to avoid disturbing the natural habitat of and migratory patterns of the bird life on said property, including camouflaging the same where necessary;

(e) All pumping and removal of oil and/or gas shall occur only during January 1 to February 28 and October 1 to December 31 periods;

(f) The exploration, storage, pumping and drilling activities will be limited to Lot No. 1 of Section 16 and Lot Nos. 3 and 4 of Section 15, Township 7 North, Range 9 West of the Salt Lake Base and Meridian of Gunnison Island and the south end of Hat Island, except that insofar as it would not disturb the existing bird life on the said islands and subject to the approval of the State of Utah, Division of Wildlife Resources, exploration, drilling and storage may be conducted on other parts of Gunnison Island or Hat (Bird) Island.

DATED this 28th day of February, 1980.

BY THE COURT:

/S/ Va Noy Ckristoffersen

DISTRICT JUDGE

FIRST JUDICIAL DISTRICT
STATE OF UTAH
BOW ELDER COUNTY
I, the undersigned Clerk of the First District Court for the State of Utah, do hereby certify that the annexed and foregoing is a true and full copy of an original document on file in my office as said Clerk.
Witness my hand and the seal of said Court this 28 of February 1980
K. B. O'Neil, Clerk
By: [Signature] Deputy

ABSTRACT IN BOOK a OF SEC PAGE 4 ✓
H of Sec pg 386 ✓
C of Sec pg 471 ✓
16 of Sec pg 69 ✓
Index ✓ ✓ ✓ ✓

Gunnison Island



3 Triad Center • Suite 400 • Salt Lake City, UT 84180-1204 • (801) 538-5508

LAND AND INTERESTS IN LAND ACQUIRED OR DISPOSED OF BY STATE AGENCIES

record

Instructions:

- 1. This form not required for land disposed of prior to May 10, 1955.
2. Please type.
3. Complete a separate form for each land parcel.
4. Submit this form each time an agency acquires/disposes of land.
5. Additional forms available from Division of State Lands and Forestry at above address.
6. Complete form in duplicate and return both copies to Division of State Lands and Forestry.
7. If land falls in two counties, complete form in triplicate and return all copies.

Agency NATURAL RESOURCES

County In which land is located BOX ELDER

Date land [] acquired [] disposed of FEBRUARY 28, 1980

Name of [] grantor or lessor [] grantee or lessee COURT ORDER

UTAH FERTILIZER COMPANY, REED & KATHERYN BULLEN, LEONE H. GURR, MAXINE AHLEEN

Address

City State UTAH Zip

Location of abstracts, deeds, contracts, leases, or other indicia of interest

Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116

Land Interest: [] fee simple title [] lease [] easement [] license [] other

Land description (Continue on reverse side):

GUNNISON ISLAND

Parcel No. 1: That land designated as lots numbered 3, 4, 5, 6 and 7 of Sec 10, T7N, R9W SLB&M, containing 76.81 acres.

Parcel No. 2: That land designated as lots numbered 1, 2, 3, and 4 of Sec 15, T7N, R9W SLB&M, 69.61 acres.

Parcel No. 3: That land designated as lot number 1 of Sec 16, T7N, R9W SLB&M, 710 acres.

The previous landowners will retain the mineral rights to said land, and in the event of a mineral discovery, it shall be obtained by off-shore slant drilling or mining. The minerals operation can in no way disturb the surface of the island, subject to the restrictions place on present owners.

Purpose of acquisition/disposal: ADMINISTRATIVE

Section 10,15,16 Township 7N Range 9W SLB&M

Submitted to Division of State Lands and Forestry this 29 day of MAY, 19 90

By [Signature] Director

DO NOT FOLD THIS FORM.

2620
UTU-31385
(UT-942-MC)

DECISION

State of Utah
Division of State Lands and Forestry
355 West North Temple
3 Triad Center, Suite 400
Salt Lake City, Utah 84180-1204

JUL 2 1992
1-942-4
6/23/92

ACKNOWLEDGEMENT OF TITLE

The State of Utah is entitled to an Acknowledgement of Title to lands which were granted to them by the Act of July 16, 1894 (28 Stat. 109). The plat of survey for T. 7 N., R. 5 W., was accepted on October 21, 1885, and the plat of survey for T. 6 N., R. 19 W., was accepted June 9, 1894, therefore title to these two townships vested to the State of Utah on January 4, 1896. The plats of survey for T. 6 N., R. 10 W., and T. 6 N., R. 11 W., were accepted on January 21, 1970, therefore title to these two townships vested to the State of Utah on January 21, 1970. The plat of survey for T. 7 N., R. 9 W., was accepted on June 13, 1896, therefore title vested to the State of Utah on June 13, 1896,

Accordingly, the State of Utah is hereby acknowledged to have title to the following described nonmineral lands:

Salt Lake Meridian

- T. 7 N., R. 5 W.,
sec. 16, W $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 7 N., R. 9 W.,
sec. 16, Lot 1.
- T. 6 N., R. 10 W.,
sec. 16, Lots 1 thru 4, inclusive, S $\frac{1}{2}$;
sec. 32, All;
sec. 36, All.
- T. 6 N., R. 11 W.,
sec. 2, Lots 1 thru 4, inclusive;
sec. 36, All.
- T. 6 N., R. 19 W.,
sec. 16, lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

The land described aggregates 3,489.95 acres.

EXCEPTING AND RESERVING TO THE UNITED STATES:

- 1) A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945 (1970)).

MCrocker:js:6/23/92:31385:A:

Chief, Branch of Lands and Minerals
Operations

SERIA

UTAH DIVISION OF STATE LANDS AND FORESTRY

TYPE OF LEASE OGH APPLICATION NUMBER ML 37185

NAME AND MAILING ADDRESS

OXY USA INC
 PO BOX 300
 TULSA OK 74102

DESCRIPTION OF LAND: ACRES 7.10
 COUNTY(S) Box Elder

T 7 N, R 9 W, SLB&M

 SEC. 16 Lot 1

DATE	ACTION		
07/31/79	APPLICATION FILED.	APPLICANT DEPOSITED	18.00 TO PAY

	THE RENTAL FOR THE INITIAL RENTAL PERIOD AND THE \$10.00		

	FILING FEE FOR 10 YEARS.	DATE APPROVED	09/04/79
	-----	-----	-----
	BEGINNING DATE 10/01/79	PER ANNUM	\$8.00
	-----	-----	-----
		EXPIRATION DATE:	00/00/00
		-----	-----

11/17/80 Assn to Cities Service by JE Hoffman & DH Willson; 2% orr
 08/02/82 Orr of .25% to Amcole Energy Corp. by John Hoffman
 07/11/83 Assn to Cities Service Oil & Gas by Cities; no orr
 06/18/84 Orr of 1/2 of 1% to Amcole Energy Corp. by John Hoffman
 12/17/84 CANCELLED for non-payment

R657. Natural Resources, Wildlife Resources.

R657-15. Closure of Gunnison, Cub and Hat Islands.

R657-15-1. Purpose and Authority.

Under authority of Section 23-21a-3, this rule provides for the management of Gunnison, Cub, and Hat islands for the protection and perpetuation of the American white pelican, *Pelicanus erythrorhynchos*, and other avian species.

R657-15-2. Closed Areas.

(1) The following areas are closed to air, water, and land trespass as a conservation measure to protect colonial bird nesting areas:

(a) Gunnison and Cub islands, located in Sections 9, 10, 15 and 16, Township 7 North, Range 9 West, Salt Lake Base and Meridian; and

(b) Hat Island, located in Section 24, Township 4 North, Range 7 West, Salt Lake Base and Meridian.

(2) This closure encompasses all of Gunnison, Cub, and Hat islands and the surrounding waters and beaches of the Great Salt Lake one mile in every direction from the 4200-foot mean sea level elevation shoreline of Gunnison, Cub, and Hat islands.

(3) The provisions of this rule do not apply to division personnel while performing their official duties, or to certified peace officers and emergency personnel acting under their direction when engaged in exigent law enforcement activities or emergency rescue operations.

KEY: wildlife, birds, conservation, wildlife management

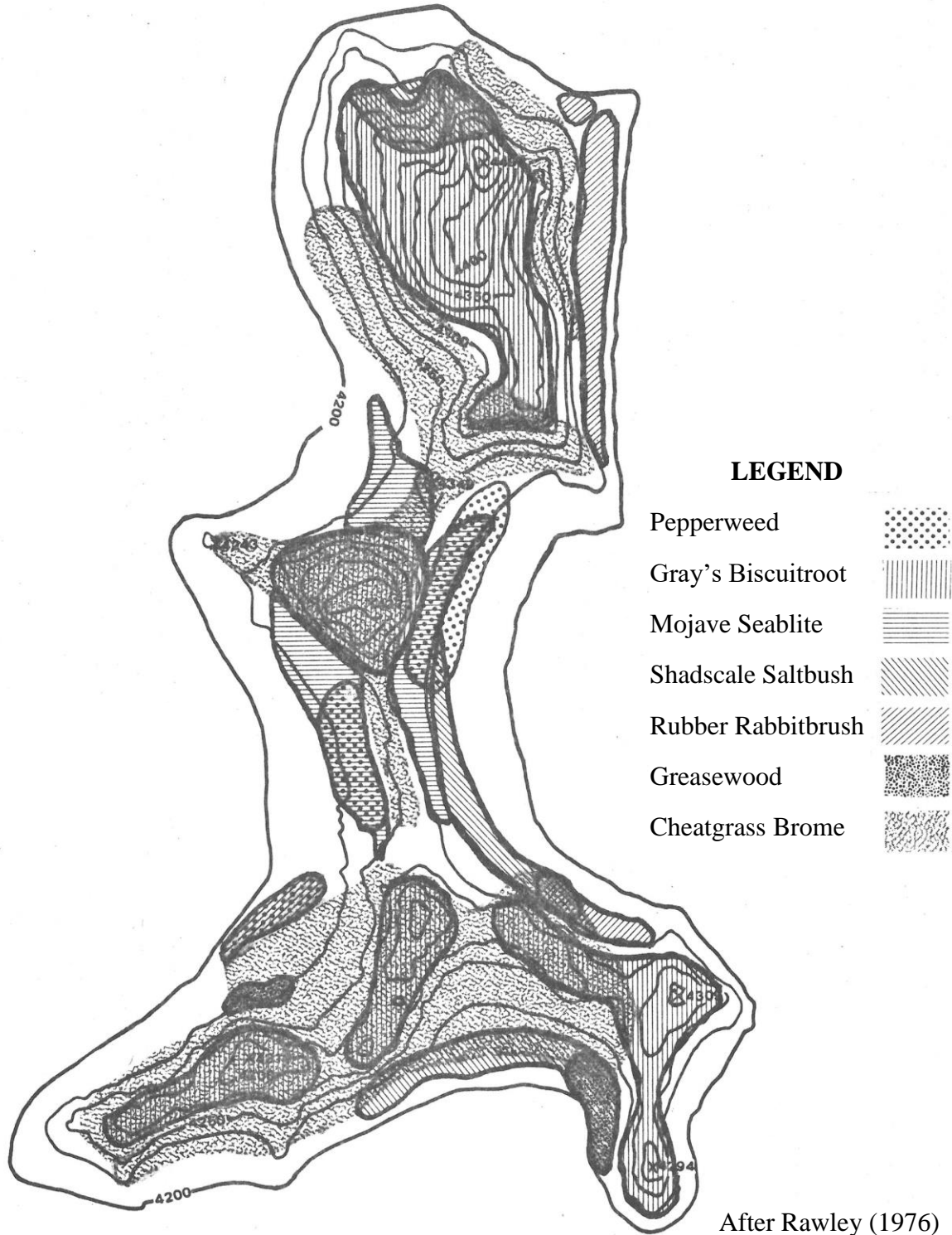
Date of Enactment or Last Substantive Amendment: July 5, 2005

Notice of Continuation: March 3, 2015

Authorizing, and implemented or Interpreted Law: 23-21a-3

Appendix C – Plants and Birds

Vegetative Map of Gunnison Island



After Rawley (1976)

Bird List for Gunnison Island Wildlife Management Area

Taxonomic list (Order, Family, Common Name and Scientific Name) of 120 bird species found on Gunnison and Cub islands as reported by Knopf and Bachman (1977) and subsequent research by camera traps and the Utah Division of Wildlife Resources. Underlined species (10) are known to have nested on the islands. The eight species preceded by an asterisk (*) have been documented on the islands since Knopf and Bachman (1977) conducted their research from 1972 to 1974.

ANSERIFORMES

Anatidae (Ducks and Geese)

- Canada Goose, *Branta canadensis*
- Blue-winged Teal, *Spatula discors*
- Cinnamon Teal, *Spatula cyanoptera*
- American Wigeon, *Mareca americana*
- Northern Pintail, *Anas acuta*
- Green-winged Teal, *Anas crecca*
- White-winged Scoter, *Melanitta fusca*
- Red-breasted Merganser, *Mergus serrator*
- Ruddy Duck, *Oxyura jamaicensis*

PODICIPEDIFORMES

Podicipedidae (Grebes)

- Eared Grebe, *Podiceps nigricollis*
- Western Grebe, *Aechmophorus occidentalis*

COLUMBIFORMES

Columbidae (Pigeons and Doves)

- Rock Pigeon, *Columba livia*
- Mourning Dove, *Zenaida macroura*

CAPRIMULGIFORMES

Trochilidae (Hummingbirds)

- Broad-tailed Hummingbird, *Selasphorus platycercus*

GRUIFORMES

Rallidae (Rails and Coots)

- American Coot, *Fulica americana*

CHARADRIIFORMES

Recurvirostridae (Stilts and Avocets)

- Black-necked Stilt, *Himantopus mexicanus*
- American Avocet, *Recurvirostra americana*

Charadriidae (Plovers and Lapwings)

- Black-bellied Plover, *Pluvialis squatarola*
- Killdeer, *Charadrius vociferus*

CHARADRIIFORMES (continued)

Scolopacidae (Sandpipers and Allies)

- Long-billed Curlew, *Numenius americanus*
- Marbled Godwit, *Limosa fedoa*
- Baird's Sandpiper, *Calidris bairdii*
- Semipalmated Sandpiper, *Calidris pusilla*
- Wilson's Snipe, *Gallinago delicata*
- Wilson's Phalarope, *Phalaropus tricolor*
- Spotted Sandpiper, *Actitis macularius*
- Willet, *Tringa semipalmata*

Laridae (Gulls, Terns, and Skimmers)

- Franklin's Gull, *Leucophaeus pipixcan*
- California Gull, *Larus californicus*
- Caspian Tern, *Hydroprogne caspia*

SULIFORMES

Phalacrocoracidae (Cormorants and Shags)

- Double-crested Cormorant, *Phalacrocorax auritus*

PELECANIFORMES

Pelecanidae (Pelicans)

- American White Pelican, *Pelecanus erythrorhynchos*

Ardeidae (Herons, Egrets, and Bitterns)

- American Bittern, *Botaurus lentiginosus*
- Great Blue Heron, *Ardea herodias*

Threskiornithidae (Ibises and Spoonbills)

- White-faced Ibis, *Plegadis chihi*

CATHARTIFORMES

Cathartidae (New World Vultures)

- Turkey Vulture, *Cathartes aura*

ACCIPITRIFORMES

Accipitridae (Hawks, Eagles, and Kites)

- *Golden Eagle, *Aquila chrysaetos*
- Northern Harrier, *Circus hudsonius*

Accipitridae (continued)

- Cooper's Hawk, *Accipiter cooperii*
 Northern Goshawk, *Accipiter gentilis*
 Golden Eagle, *Aquila chrysaetos*
 *Red-tailed Hawk, *Buteo jamaicensis*
 Swainson's Hawk, *Buteo swainsoni*
 *Ferruginous Hawk, *Buteo regalis*

STRIGIFORMES**Tytonidae** (Barn-Owls)

- *Barn Owl, *Tyto alba*

Strigidae (Owls)

- *Great Horned Owl, *Bubo virginianus*
 *Long-eared Owl, *Asio otus*
 Short-eared Owl, *Asio flammeus*

CORACIIFORMES**Alcedinidae** (Kingfishers)

- Belted Kingfisher, *Megasceryle alcyon*

PICIFORMES**Picidae** (Woodpeckers)

- Northern Flicker, *Colaptes auratus*

FALCONIFORMES**Falconidae** (Falcons and Caracaras)

- American Kestrel, *Falco sparverius*
 Merlin, *Falco columbarius*
 *Peregrine Falcon, *Falco peregrinus*
Prairie Falcon, *Falco mexicanus*

PASSERIFORMES**Tyrannidae** (Tyrant Flycatchers)

- Western Wood-Pewee, *Contopus sordidulus*
 Hammond's Flycatcher, *Empidonax hammondii*
 Gray Flycatcher, *Empidonax wrightii*
 Dusky Flycatcher, *Empidonax oberholseri*
 Cordilleran Flycatcher, *Empidonax occidentalis*
 Say's Phoebe, *Sayornis saya*
 Ash-throated Flycatcher, *Myiarchus cinerascens*
 Cassin's Kingbird, *Tyrannus vociferans*
 Western Kingbird, *Tyrannus verticalis*

Laniidae (Shrikes)

- Loggerhead Shrike, *Lanius ludovicianus*

PASSERIFORMES (continued)**Vireonidae** (Vireos and allies)

- Warbling Vireo, *Vireo gilvus*

Corvidae (Crows, Jays, and Magpies)

- Pinyon Jay, *Gymnorhinus cyanocephalus*
 American Crow, *Corvus brachyrhynchos*
Common Raven, *Corvus corax*

Alaudidae (Larks)

- Horned Lark, *Eremophila alpestris*

Hirundinidae (Swallows)

- Northern Rough-winged Swallow,
Stelgidopteryx serripennis
 Tree Swallow, *Tachycineta bicolor*
 Violet-green Swallow, *Tachycineta thalassina*
 Bank Swallow, *Riparia riparia*
 Barn Swallow, *Hirundo rustica*
 Cliff Swallow, *Petrochelidon pyrrhonota*

Paridae (Tits, Chickadees, and Titmice)

- Mountain Chickadee, *Poecile gambeli*

Troglodytidae (Wrens)

- Rock Wren, *Salpinctes obsoletus*

Poliophtilidae (Gnatcatchers)

- Blue-gray Gnatcatcher, *Poliophtila caerulea*

Cinclidae (Dippers)

- American Dipper, *Cinclus mexicanus*

Regulidae (Kinglets)

- Ruby-crowned Kinglet, *Regulus calendula*

Turdidae (Thrushes and Allies)

- Townsend's Solitaire, *Myadestes townsendi*
 Swainson's Thrush, *Catharus ustulatus*
 Hermit Thrush, *Catharus guttatus*
 American Robin, *Turdus migratorius*

Mimidae (Mockingbirds and Thrashers)

- Gray Catbird, *Dumetella carolinensis*
 Sage Thrasher, *Oreoscoptes montanus*
 Northern Mockingbird, *Mimus polyglottos*

Sturnidae (Starlings)

- *European Starling, *Sturnus vulgaris*

Motacillidae (Wagtails and Pipits)

- American Pipit, *Anthus rubescens*

Fringillidae (Finches, Euphonias, and Allies)

- House Finch, *Haemorhous mexicanus*

Passerellidae (New World Sparrows)

- Chipping Sparrow, *Spizella passerina*
 Clay-colored Sparrow, *Spizella pallida*
 Brewer's Sparrow, *Spizella breweri*

Passerellidae (continued)

Black-throated Sparrow, *Amphispiza bilineata*
 Lark Sparrow, *Chondestes grammacus*
 American Tree Sparrow, *Spizelloides arborea*
 Dark-eyed Junco, *Junco hyemalis*
 White-crowned Sparrow, *Zonotrichia leucophrys*
 Sagebrush Sparrow, *Artemisiospiza nevadensis*
 Vesper Sparrow, *Pooecetes gramineus*
 Savannah Sparrow, *Passerculus sandwichensis*
 Song Sparrow, *Melospiza melodia*
 Green-tailed Towhee, *Pipilo chlorurus*
 Spotted Towhee, *Pipilo maculatus*

Icteridae (Troupials and Allies)

Yellow-headed Blackbird, *Xanthocephalus xanthocephalus*
 Western Meadowlark, *Sturnella neglecta*
 Bullock's Oriole, *Icterus bullockii*
 Red-winged Blackbird, *Agelaius phoeniceus*
 Brown-headed Cowbird, *Molothrus ater*
 Brewer's Blackbird, *Euphagus cyanocephalus*

Parulidae (New World Warblers)

Orange-crowned Warbler, *Oreothlypis celata*
 MacGillivray's Warbler, *Geothlypis tolmiei*
 American Redstart, *Setophaga ruticilla*
 Yellow Warbler, *Setophaga petechia*
 Yellow-rumped Warbler, *Setophaga coronata*
 Black-throated Gray Warbler, *Setophaga nigrescens*
 Wilson's Warbler, *Cardellina pusilla*

Cardinalidae (Cardinals and Allies)

Black-headed Grosbeak, *Pheucticus melanocephalus*
 Lazuli Bunting, *Passerina amoena*

May survey data from 1963-2015 comparing American white pelican breeding numbers on Gunnison Island, Utah. The adult count is doubled to estimate breeding adults, while multiplying the adult count by 0.69 gives projected fledglings. Mean breeding adults for the past ten years includes the current year. Mid-May survey numbers are given except where noted. All results are from aerial photographic surveys except those before 1976. ¹Years are not contiguous. No survey records from 1965-1971, 1975, and 1977-1979. ²Nesting attempts counted (Knopf 1975). Total is cumulative from weekly surveys from April through July. ³Adult count includes May and June surveys. ⁴Month of count is uncertain and could be May or May plus June. ⁵Count estimated (Lies and Behle, 1966). ⁶Actual total count conducted on July 9, 1964 (Lies and Behle, 1966). ⁷Counted on June 9, 2011.

Year ¹	Adult Count	Breeding Adults	Projected Fledglings	Percent Yearly Change	Mean Breeding Adults for Past Ten Surveys
1963 ⁴	2,250 ⁵	4,500 ⁵	1,000 ⁵	NA	NA
1964	NA	3,000 ⁵	897 ⁶	-33.3%	NA
1972 ²	2,634	5,268	1,817	NA	NA
1973 ²	2,605	5,210	1,797	-1.1%	NA
1974 ²	2,674	5,348	1,845	2.6%	NA
1976 ³	2,795	5,590	1,928	NA	NA
1980 ³	3,233	6,466	2,230	NA	NA
1981	3,117	6,234	2,150	-3.6%	NA
1982 ⁴	3,657	7,314	2,523	17.3%	NA
1983 ⁴	4,819	9,638	3,325	31.8%	5,857
1984 ⁴	4,751	9,502	3,278	-1.4%	6,407
1985 ⁴	5,463	10,926	3,769	15.0%	7,150
1986 ⁴	5,930	11,860	4,091	8.5%	7,809
1987	8,536	17,072	5,889	43.9%	8,995
1988 ⁴	8,024	16,048	5,536	-6.0%	10,065
1989	4,956	9,912	3,419	-38.2%	10,497
1990 ⁴	5,802	11,604	4,003	17.1%	11,011
1991	7,042	14,084	4,859	21.4%	11,796
1992	10,135	20,270	6,993	43.9%	13,092
1993	5,781	11,562	3,988	-43.0%	13,284
1994 ⁴	4,902	9,804	3,382	-15.2%	13,314
1995 ⁴	4,163	8,326	2,872	-15.1%	13,054
1996	6,420	12,840	4,429	54.2%	13,152
1997	6,258	12,516	4,318	-2.5%	12,697
1998	7,007	14,014	4,834	12.0%	12,493
1999 ⁴	5,851	11,702	4,037	-16.5%	12,672
2000 ⁴	8,979	17,958	6,195	53.5%	13,308
2001	7,977	15,954	5,504	-11.2%	13,495
2002	5,473	10,946	3,776	-31.4%	12,562
2003	6,506	13,012	4,489	18.9%	12,707
2004	7,220	14,440	4,981	11.0%	13,171
2005	5,694	11,388	3,928	-21.1%	13,477
2006	7,505	15,010	5,179	31.8%	13,694
2007	6,889	13,778	4,753	-8.2%	13,820

Year ¹	Adult Count	Breeding Adults	Projected Fledglings	Percent Yearly Change	Mean Breeding Adults for Past Ten Surveys
2008	4,708	9,416	3,249	-31.7%	13,360
2009	5,672	11,344	3,914	20.5%	13,325
2010	4,677	9,354	3,227	-17.5%	12,464
2011 ⁷	3,679	7,358	2,539	-21.3%	11,605
2012	8,085	16,170	5,579	119.8%	12,127
2013	5,532	11,064	3,817	-31.6%	11,932
2014	4,714	9,428	3,253	-14.8%	11,431
2015	4,976	9,952	3,433	5.6%	11,287
2016	5,821	11,642	4,016	17.0%	10,951
2017	4,171	8,342	2,878	-28.3%	10,407
2018	5,330	10,660	3,678	27.8%	10,531

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Habitat Management Plan for Wildlife Management Areas In Southeast Utah County



Lake Fork WMA looking north toward Spanish Fork Peak

Utah Division of Wildlife Resources

Central Region

1115 North Main Street

Springville, UT 84663



Executive Summary

Habitat Management Plan for Wildlife Management Areas (WMAs) in Southeast Utah County 2019

This habitat management plan (HMP) contains the following sections:

- **Background information** (purpose of Division ownership, public recreation opportunities, historic uses, key wildlife species, etc.)
- **Property information** (property description, acquisition history, encumbrances, etc.)
- **Property inventory** (capital improvements, existing habitats, etc.)
- **Management goals and objectives**
- **Strategies for property management**
- **Strategies for habitat management**
- **Appendices** contain location maps of the WMAs and an access plan which explains public access opportunities.

The SEUTCO WMAs contain 4 properties totaling 16,930 acres. The WMAs were originally purchased for big game habitat values. As a result, mule deer and elk are the primary beneficiaries of the WMA, especially during winter months when they come down from higher elevation summer ranges on the Wasatch Plateau to winter.

This HMP provides management direction to Utah Division of Wildlife Resources personnel for the WMA contained herein. Listed below is a short summary of the contents of the HMP.

Primary purpose of WMAs: To preserve and protect big game winter and transitional range and reduce depredation by deer and elk on surrounding private lands.

Wildlife species: The WMAs in Southeast Utah County (SEUTCO) contain habitat for the following wildlife species: mule deer, elk, chukar partridge, dusky grouse, mourning dove, turkey, cottontail rabbit, white-tailed and black-tailed jackrabbit, golden eagle, bear, cougar, coyote, and neotropical birds. Various fish species occupy aquatic habitats in Soldier and Starvation creeks. Brown trout can be found in both creeks as well as Bonneville cutthroat trout.

A variety of upland game species also inhabit the WMA including dusky grouse, Rio Grande turkey, cottontail rabbit, and mourning dove. Neotropical migratory birds can also be found in sagebrush and mountain brush habitats during their breeding and nesting seasons in spring and early summer months.

Sensitive Species: The greater sage-grouse (*Centrocercus urophasianus*), a wildlife species of concern, utilize habitat on the Starvation WMA. The property provides some brood rearing and wintering habitat for the Scofield lek, 4 miles south of the WMA.

Federally listed clay phacelia and Desert milkvetch are found on some of the SEUTCO WMAs.

Deseret milkvetch was delisted by the Fish and Wildlife Service in 2011. It is unknown whether clay phacelia is found on one of the properties, but if suitable habitat is found, there is potential to reintroduce the species on UDWR land in cooperation with USFWS.

Habitat conditions/problems: The SEUTCO WMAs contain a variety of habitat types beginning with big sagebrush at the lower elevations, transitioning to Gambel oak mixed with sagebrush, then mixed mountain brush and aspen conifer types at the highest elevations. Overall the habitat conditions are in fair to good condition. Big sagebrush densities in some areas of the WMAs have declined over the years primarily due to poor recruitment and competition with perennial and invasive annual grasses and juniper and pinyon pine trees.

While an approved activity on the WMA, motorized vehicle recreation, including OHV's, needs to be better managed. Unmanaged motorized vehicle traffic, especially during winter and spring months, can and has resulted in the degradation of access roads and critical habitats. The creation of new unauthorized roads and trails on the WMA is an on-going problem that is difficult to control. The Division will work with Utah County, local municipalities and law enforcement agencies, private landowners, and other state and federal land management agencies to manage OHV activity in a responsible manner that does not negatively impact the WMAs and still allows for management goals to be met. The Division will work with WMA visitors to ensure that all activities are in compliance with administrative rule R-657-28, Use of Division Lands.

Access plan: Motorized vehicle traffic will be confined to existing roads and trails. Roads will be maintained as needed to maintain public access. Unauthorized user created roads and trails will be closed and rehabilitated.

Maintenance activities: Fence inspection, repairs, replacement, gates, locks, road grading as needed, road closures, boundary signs, entry signs, surveys, and noxious weed control will occur annually. Annual weed control is a priority to keep weeds from expanding.

History of Wildfires:

Fire can have a significant impact on the WMA and the mule deer carrying capacity due to the destruction of winter forage in the form of big sagebrush and bitterbrush, both of which are not fire tolerant. Prior to the 2018 fire season there were no fires affecting the SEUTCO WMAs in the past 50 years. In 2018, two lightning caused fires burned portions of 3 of the 4 WMAs in this HMP.

Habitat improvement: In order for the WMA to reach its potential as critical big game winter range, browse communities need to be enhanced and protected. The Division may employ a variety of methods to achieve this including prescribed grazing, prescribed burning, reseeding and seedling transplants, and mechanical treatments. Grazing will be utilized as a habitat management tool. High intensity short duration grazing systems during spring and early summer months will be used to improve browse communities for wintering big game. Water developments should only be pursued if they help reach the management objectives of the WMA. Water developments that would result in big game becoming year-round residents on these important winter ranges should be discouraged. Water development projects that help with the grazing management plan should be pursued.

Habitat Management Plan for Wildlife Management Areas (WMAs) in Southeast Utah County

I. Background Information

Purpose of Division Ownership

The WMAs in this Habitat Management Plan (HMP) were acquired primarily to protect, preserve, and enhance critical big game winter and transitional ranges. These WMAs can also provide a variety of recreational and access opportunities including hunting, hiking, camping, and limited OHV use, as long as they are compatible with the primary purpose of WMA.

Historic Uses

Prior to Division ownership, these WMAs were used primarily for livestock grazing. Hunting, camping, hiking, off-highway-vehicle (OHV) use, and antler hunting were also common activities.

Public Recreation Opportunities

All activities occurring on Division lands are managed under the direction of the Division's land use rule. Rule R657-28 discusses approved uses, prohibited activities, and the process for applying and receiving the various permits required to use Division lands. The Division will work with WMA visitors to ensure that all activities are in compliance with this rule.

The SEUTCO WMAs are popular for big game hunting. There are limited opportunities for upland game hunting as well as hunting and trapping for mountain lions and furbearer species. Non-consumptive uses include hiking, horseback riding, and wildlife viewing. Open fires will be allowed on the WMA, but this activity is subject to state and federal policies and guidelines including closures during high risk fire season.

OHV use is permitted, but is restricted to authorized roads and trails. The Starvation and Dairy fork WMAs have been heavily impacted by motorized recreation resulting in the creation of numerous new unauthorized trails. Regional personnel annually work to close and rehabilitate unauthorized trails and roads in an attempt to preserve and protect wildlife habitat. These efforts will not be successful unless sportsmen and the public adhere to the Division's OHV and motorized vehicle rules by staying on existing roads and trails.

Seasonal closures will be implemented on all Division roads for all motorized vehicle access on the SEUTCO WMAs from December 1 – April 30. See the access plan in Appendix B for maps of authorized roads. Seasonal closures are used to protect wildlife, wildlife habitat, and wintering big game animals from disturbance during critical winter months and to preserve habitats from being negatively impacted during wet, winter months.

Camping

Camping is permitted on the WMAs and unless posted otherwise, is limited to 14 days as noted in Rule R657-28-4(1) 1. The Division reserves the right to change the length of camping stays if needed to reach the goals and objectives of the habitat management plan. Any changes in camping regulations will be posted.

Campfires

Open fires will be allowed, but this activity is subject to state and federal policies and guidelines, including closures during high-risk fire seasons. The building of bonfires is prohibited on the WMAs. Non-combustible materials cannot be used in the building of fires and must be removed. The Division reserves the right to ban open fires on the WMAs if needed to protect valuable wildlife habitat on the WMAs and adjacent private and municipal lands. The Division may also restrict open fires to designated areas if the use of open fires becomes a management problem.

OHV Use

OHV use is permitted, but is restricted to authorized roads and trails (see Appendix B, Access Management Plan). Some of the WMAs have been heavily impacted by motorized recreation resulting in the creation of numerous unauthorized roads/trails. Regional personnel annually work to close and rehabilitate unauthorized roads/trails in an attempt to preserve and protect wildlife habitat. These efforts will not be successful unless WMA visitors adhere to the Division's OHV and motorized vehicle rules by staying on existing roads and trails.

Public Access

Currently there are abundant opportunities for access to the WMAs. Motorized access is limited to authorized routes as shown on the unit access maps in Appendix B. At the present time there are seasonal restrictions on motorized access from December 1 to April 30. Additional information on public access and motorized vehicle use on the WMA can be found in the access management plan which is included as Appendix B.

Key Wildlife Species

As previously described, the WMAs contained in this HMP were originally purchased for big game habitat values, primarily for mule deer. As such, mule deer and elk are the primary beneficiaries, especially during winter months.

A variety of upland game species also inhabit the WMAs, including dusky grouse, Rio Grande wild turkey, cottontail rabbit, and mourning dove. Neotropical migratory birds can also be found in sagebrush and mountain brush habitats during their breeding and nesting seasons in spring and early summer months. Turkeys were transplanted from Kansas in the early winter of 1999 and released along the riparian zone of Starvation Creek. The population was augmented with another release in the same area during the early winter of 2000.

The WMA is also home to numerous other species at some time during the year, including black bear, mountain lion, fur bearers (bobcat), upland game (chukar, dove, cottontail, etc.), raptors, neotropical migratory birds, and small mammals.

Grazing

Grazing is used as a management tool to enhance wildlife habitat, primarily big game winter range. Grazing can help the Division achieve wildlife habitat goals by reducing fire danger and releasing browse species to provide winter forage for big game. The 'Livestock Grazing Plan' is included on page 23 of this HMP and outlines specific grazing activities and a complete grazing schedule.

II. Property Information

Property Descriptions

This Habitat Management Plan (HMP) includes four Wildlife Management Areas (WMAs) totaling approximately 16,930 acres. The WMAs include the following: Starvation, Dairy Fork, Lake Fork and Birdseye. All of the WMAs presented here lie along the highway 6 and 89 corridors in southeast Utah County.

The WMAs contained in this HMP are fee title lands owned by the Utah Division of Wildlife Resources (UDWR) acquired with the cooperation of the US Fish and Wildlife Service, Federal Aid Division. Copies of deeds for the WMAs can be found in either UDWR's Salt Lake Office, 1594 West North Temple, Salt Lake City, UT, 84114, or in the Central Region Office at 1115 North Main Street, Springville, UT 84663.

Starvation WMA

This WMA consists of 8,088 acres southeast of Tucker in Spanish Fork Canyon and south of US 6. The legal description is; Township 10 S, Range 6 E, Sections 25, 26, 36 and Township 11 S, Range 6 E, Sections 13, 24 and Township 10 S, Range 7 E, Sections 19, 20, 29, 30, 31 and Township 11 S, Range 7 E, Sections 6, 7, 8, 9, 17, 18, 19, 20, which may or may not include all of the section. See Appendix C for Township, Range, Section and Parcel numbers.

The Starvation unit was purchased using federal aid dollars over a period of years starting in 1976. When property became available and if it was adjacent to the unit, it was purchased to protect big game winter range. A variety of land owners contributed by the sale of their lands: C&M Investment Company, James Allred, Calvin Allred, John Cook, and Crowther Investment Company.

Dairy Fork WMA

The Dairy Fork Wildlife Management Unit is a 5,079-acre parcel located in Utah County south of US-6 in Spanish Fork Canyon within the Dairy Fork drainage. The legal description is; Township 10 S, Range 5 E, Sections 2, 3, 4, 9, 10, 11, 12, 13, 14, 15,16 and 21 which may or

may not include all of the section.

The property for this unit was purchased in July of 1982 from Dale Allred of Fountain Green with Federal Aid Project # W119L. Federal Aid Project name is listed as Lake Fork - Mill Fork Big Game Winter Range. Approximately 50.17 acres of the unit were purchased in 1985 on a delinquent tax sale from the Brown family. An easement was purchased in 1983 from the Ostlers who own property at the mouth of Dairy Fork. A 40-acre inholding of SITLA land along the southern side of the WMA was acquired in 2014 as part of a land trade.

Lake Fork WMA

The Lake Fork Management Unit is a 2,765-acre parcel located in Utah County east of US-89 and south of Spanish Fork Canyon. The legal description is Township 9 S, Range 4 E, Sections 33, 34, Township 10 S, Range 4 E, Sections 2,3,8,9,10,11,16,17, and may or may not include all of the sections listed. The property boundary was surveyed in December of 2001.

The Lake Fork unit was purchased from Loyd G. and Helen Fay Jackson, of Oakridge, Oregon, in November of 1968.

Birdseye WMA

The Birdseye Management Unit is a 998-acre parcel located in Utah County east of US-89 and south of Spanish Fork Canyon (see Map A1). The legal description is Township 10 S, Range 3 E, Sections 13, 24, 25, and may or may not include all of the sections listed (see Map A-7).

The Division purchased the Birdseye unit from Loyd G. & Helen Fay Jackson, Lyman J. & Josephine N. Whiting, M. Clark & Sylvia Felch, and Mann Stock Company, Inc. on December 22, 1967. A land exchange of 1 acre was finalized in 2007, to address a house that was built straddling the WMA boundary.

Land Acquisition History

The WMAs contained in this HMP were primarily acquired through federal aid programs with the U.S. Fish and Wildlife Service (USFWS). These federal aid programs are a result of the Federal Aid in Wildlife Restoration Act of 1937, often referred to as the Pittman-Robertson or P-R Act, which authorizes federal participation in cooperative wildlife restoration projects with state wildlife agencies. Two wildlife restoration act grants were developed for acquisition and preservation of wildlife habitat within the WMAs described above. These are:

- Project W-119L: Starvation, Dairy Fork and Lake Fork WMAs
- Project W-108-L: Birdseye WMA

Because federal funds were used in the acquisition of these properties, the Division is required to comply with National Environmental Policy Act (NEPA) guidelines when considering actions that could affect the environment. The USFWS is the responsible party for issuing the record of decision with regards to proposed actions on these WMAs.

Purchasing details for each WMA are included in the previous property description section.

Encumbrances

The UDWR generally obtained only the surface rights to the lands they acquired. The oil, gas, mineral, coal, and geothermal rights appurtenant to the lands were generally retained by the sellers or grantors of those respective lands, including the State Institutional Trust Lands Administration (SITLA). The sellers or grantors generally also retain the right to lease the rights of egress and ingress for the exploration, development and removal of those minerals. However, the seller or lessee shall compensate UDWR for interference with or damages to UDWR's surface lands which have resulted from activities related to minerals exploration or removal.

Starvation WMA: Easements that existed prior to purchase included railroad, power line, and telephone line easements which follow main roads. There is a livestock easement which includes loading, unloading, trailing, watering and grazing while trailing. This is a perpetual easement for Calvin Allred, his heirs, assigns and successors. However, the legality of this livestock easement is questionable since it was made after the date of the contract with DWR. Warranty deeds and conveyance of easements are on file at the Central Regional Office.

Dairy Fork WMA: Mineral rights were reserved by Dale Allred except sand and gravel.

Lake Fork WMA: Loyd G. and Helen Fay Jackson reserve all mineral, oil, coal and gas (not including sand and gravel). Water rights/shares: Reserved by Jackson's (deed surface only). The Jackson's reserve a pipeline right-of-way and spring to service dwelling on their property. The DWR maintains a water right for stock water out of Sweat Creek (#51-3943) and a spring water right at Cottonwood Spring of .022 cfs (#51-3939).

Birdseye WMA: Minerals reserved by grantors, except sand and gravel. Grantor is to compensate for surface damage due to mineral activities. The DWR has a water right for wildlife propagation out of Blind Creek (1.5 acre feet).

Power line easements: All four properties in this HMP contain easements for power lines which run through portions of the properties.

III. Property Inventory

Existing Capital Improvements

Most of the existing improvements on the WMA include roads and fences. Roads and fences are maintained on an annual basis or as needed. Other improvements include habitat improvement projects which are mentioned here.

Starvation WMA: Few improvements have been made since the time of purchase other than protecting and preserving the big game winter range. The railroad had a stabilization project on the unit to curtail undercutting of the tracks. They reseeded with a mixture of seed as requested by the Division. Some roadways were improved in 2000 to facilitate timber removal from

adjacent lands. A bridge was installed by the Utah National Guard to provide access to the north end of the unit across Starvation Creek.

Dairy Fork WMA: In 1987 the Division of Wildlife and State Lands and Forestry combined efforts to rehabilitate 60 acres on the east benches. A controlled burn removed a monoculture of over mature basin big sagebrush. The same year the 60 acres were seeded with a wildlife rangeland seed mixture consisting of: smooth brome, Paiute orchardgrass, pubescent wheatgrass, Alta tall fescue, cicer milkvetch, yellow blossom sweet clover, ladak alfalfa, fairway crested wheatgrass, sainfoin and small burnet.

Over the next five years an extensive effort ensued to control an invasion of noxious weeds with the use of herbicides. The controlled burn was a success and the upland benches now winter between 75-150 head of elk and numerous deer. In 1999 the Union Pacific Railroad, with a permit from DWR, relocated the stream along the rail line and US-6 as a preventative measure and to prevent spills due to any future derailment from reaching the stream. A rangeland seed mixture and fertilizer was hydro-seeded over the sites that were disturbed and Wood’s rose was planted along the stream.

In 2011, a contractor was hired to cut invading young juniper and pinyon trees on 788 acres of sagebrush habitats as part of the Watershed Restoration Initiative (WRI) project number 1624 Dairy Fork WMA Habitat Improvement Project Phase 1. This lop & scatter project was completed in June of 2011. See the following table for information about this project and others that have occurred on the WMAs of this HMP. Project numbers are hyperlinked and will connect with the WRI data base (wri.utah.gov) which includes details of the projects, budgets, funding sources and photos.

Southeast Utah County WMA Habitat Improvement Projects

Project no.	Project Name	Year Implemented	Treatment type	Acres Treated
1624	Dairy Fork WMA Habitat Improvement - Phase 1	2011	Lop & Scatter	788
2214	Dairy Fork Habitat Improvement Phase 2	2013	Bullhog Anchor	447
2214	Dairy Fork Habitat Improvement Phase 2	2013	chaining	460
3605	Birdseye WMA Bullhog Project	2017	Bullhog	250
4755	Cole Hollow Fire Rehabilitation Project	2018	Seed & chain	1723
4773	Pole Creek/Bald Mountain Fire Rehabilitation	2018	Aerial seed	2565
			Total	6233

In 2013, a 460 acre juniper and pinyon anchor chaining project was completed that opened up winter and transitional ranges for mule deer and elk. Juniper and pinyon trees have increased in density and aerial cover in this area for the past several decades. Some of the chained areas were previously sagebrush habitats that were invaded by conifers. The chaining treatment will open up these areas for the next 40 to 50 years and provide important big game habitat on the south side of highway 6.

During the same period as the chaining project, a bullhog treatment on invading juniper and

pinyon trees was done on the WMA totaling about 450 acres on the west side of the WMA (west of the Dairy Fork road). The bullhog treatment targeted trees that had invaded into previously sagebrush habitats not cut during the previous lop & scatter project due to their larger size. This project was done with a bullhog machine that was purchased by DWR and operated by Central Region Habitat personnel.

The Coal Hollow fire of 2018 burned approximately 3,500 acres of the WMA west of the Dairy Fork road. A fire rehabilitation project was undertaken to seed some of the lower elevation and gentler terrain.

Birdseye WMA: A bullhog treatment was also completed on the Birdseye WMA in 2016-17. A 300 acre anchor chaining and seeding project was completed on the Birdseye WMA in 1972. Smaller juniper and pinyon trees that were not uprooted during the 1972 treatment have increased in size and regained dominance of the chained areas. The bullhog treatment will remove most of these trees and release understory grasses, forbs, sagebrush and bitterbrush.

The Pole Creek fire of 2018 burned about 150 acres of the Birdseye WMA. A small portion of the southeast corner was seeded but most of the north end of the property burned at low intensity and should come back without intervention.

Lake Fork WMA

No habitat improvement projects have been done on the WMA prior to 2018. The Pole Creek fire of 2018 burned all but about 50 acres of the 2,764 acre property. All of the WMA was aerially seeded as part of the Pole Creek/Bald Mountain Fire Rehabilitation project.

Cultural Resources

Numerous historic and pre-historic sites have been identified in and around the WMAs in this HMP. Caution should be used before any ground disturbing activities are planned or approved within any of the properties to ensure that cultural resources are adequately identified and avoidance measures are taken.

The Birdseye WMA has no block cultural resource inventories completed. However, two linear cultural resource inventories have occurred in 2000 and 2015 across the WMA resulting in a finding of no cultural resources.

The Lake Fork WMA has had no block or linear inventories occurring on or across the WMA. No cultural resources are noted within the WMA's boundaries.

The Dairy Fork WMA has had 1,333 acres inventoried for cultural resources in 2012 (12-SQ-0551). Eleven newly identified sites were recorded including 3 historic artifact scatters, 1 historic corral and structure, 6 flaked stone scatters, and 1 flaked stone and ground stone scatter. One site, which is a prehistoric flaked stone and ground stone scatter (42UT1835), is determined eligible for inclusion on the NRHP under Criterion D, for its ability to yield important information about prehistory and requires avoidance during project implementation. The remaining ten sites were determined not eligible to the national register and do not require avoidance.

The Starvation WMA has had no block cultural resources inventories on the WMA. A single linear cultural resource inventory has crossed the northern blocks of the WMA resulting in two cultural resources sites being documented. An early 1974 recording identifies the railroad town of Gilluly (42UT363). The towns remains are present on both sides of the railroad tracks. The remains of foundations, platforms and artifacts are present between the railroad tracks and the right-of-way. The town of Gilluly was named for James Gilluly, a geologist working in the area in the early 1900s. The town of Gilluly served mostly as a rail siding for maintenance and refueling in the late 1890's through 1930. The second site located on the opposite side of the road (42UT1353) consist of two cement foundations in parallel alignment that is likely related to the town of Gilluly. Three and a half miles south three cultural resource sites have been identified as three prehistoric chipped stone scatters. All three sites are considered non-significant.

Sensitive Species

A search of the Division's Natural Heritage database resulted in the following sensitive species which are found on or in close proximity to the WMAs in this HMP.

Plants

Deseret milk-vetch (*Astragalus desereticus*) (S1, G1)- (see appendix D for key) was designated as federally threatened in 1999 and is currently listed as threatened in Utah. In July 2011, the U.S. Fish and Wildlife Service completed a 5-year review of the species status as required by Section 4(c)(2)(B) of the Act. This review concluded that the best scientific information available indicates the Deseret milkvetch no longer meets the Act's definition of threatened or endangered. Deseret milkvetch was listed in 1999 when the population was estimated at approximately 10,000 individuals within 125 acres of habitat. We considered the species to be endangered based on perceived threats from residential development, highway widening, livestock grazing and trampling, wildlife management, and other impacts to its habitat in combination with small population size and restricted distribution. Although the range has not increased significantly since we listed the species, additional surveys have shown there are more plants and the perceived threats are not as significant as originally thought. The Deseret milkvetch should be proposed for delisting due to error in original listing. Locations for these rare plants can be found in and around the Birdseye WMA, as seen in Appendix A.

Caution should be used before any ground disturbing activities are planned or approved within the Birdseye WMA to ensure that special status plant species are adequately identified and avoidance measures are taken. For ground disturbing activities proposed to take place within 100 meters of mapped habitat (see Appendix A), including habitat improvements for wintering wildlife, a qualified biologist will conduct a ground survey. UDWR will support the Deseret milkvetch population and, should post-delisting monitoring data indicate a decline, address it with further management. UDWR has identified lands surrounding the area as desirable for acquisition both to preserve Deseret milkvetch habitat as well as continue to meet agency goals to preserve and improve habitat for wintering big game species.

Clay phacelia (*Phacelia argillacea*) (S1,G1) is listed as endangered in Utah. This plant grows in specific locations on slopes along Highway 6 with known individuals located adjacent to the

northwest corner of the Starvation WMA on a 32 acre parcel owned by the Nature Conservancy.

While no individual clay phacelia plants have been found on Starvation WMA, UDWR recognizes that the property has the potential for reestablishment of a population should suitable habitat be found. This management plan allows for cooperation with USFWS to facilitate planting and protection of clay phacelia plants, including but not limited to enclosure fencing to protect plants from grazing livestock.

Fish

Longnose Dace (*Rhinichthys cataractae* (S3 G5), Southern Leatherside Chub (*Lepidomeda aliciae* (S2 G2), have been found in Soldier creek within the Dairy Fork WMA. Longnose Dace may also be located in Dairy Fork creek.

Bonneville Cutthroat Trout (*Oncorhynchus clarkii utah* (S4 G2T4), can be found in Starvation creek within the Starvation WMA, Soldier creek on the Dairy Fork WMA and Lake Fork creek that runs adjacent to the Lake Fork WMA.

Birds

Greater sage-grouse (*Centrocercus urophasianus* (S3 G3G4)) a wildlife species of concern, utilize habitat on the Starvation WMA, which provides some brood rearing and wintering habitat for the Scofield lek which is located 4 miles south of the WMA.

Important Fish and Wildlife Habitats

All four of the WMAs covered in this plan are primarily classified as crucial winter and crucial winter/spring range for mule deer and elk. The upper elevations also provide important transition habitat for big game traveling to and from winter ranges. Mammalian carnivores, primarily mountain lion, also frequent the WMAs in winter months as they follow annual winter migrations of big game herds. The vegetation zones occupied by sagebrush and other mountain browse species provide important breeding and nesting habitats for neotropical migratory birds.

Perennial streams Starvation creek and Soldier creek contain important habitat for various aquatic species including sensitive species previously listed. Brown trout can also be found in both of these streams.

Starvation WMA lies at the upper limits of deer and elk winter ranges. Elevation of the property range from 6,400 feet along Soldier creek on the north end to 8,722 feet along the southeast portion of the WMA. There are good stands to curl leaf mountain mahogany and true mountain mahogany with interspersed juniper trees that give excellent thermal cover while providing a forage base for wintering big game. There is a mosaic of sagebrush, rabbitbrush, bitterbrush, cliffrose, juniper and oakbrush scattered throughout the unit. There is a good year-round spring near the mid-eastern part of the unit. Starvation Creek, a perennial stream flows along the western border and in some areas, through the unit. This riparian area provides excellent turkey and neo-tropical bird habitat. For the most part the aspect is north and west. The north end of the

Starvation Unit is steep and covered with juniper. The unit produces abundant grass forage which draw in a wintering herd of elk because the surrounding private land is heavily grazed.

Dairy Fork WMA unit lies at a higher elevation than other prime winter ranges in the area. Elevation on the property ranges from 5,800 feet near highway 6 to 7,958 feet at the top of Sky High on the west border of the property. Aspect is generally north. There are good stands of mountain mahogany interspersed with juniper trees that give excellent thermal cover while providing a forage base for wintering big game. There is a mosaic of sagebrush, rabbitbrush, bitterbrush, cliffrose, juniper and oakbrush scattered throughout the unit. Dairy Fork Creek runs through the unit and Soldier Creek runs along the north portion of the unit. These riparian areas could provide excellent turkey and neo-tropical bird habitat and provide a water source for big game. Areas with thick juniper on the east side that were chained and seeded produce abundant grass and forb forage to draw in wintering elk. Elk winter in the east and west of the unit as well.

The Lake Fork and Birdseye units are found along the US-89 corridor at lower elevations ranging from 5,400 feet on the west side of the property near the highway to 7,000 feet on the steep slopes to the east. These properties provide crucial winter range at lower elevation for mule deer and elk. Some lands adjacent to these properties are private agriculture tracts and as a result big game depredation issues with private landowners are common. It is extremely important that these WMAs are maintained and protected to assist the Division in minimizing big game depredation on private lands.

Wildlife Action Plan

The Utah Wildlife Action Plan (WAP; see additional information in Section IV, Management Goals and Objectives) identifies several key terrestrial habitats that occur on the SEUTCO WMAs. The WAP includes a statewide threat assessment which identifies threats to each key habitat and then ranks the impact of that threat (scope and severity (S&S) according to the number of species of greatest conservation need that could be affected from that threat. These key habitats and their priority threats include:

- Mountain Big Sagebrush: Mountain big sagebrush habitats on the SEUTCO WMAs are found in isolated areas and often interspersed with invading juniper and pinyon trees before transitioning into the Gambel oak type at high elevations. The dominant type consists of inter-mountain basin montane sagebrush steppe - mountain big sagebrush type. This type is key to providing browse forage for wintering big game animals on the WMAs. Small areas of inter-mountain basin montane sagebrush steppe - low sagebrush can be found on lower elevations of the Birdseye and Lake Fork WMAs.
 - Priority threats include:
 - Roads - transportation network (medium)
 - Droughts (high)
 - Inappropriate fire frequency and intensity (medium)
 - Problematic plant species native upland (very high)
 - Improper grazing - current (high)
 - Improper grazing - historic (very high)
 - Problematic plant species – non-native (medium)

- Seeding non-native plants (medium)
 - Utility and service lines (low)
 - OHV motorized recreation impact (low)
- Gambel Oak: Gambel oak type habitats are common on the properties consisting primarily of the Rocky Mountain Gambel oak - mixed montane shrubland - continuous type. There are small areas of the Rocky Mountain Gambel oak - mixed montane shrubland - patchy type on all of the WMAs.
 - Priority threats include:
 - Invasive Plant Species – Non-native (medium)
 - Inappropriate fire frequency and intensity (high)
- Mountain Shrub: Mountain shrub key habitats on the SEUTCO WMAs are primarily found on the higher elevations of the Starvation, Dairy fork and Lake Fork WMAs and consist of inter-mountain basins curl-leaf mountain mahogany woodland and shrubland and rocky mountain big tooth maple ravine woodland habitats. This habitat includes some species which resprout after fires, while other species do not resprout.
 - Priority threats include:
 - Invasive Plant Species – Non-native (medium)
 - Seeding non-native plants (medium).
- Aspen Conifer: Aspen conifer key habitats occur in isolated areas on the highest elevations of the Lake Fork and Dairy Fork WMAs but are more abundant on the southeast portions of the Starvation WMA. These habitats consist primarily of Rocky Mountain aspen forest and woodland, inter-mountain basin aspen-mixed conifer forest and woodland - low elevation and inter-mountain basins aspen-mixed conifer forest and woodland - high elevation.
 - Priority threats include:
 - Problematic insects - native (high)
 - Inappropriate fire frequency and intensity (very high)
 - Drought (medium)
 - Problematic animal species - native (medium)
 - Improper grazing (current) (high)
 - Improper grazing (historic) (very high)

General Condition of Habitats

Habitat Types

Most of the SEUTCO WMAs consist of mountain big sagebrush/grass and mixed oak/sagebrush habitat types with increasing amounts of mountain shrubland at higher elevations. The lower elevation sagebrush habitats are generally in poor condition and contain various amounts of encroaching juniper and pinyon trees. Habitat treatments are necessary to improve these habitats and maintain the sagebrush types vital for wintering big game animals. Mountain shrub habitats are numerous on the WMAs and are generally stable and in good condition

Range and Watershed Conditions

The Division's Big Game Range Trend Studies program monitors big game habitat conditions

statewide by sampling permanently placed vegetation transects established in key areas. Transects are read on a 5-year rotational schedule based upon the Division's five administrative regions. There are four Range Trend study sites on or adjacent to the Starvation, Dairy Fork and Birdseye WMAs. The Range Trend Studies program also has two sites on the Dairy Fork WMA to monitor habitat improvement Projects. The following list contains each study by name and study number.

- Jackson Unit #16B-5
- Starvation Mahogany #16B-8
- Starvation Mountain Brush #16B-9
- Dairy Fork Burn #16B-10
- Dairy Fork 1 #16R-46
- Dairy Fork 2 #16R-47

The Range Trend study sites were established in 1989 and reread in 1997, 2002, 2007, and 2014. The habitat monitoring sites on the Dairy Fork WMA were established in 2012 prior to treatment and reread in 2015.

Two sites monitor juniper/pinyon chaining projects, one site a prescribed sagebrush burn and two sites monitor mountain brush habitats. The mountain brush sites are in good condition with stable trends while the old chaining and sagebrush burn sites are stable but in poor condition with respect to quality winter range habitat. Statewide range trend data and digital photographs for specific sites can be found at the following web address:

<https://dwrapps.utah.gov/rangetrend/rtstart>

Habitat Limitations

Healthy sagebrush is limited on some of the WMAs. In most areas, pinyon and juniper tree encroachment and competition is the main problem. Keeping sagebrush stands healthy will be a key goal in managing the property into the future. Livestock grazing is used as a tool to improve the health of sagebrush stands on the Starvation and Birdseye properties. However, cattle grazing will not address conifer invasion. Mechanical treatments will need to be an ongoing aspect of habitat management on the WMAs.

A more detailed discussion of these limitations and their associated solutions can be found in the habitat improvement section of this HMP.

Human Use - Related Problems

The SEUTCO WMAs are used by the public for recreation and hunting. Unauthorized activities do occur on the WMA and often create conflicts between users and place a heavy maintenance burden on the Division. While public recreation is encouraged, use of these lands by the public must be conducive to the purpose for which these parcels were acquired and should not become barriers to the Division being able to reach the management goals and strategies presented in this HMP.

Motorized Vehicles

The WMA receives significant motorized vehicle use, especially from OHVs. While this is an approved activity, OHV and motorcycle use of the WMA needs to be closely managed. See Appendix B for the Access Management Plan and access maps for each property. Unmanaged motorized vehicle traffic, especially during winter and spring months, has resulted in degradation of access roads and critical habitats and fragmentation of crucial big game winter ranges. The Division will work with Utah County, local municipalities, law enforcement agencies, private landowners, OHV groups, and other state and federal land management agencies to manage OHV activity in a responsible manner that maintains public access to the WMAs, while helping the Division achieve its management objectives.

Littering

Littering and trash dumping is a problem in certain areas of the WMAs. Littering and dumping of all forms of trash, including yard waste, is prohibited on the WMAs. The prohibition of littering will be enforced. The Division will work to adequately sign the WMA to inform the public that littering and dumping of garbage is prohibited and encourage better stewardship of these important areas for wildlife.

Camping

Most camping that occurs on the WMA is related to big game hunting. Camping is limited to 14 consecutive days unless otherwise posted and/or a special use permit has been obtained from the Division authorizing a different term.

Adjacent Land Uses and Potential Impacts

Some of the lands adjacent to the WMA are privately held agricultural lands, county/municipal lands or National Forest lands within the Uinta-Wasatch-Cache National Forest. Big game depredation on adjacent private agricultural lands is a problem in some areas. Continued growth in the Indianola area may place increasing market pressures for private landowners to sell land for housing developments in the Birdseye area in the future.

Zoning and Land Use Ordinances

The WMAs in this plan fall mostly into the Critical Environmental 1 zone which is defined by Utah County as:

The CE-1 Critical Environmental Zone covers the canyon, mountain, riparian and other areas of environmental concern in Utah County. Land within the zone is native pasture, watershed, and wildlife habitat, and is a pass-through area for roads and utilities. It is also the source of wildfires, flooding, avalanche, and is the water recharge area for the culinary aquifers used by the cities, and is the range essential to wildlife. Maintenance of the scenic quality of the mountain environment is important to promote tourism.

Portions of the Dairy Fork and Starvation WMAs bordering Highway 6 are within the Mining

and Grazing 1 zone which is defined by Utah county as:

The M&G-1 Mining and Grazing Zone covers the dry mountain and desert areas of the county. Limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits has identified this zone as a place for the grazing of livestock on the open range, the mining of earth products, and the location of activities and industrial operations which are not appropriate near urban centers.

The proposed management of the WMAs does not conflict with the zoning ordinances established by Utah County.

IV. Management Goals and Objectives

The management of these WMAs will take into account the goals, objectives, and strategies of other Division planning efforts. These other plans are briefly discussed below.

UDWR Strategic Plan

The management of the SEUTCO WMAs has relevance to the following goals and objectives outlined in the Division's most current strategic plan:

Resource Goal: Expand wildlife populations and conserve sensitive species by protecting and improving wildlife habitat.

- *Objective R1: Protect existing wildlife habitat and improve 500,000 acres of critical habitats and watersheds throughout the state.*
- *Objective R2: Increase fish and game populations to meet management plan objectives and expand quality fishing and hunting opportunities.*
- *Objective R3: Conserve sensitive species to prevent them from being listed as threatened or endangered.*

Constituency Goal: Achieve broad-based support for Division programs and budgets by demonstrating the value of wildlife to all citizens of Utah.

- *Objective C2: Improve coordination with organizations, public officials, private landowners, industry, and government agencies to obtain support for Division programs.*

These goals and objectives will be achieved through a variety of measures specified in the property and habitat management sections of this plan and include development and maintenance activities, habitat improvements, access management and fire management. Current and future partnerships and cooperative efforts will also aid the Division in addressing and reaching these goals and objectives. Examples of this are the Division's participation in local Coordinated Weed Management Area's (CWMA's) and watershed planning committees.

Wildlife Action Plan

The 2015-2025 edition of the Utah Wildlife Action Plan (WAP) was created with the express purpose and goal of managing native wildlife species and their habitats to help prevent listings

under the Endangered Species Act. To help achieve this goal, the WAP provides a statewide approach for the partnership-based, coordinated planning and implementation of wildlife and habitat conservation practices. The WAP addresses the following elements:

- Conservation targets include: species of greatest conservation need, and those species' key habitats; information about the status and distribution of these species; information about the location and condition of these key habitats.
- Threats and limiting factors facing these species and habitats, and research required to help managers more effectively address these problems. Threats are measured and prioritized on a statewide basis, based on how many targets they impact, and how severely the targets are impacted.
- Conservation actions required to abate the highest-priority threats, and improve the supply of these limiting factors.
- Monitoring the status of these targets, and in particular the effectiveness of these actions.
- Approaches for including the public, partners, and stakeholders, in consideration of the mission and authority of partners.
- Provisions for coordinating the WAP with other natural resource management plans.

The SEUTCO WMAs HMP process is used to address wildlife species and habitats found on these WMAs by including their needs in management activities. This aligns well with the intent of the WAP, which identifies specific management actions that can be taken to reduce priority threats to these species and habitats.

The SEUTCO WMAs have several key habitats of statewide and local concern which include: mountain big sagebrush, oakbrush, mountain shrub, and aspen-conifer habitats. One of the intents of the WAP in identifying these habitats is that local-area management efforts can better focus actions on those specific habitats where actions can have the most benefit for species of greatest conservation need. Management of the WMAs attempts to address threats to these habitats to the extent possible, by managing for a diverse range of habitats in various successional stages which maintain and benefit the wide variety of wildlife species found on the property. For more information on habitat types and threats, please see the discussion in Section III: Property Inventory, Wildlife Action Plan.

Wildlife Species Management Plans

The WMAs in this HMP lie within the boundaries of wildlife management unit 16, Central Mountains. Elk and deer management plans were completed for this unit in 2016 and 2015 respectively. The management of the WMA will address the limiting factors and habitat needs identified in those plans and seek to implement habitat management strategies that are needed to reach population objectives. Revisions to these plans are typically done every 5 years, and will be incorporated into the management of the WMA as needed. Deer and elk management plans can be found at the following web addresses:

Deer https://wildlife.utah.gov/hunting/plans/deer_16.pdf

Elk https://wildlife.utah.gov/hunting/plans/elk_16.pdf

V. Strategies for Property Management

Development Activities

The Division will maintain existing capital improvements on the WMAs. The WMAs have established boundaries and fences that are maintained regularly. Surveys will be completed where boundary disputes occur and fences will be constructed to establish legal boundaries. Where fences are in disrepair replacement fences will be constructed. Property boundaries are signed and additional signage identifying road closures, rehabilitation areas, etc. will be placed as needed. Perennial water sources are limited. Water development projects that would improve the Division's capacity to adequately administer a grazing program on the WMA should be pursued. Unauthorized roads and trails will be closed and rehabilitated. Authorized roads will be signed and maintained to ensure access and safety to the public.

Property management strategies:

- Establish property boundary
 - Maintain fencing to delineate WMA boundaries,
 - Resolve existing trespass issues, both livestock and human, with neighbors,
 - Install structures and signs to reduce and prevent vehicle trespass and damage to the WMA,
- Signage
 - Establish information kiosks at entry points to the WMAs,
 - Install signs relating to harassment of wildlife,
 - Sign authorized motorized vehicle routes,
 - Sign unauthorized trails/roads and explain closures and rehabilitation efforts,
 - Identify WMA boundaries with fences and/or property boundary signage,
 - Maintain seasonal closure signs,
- Public access
 - Work with agencies and adjacent landowners to prepare access plans or agreements that enhance wildlife habitat, range conditions, escape opportunities for big game, hunting opportunities and that reduce trespass from unauthorized vehicles. Such plans or agreements may emphasize a mix of permanent and seasonal road closures and vehicle type restrictions.

Annual Maintenance Activities

Assessments by Division personnel will be made annually, and a maintenance budget will be requested for the following types of activities:

- Inspect boundaries and fences and repair as needed to prevent unauthorized access into additional areas, especially by ATVs,
- Road maintenance/closures: Maintain existing roads and road closures to protect habitat and minimize abuse. Maintain close relationship with adjacent private landowners and Utah County on access agreements and issues,
- Parking areas: Monitor and maintain parking areas including gates, signs and fencing to

- facilitate non-motorized access to the WMA,
- Noxious weed control:
 - Implement an integrated weed management program using herbicide applications and biological controls. This will include an annual inventory of known infestations, the documentation of new infestations and chemical applications in these areas. Target species include whitetop, thistles and squarrose knapweed. If available, biological controls will be used where appropriate to help control musk thistle.
 - Monitor for dyers woad, which is found in the area and may invade the WMAs in the future.
 - Work cooperatively with the Utah County and Forest Service weed crews to address weed infestations.
 - Sign replacement: Annual inspection and replacement of missing or vandalized signs. Maintain main entrance signs to identify ownership; utilize additional signs for WMA restrictions and problems.

VI. Strategies for Habitat Management

Unit Management Plans for Wildlife Species

Strategies for habitat management will be consistent with those outlined in the deer and elk management plans for Wildlife Management Unit 16 Central Mountains, previously mentioned. Strategies consistent with the SEUTCO WMAs include:

- Continue to improve, protect, and restore sagebrush steppe habitats critical to deer. Cooperate with federal land management agencies and private landowners in carrying out habitat improvements such as pinyon-juniper removal, reseedings, controlled burns, grazing management, water developments, etc. on public and private lands. Habitat improvement projects will occur on both winter ranges as well as summer range.
- Manage vehicle access on Division of Wildlife Resources land to limit human disturbance during times of high stress, such as winter and fawning.
- Protect deer winter ranges from wildfire by reseeding burned areas, creating fuel breaks and vegetated green strips and reseed areas dominated by cheatgrass with desirable perennial vegetation.
- Reduce expansion of pinyon-juniper and other woodlands into sagebrush habitats and improve habitats dominated by pinyon-juniper woodlands by completing habitat restoration projects like lop & scatter, bullhog, and chaining.
- Seek opportunities to increase browse in burned areas of critical winter range.

Habitat Strategies Specific to the SEUTCO WMAs

- Maintain past pinyon-juniper chaining treatments via lop & scatter and bullhog treatments,
- Maintain sagebrush and mountain brush habitats by treating phase one and two juniper woodlands on WMAs where possible.
- Utilize targeted grazing to improve the health of sagebrush and bitterbrush and as a fuel load reduction strategy to reduce threats of wildlife,
- Maintain populations of special status plant species Deseret milkvetch and provide opportunities for the expansion of clay phacelia.

Habitat Improvement Plan

Specific, detailed habitat improvement plans are beyond the scope of this HMP. However, when needed and as determined by Division personnel, habitat improvement projects will be submitted to the Division's Habitat Council and other potential partners for funding. Habitat improvement project plans will include specific recommendations including treatment methods, seed mixes and a total acreage targeted for treatment.

Improve Browse Communities

In order for the WMAs to reach their potential as critical big game winter range, browse communities need to be enhanced and improved. The Division will employ a variety of methods to achieve this including prescribed grazing, prescribed burning, reseeding and seedling transplants, and mechanical treatments. Priority areas will include sagebrush-steppe and mountain browse communities.

Livestock Grazing as a Management Tool

Grazing will be utilized as a habitat management tool. High intensity, short duration grazing systems during spring and early summer months will be used to improve browse communities for wintering big game.

Water Developments

Water developments should only be pursued if they help reach the management objectives of the WMA. Water developments that would result in big game becoming year-round residents on these important winter ranges should be discouraged. Water development projects to help with the grazing management plan should be pursued.

Access Management Plan

The Access Management Plan for the SEUTCO WMAs is found in Appendix B.

Fire Management Plan

All activities dealing with wild and prescribed fire will be coordinated with the Division of Forestry, Fire and State Lands (DFFSL) according to guidelines established in the Memorandum of Understanding (2005) between DWR and DFFSL. Fire management provisions include:

- When prescribed fire is needed as a habitat management tool, DWR will provide all applicable information to DFFSL to ensure burn plans are complete and submitted by deadlines.
- Wildfires will be aggressively battled at lower elevations in sagebrush habitats to protect the browse communities on crucial winter ranges.
- As needed, green strips will be seeded to reduce the threat and spread of wildfire.
- Hazardous fuels will be reduced in the form of conifer removal or thinning to prevent catastrophic wildfire.
- Open fires are allowed, but cannot be unattended and adequate provisions must be taken to prevent the spread of fire (R657-28). State, federal or local fire restrictions will apply to the WMA when deemed necessary by fire officials and UDWR.
- The use of fireworks and explosives are prohibited on the WMA (R657-28).

Wood Products

The main wood products on these WMAs are juniper posts and firewood. Any wood product is managed according to Administrative Rule R657-28, Use of Division Lands.

Livestock Grazing Plan

Livestock grazing is managed according to Administrative Rule R657-28, Use of Division Lands. Livestock grazing is used as a management tool to reduce fire danger and release browse species for wintering big game. The WMAs will be evaluated by regional personnel and grazed when habitat conditions indicate the need for herbaceous fuel reduction and/or when shrubs show suppression by perennial grasses.

The Starvation, Dairy Fork and Birdseye WMA are grazed. The Lake Fork WMA has not been grazed in the past due to lack of good boundary fences and limited access across private lands to the property.

The Starvation WMA is typically grazed by sheep. There are no property boundary fences on most of the property making sheep grazing preferred. Since the property is high in elevation, the grazing season usually extends later in the season and is split into two units with the dividing line being Starvation creek. See grazing summary table below for specific information.

The Dairy Fork WMA has been grazed intermittently over the years. This property has better property boundary fences and has been grazed as a grass bank with cows for several years. Currently it is not being grazed. There is little reliable water on the property making grazing distribution difficult.

The Birdseye WMA has been grazed by the adjacent landowner for several years in exchange for sportsman access to Thistle creek west of the WMA.

Area	AUMs	Grazing Period
Birdseye	50	5/15 - June 30
Dairy Fork	50	5/15 - 6/30, potential grass-bank
Starvation East	500	June 15 - Sept 1
Starvation West	150	June 1 - June 21
Lake Fork		Not grazed

Stocking rates and season of use will be adjusted as needed to obtain desired habitat conditions. Grazing will typically be administered through a high intensity/short duration strategy. Division personnel reserve the right to make changes to stocking rates, season of use and the grazing schedule as needed. The Division also reserves the right to prescription graze the WMAs if needed to reach habitat objectives. Prescribed grazing may result in permits being issued to a grazer outside of the competitive bid process in order to find willing parties that are able to follow a prescribed grazing plan.

Livestock Trespass

At times, trespass livestock are found on the WMAs due to poor boundary fences and/or gates being left open by WMA visitors. Occurrences of trespass livestock will be handled by Division personnel according to the guidelines outlined in the Division's Land Use, R657-28-10.

VII. Summary Statement of Proposed Uses

The primary goals and objectives of the SEUTCO WMAs presented in this HMP are to preserve, enhance and protect big game winter range and wintering wildlife and reduce deer and elk depredation on surrounding private lands. The Division will allow for and provide wildlife-related recreational activities that are consistent with the goals and purposes for which this WMA was acquired.

VIII. Monitoring and Evaluation

Regional habitat section personnel, the area wildlife biologist and the district conservation officer will be responsible for monitoring overall effectiveness of the program. Appropriate sections will provide expertise as required. The lead and assistant habitat maintenance specialists will monitor the needs and effectiveness of physical facilities and improvements. Range Trend program personnel will continue to monitor the existing trend studies on a 5-year rotation and will add additional monitoring sites as needed. The regional habitat section will amend this habitat management plan as needed.

IX. Appendices

- Appendix A - Maps
 - A1 - General location and land ownership
 - A2 – Mule deer habitat
 - A3 – Elk habitat
 - A4 – Starvation WMA
 - A5 – Dairy Fork WMA
 - A6 – Lake Fork WMA
 - A7 – Birdseye WMA
 - A8 – Deseret milkvetch locations
 - A9 – 2018 Fire Map

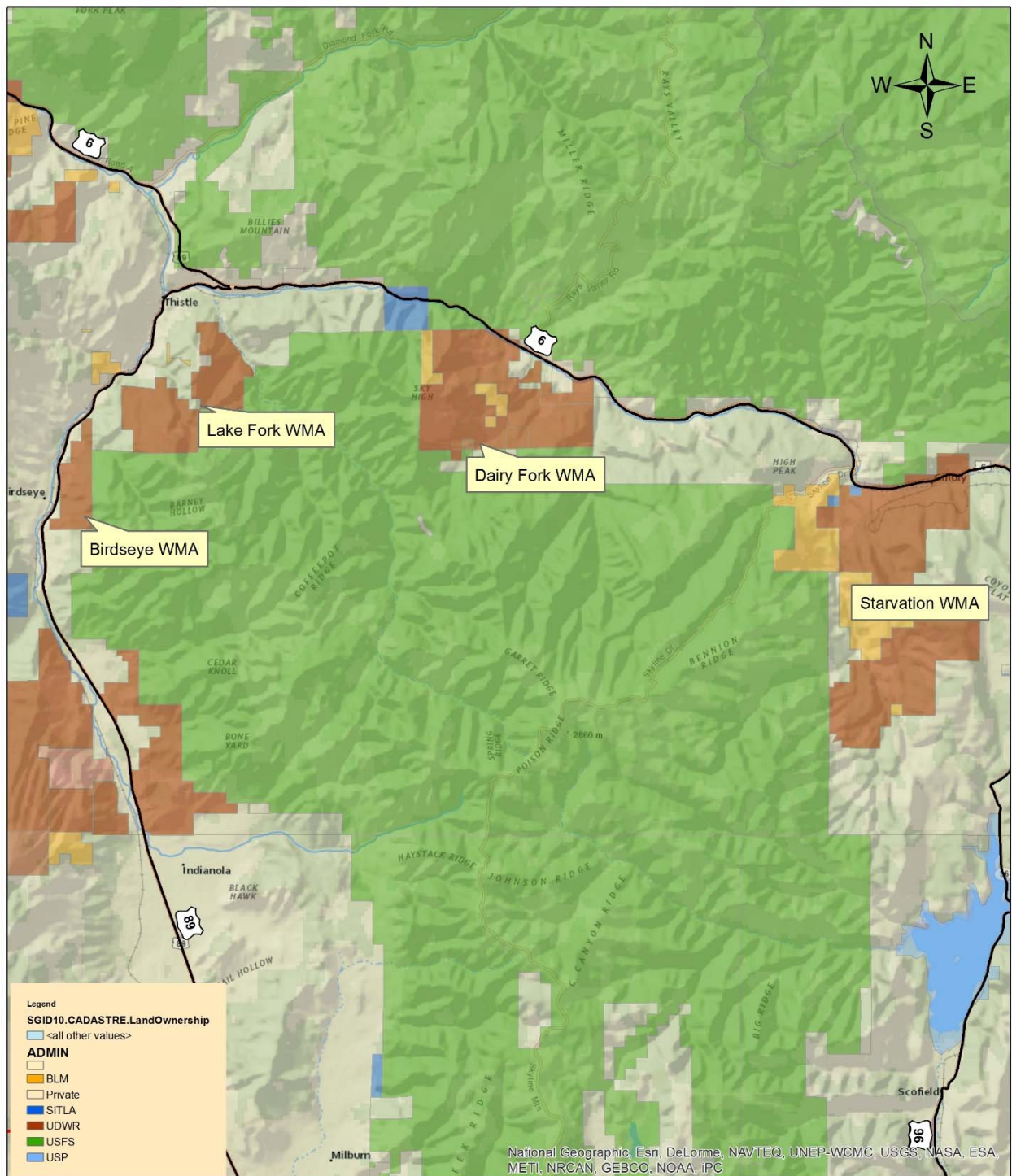
- Appendix B - Access Management Plan and Access Map of WMA
 - B1 – Birdseye WMA access map
 - B2 – Lake Fork WMA access map
 - B3 – Dairy Fork WMA access map
 - B4 – Starvation WMA access map
- Appendix C – WMA parcel information

- Appendix D – Wildlife Action Plan Conservation Status Information and Key

Appendix A – Maps

DRAFT

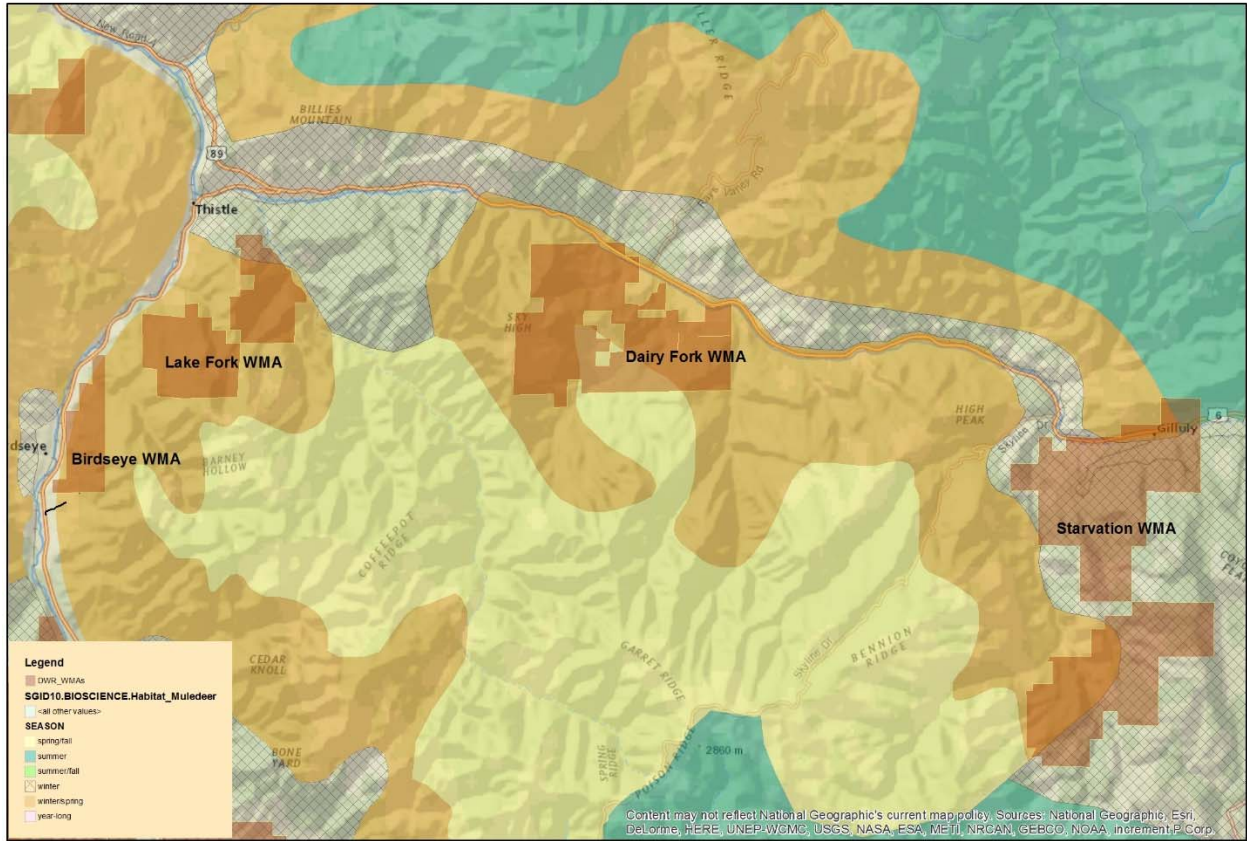
Map A1 - General Location and Land Ownership



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Map A2 – Mule Deer Habitat

South East Utah County WMAs Mule Deer Habitat

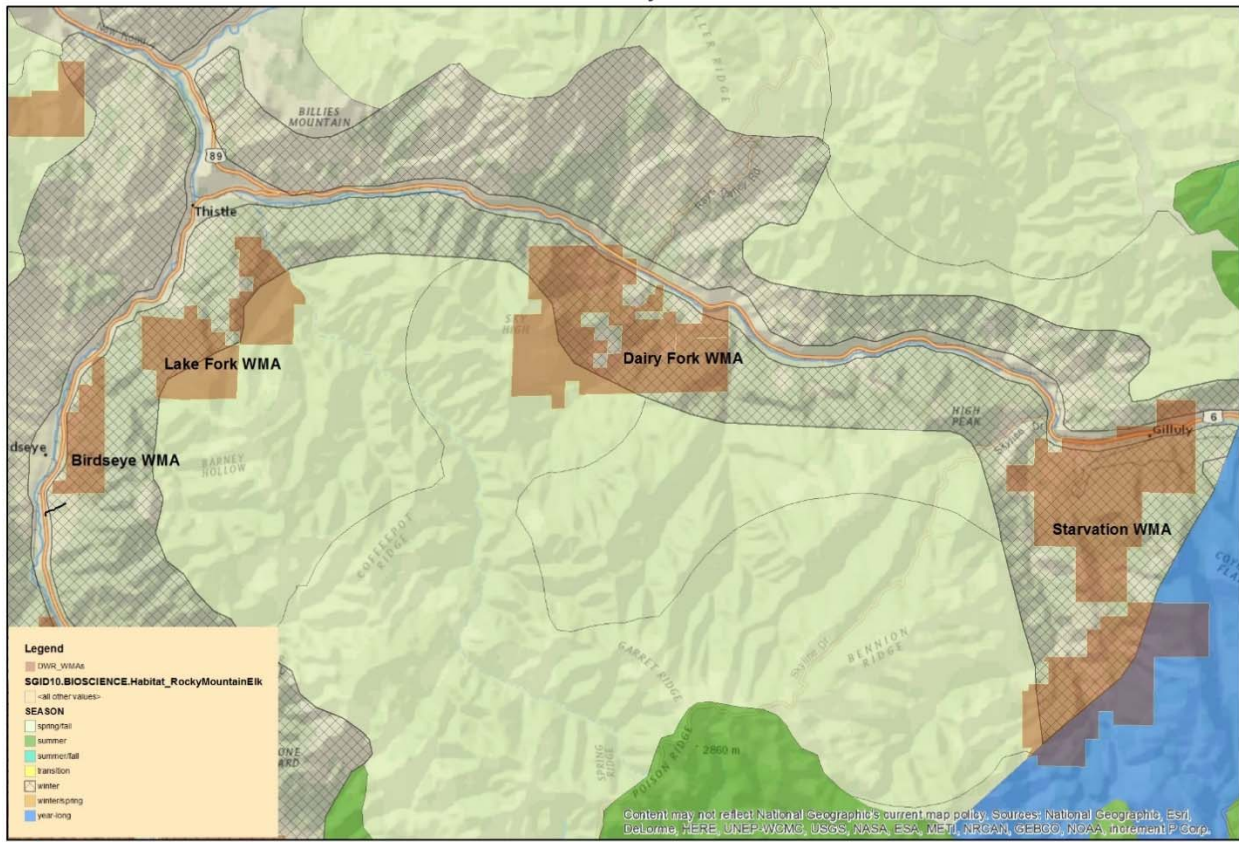


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Map A3 – Elk Habitat

South East Utah County WMAs Elk Habitat

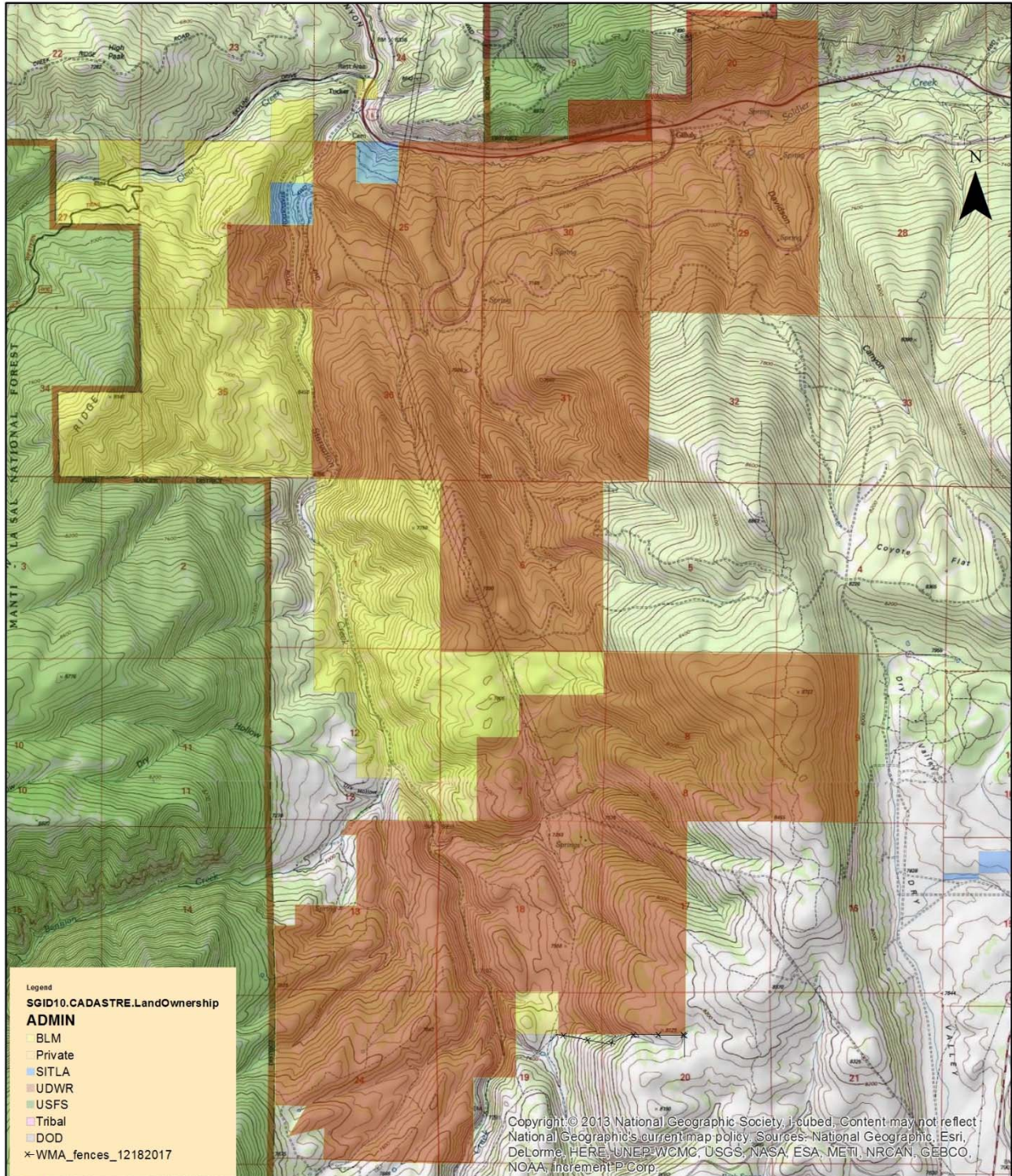


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Map A4

A4 - Starvation WMA

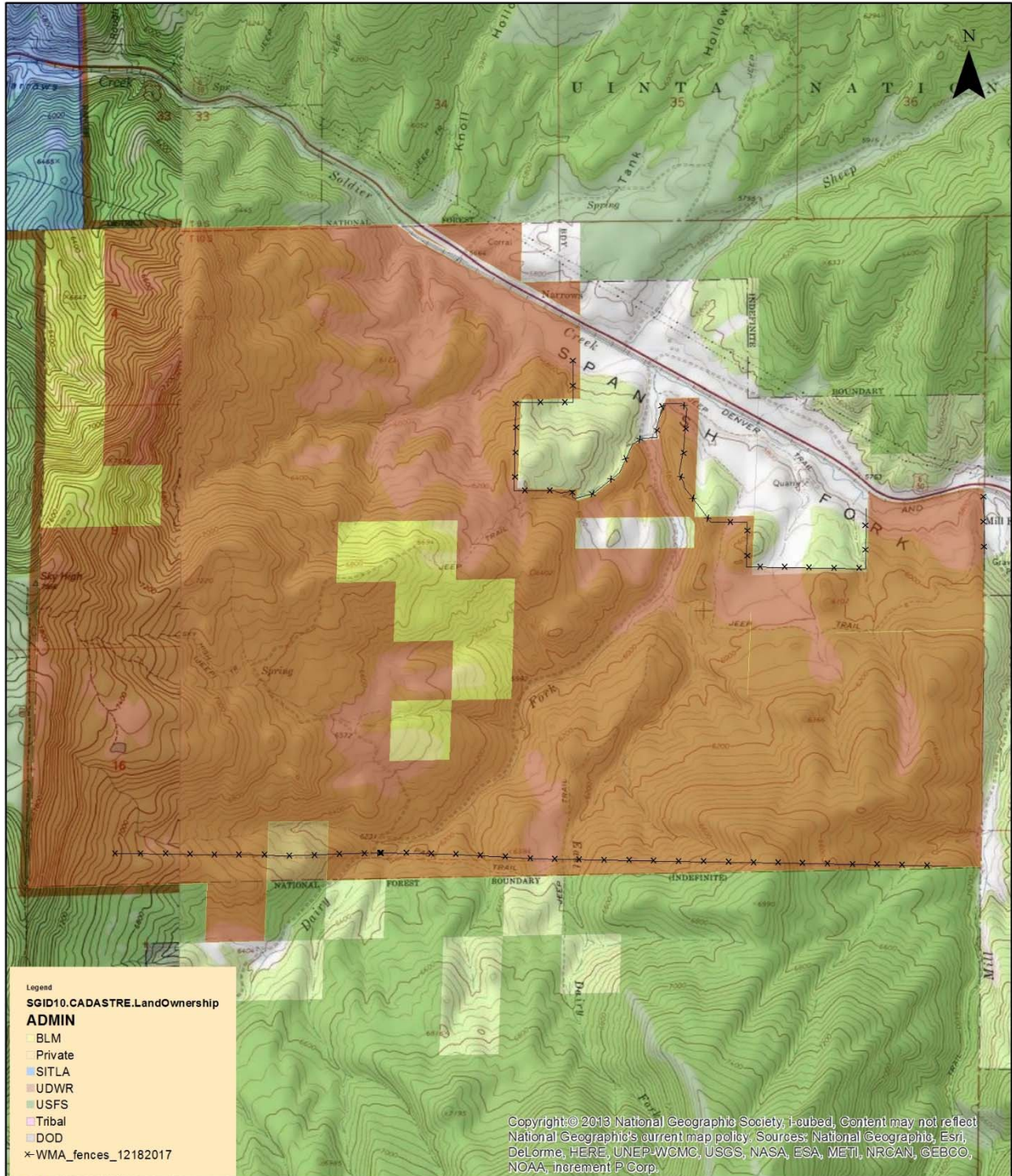


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Map A5

A5 - Dairy Fork WMA

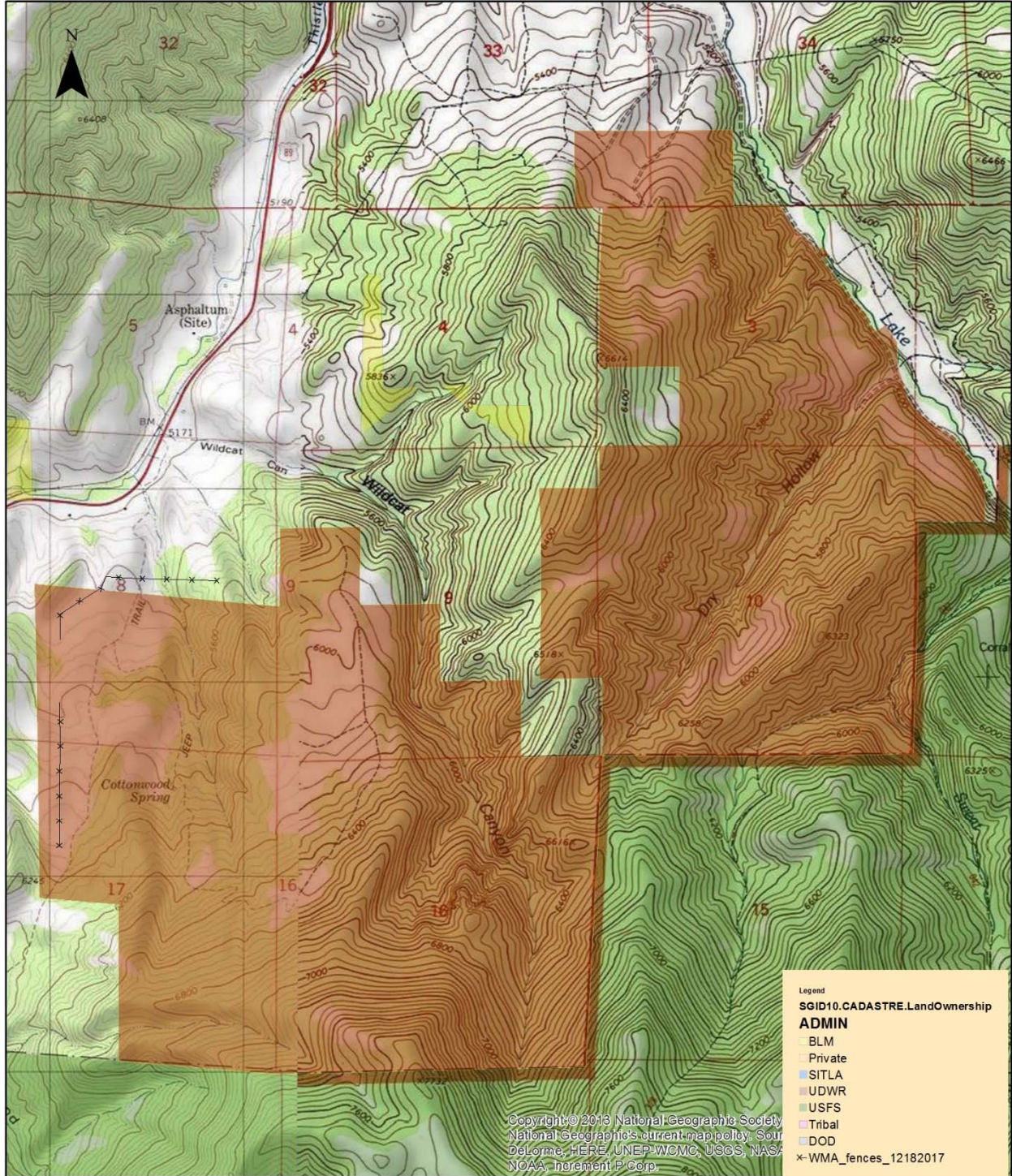


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Map A6

A6 - Lake Fork WMA



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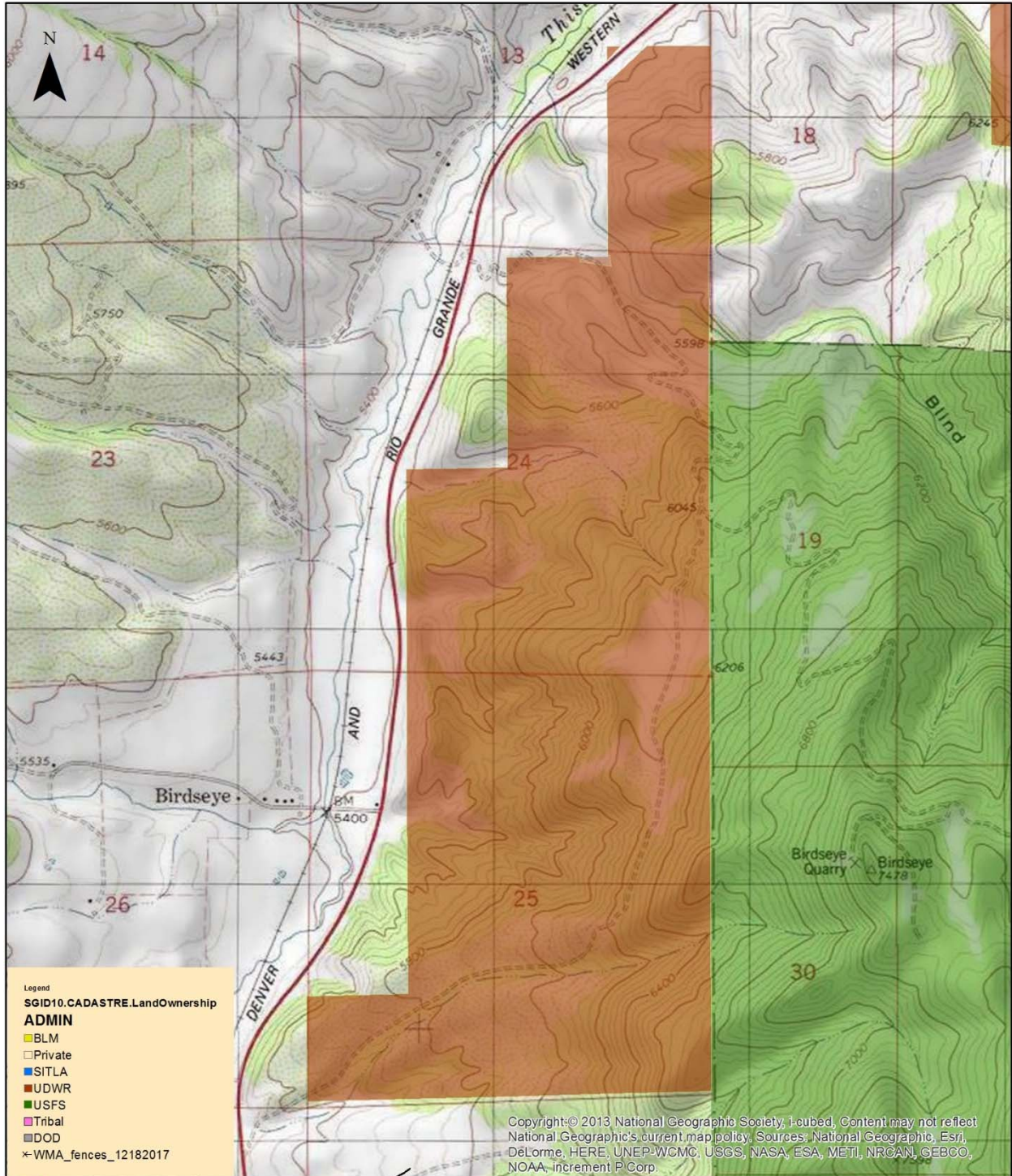


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Map A7

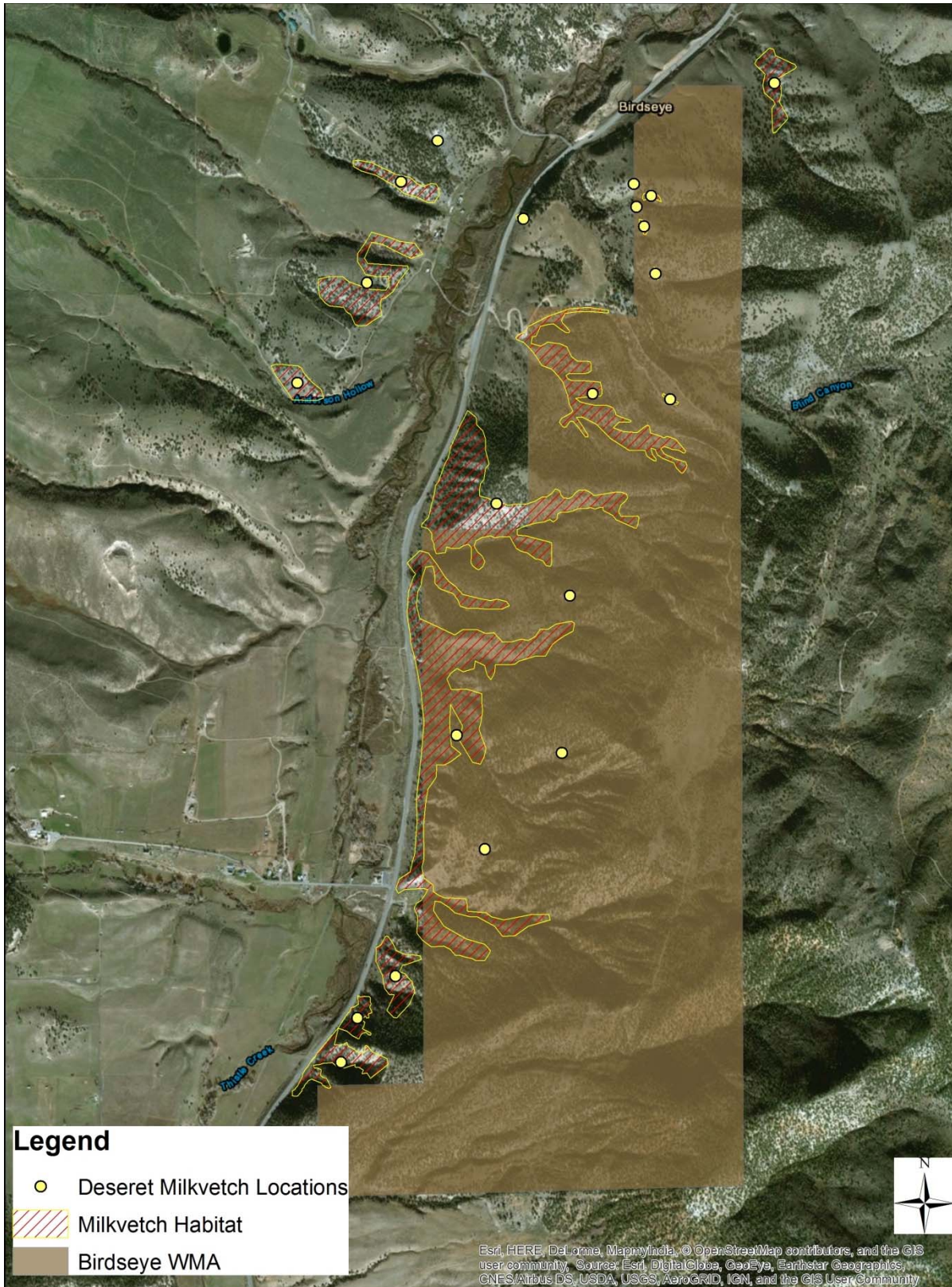
A7 - Birdseye WMA



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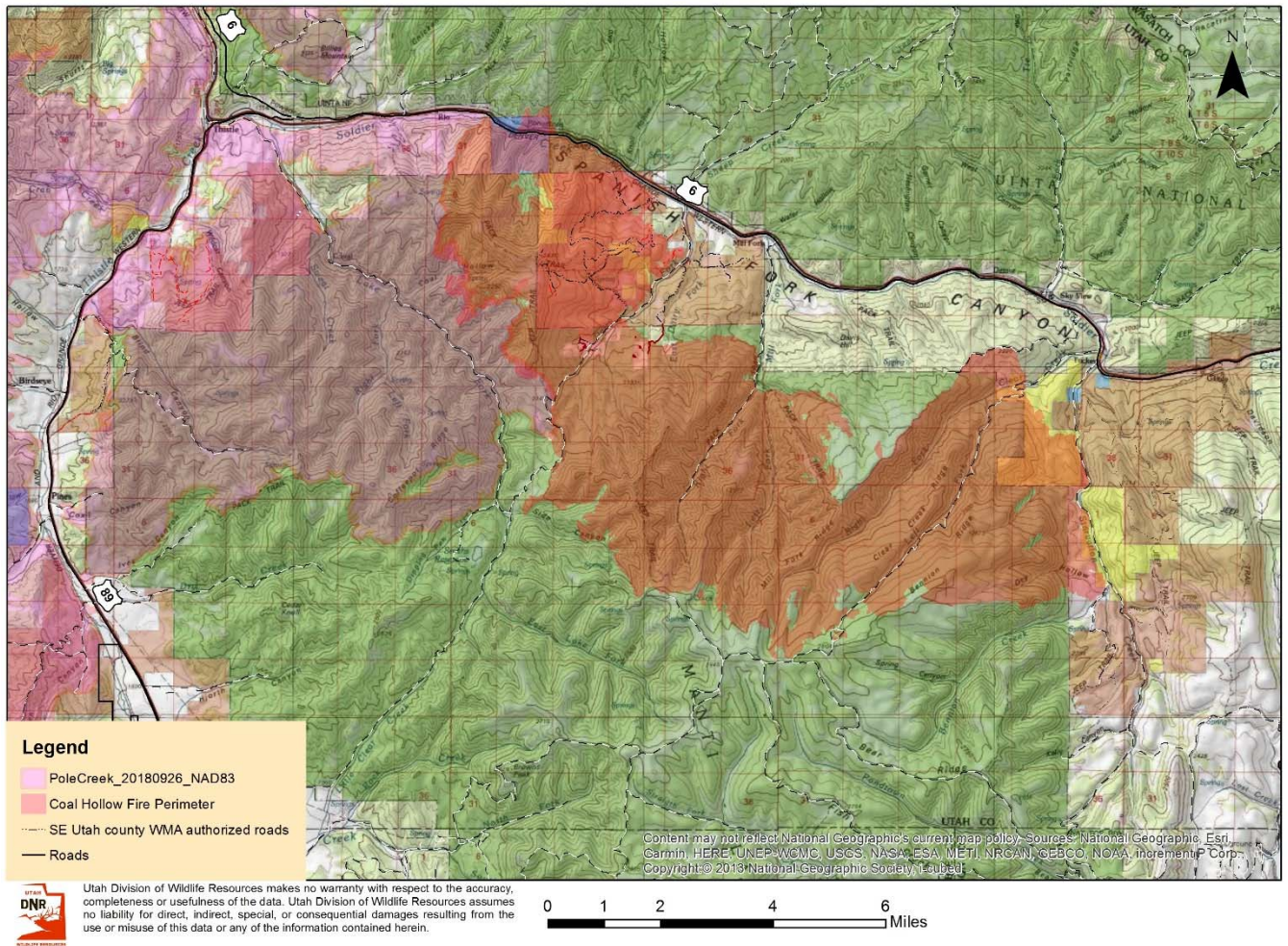


Map A8



Map A9

SEUTCO HMP - 2018 Coal Hollow and Pole Creek Fires



Appendix B – Access Management Plan

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Access Management Plan – Southeast Utah County WMAs

Purpose

The WMAs contained in this plan were acquired to preserve and protect big game winter range and wintering animals. These lands provide crucial winter and spring habitat for big game in this area. The access management plan will ensure that public access and use of the WMA is done in a manner that assists the Division in achieving the goals and objectives outlined in the habitat management plan.

Background

In addition to providing crucial habitat for wintering big game, the Division recognizes the importance of these lands as popular hunting, trapping, and outdoor recreation areas for local residents in Utah County as well as sportsmen statewide. As such, the Division organized a public meeting in February of 2016, for the purpose of including key stakeholder and constituent interests in determining how access should be managed on the WMAs. Maps of the WMAs showing proposed authorized routes were presented and comments taken and included in the final access maps for the property.

The WMAs in this plan did not have a winter closure in place in the past. A winter closure for motorized vehicles during the traditional winter period of December 1st through April 30th will be implemented where feasible.

Road Designation

Roads are typically categorized as one of three types: Open year round, seasonally closed, or permanently closed. Some roads on these WMAs have an additional designation of administrative access only.

Open Roads

These are roads that are open year round due to agreements and/or established rights-of-ways with counties, other agencies, and private landowners with in-holdings to a Division property. Roads that do not occur within crucial habitat and/or do not result in habitat damage may also be left open year round.

Seasonally Closed Roads

These are roads that are closed for a portion of the year and are not on established rights-of-way or under an agreement with another entity to be left open year round. Roads that fall within this category are closed to motorized vehicles generally during the winter and early spring. The purpose of seasonally closed roads is to limit disturbance to wintering wildlife, protect sensitive and crucial habitats and to prevent excessive road damage during wet winter and spring months.

Administrative Access Only

These roads are not for public use but were created to access power lines, power poles and other types of infrastructure.

Permanently Closed Roads

These are roads that serve no useful purpose for management or recreational use and that fragment and damage crucial habitats. User-created roads and trails not authorized by the Division also fit into this category. These roads will be closed using signs, berms, fencing or other means. Where needed, roads may be ripped and seeded. Others will be closed and allowed to return to their natural state.

As needed, seasonal and/or permanent road and trail closures are done under the authority of Administrative Rule R657-28, Use of Division Lands.

General Access Provisions

Motorized access is restricted to existing roads and trails as authorized by the Division. All authorized roads and trails, including their designation, are shown on the WMA access maps at the end of this plan. Roads and trails not shown on WMA access maps are considered unauthorized. The Division reserves the right to close all unauthorized roads and trails. Authorized travel routes will be signed as open making them easy to distinguish.

Motorized vehicles, including OHV's, are restricted to existing and designated roads (Utah Code Section 41-22-10.1) and this policy will be enforced. Harassment of wildlife or damage to the environment, including abuse of lands, watershed, or impairment of plant or animal life while operating an OHV is illegal (Utah Code Section 41-22-13), and this policy will be enforced. The creation of new roads or trails by unauthorized motorized and non-motorized traffic is prohibited.

The Division cautions against motorized travel on the WMA during extended periods of wet weather. Under these conditions, roads become slick and difficult to navigate and are also easily degraded resulting in permanent damage.

Enforcement of Access Management Plan

Enforcement of the access management plan will be carried out by Division personnel. However, due to the high amount of public use on the WMA, the Division will work closely with the county sheriff's office and other local law enforcement agencies to keep motorized vehicle travel on authorized travel routes.

Informing the Public

Division personnel will inform the public of the access plan by adequately signing access points, roads and trails, parking areas, and fence lines. In addition, media coverage may be used to disseminate information regarding the access plan and how it relates to the overall goals and

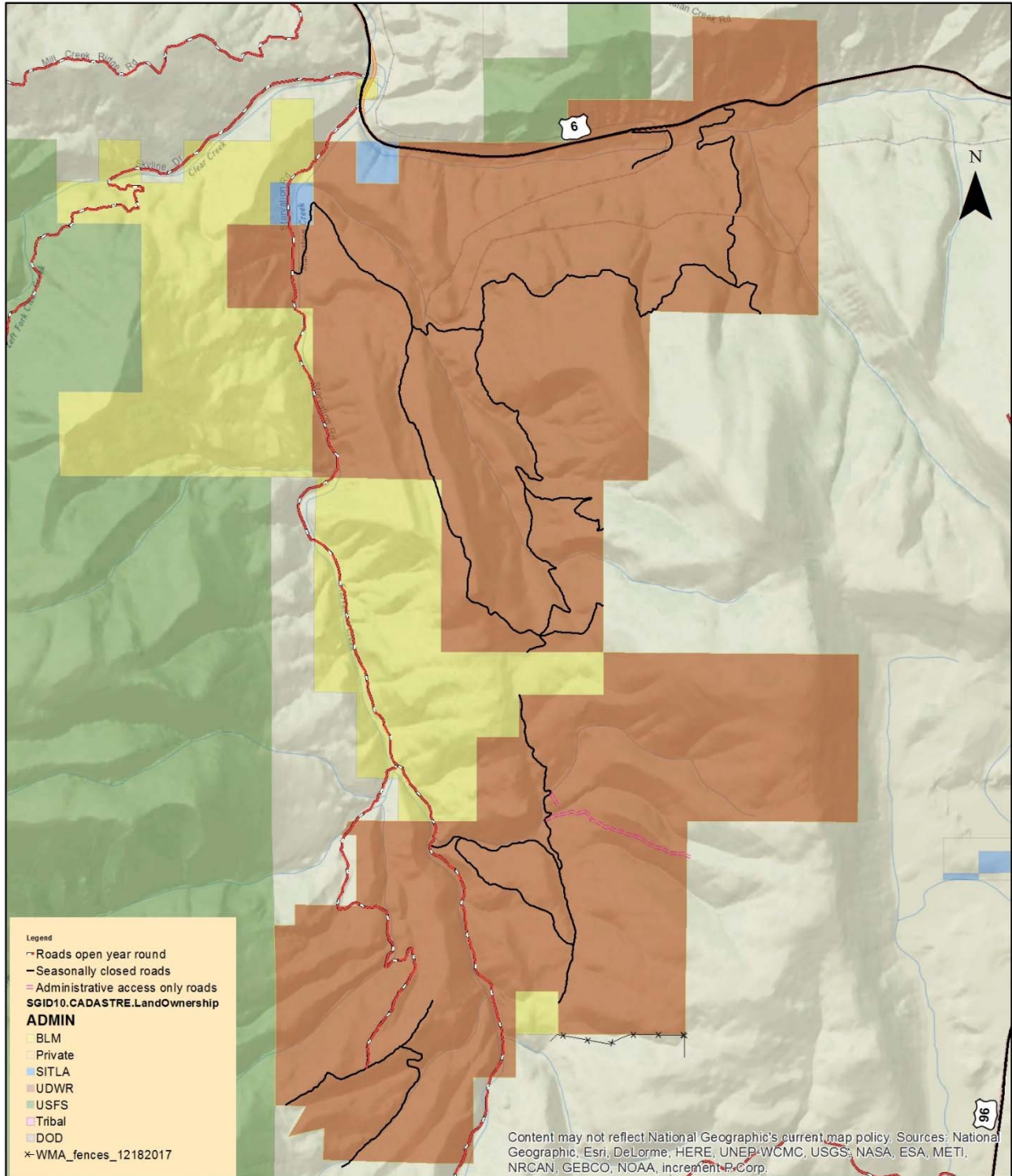
objectives of the WMA contained in this plan. Seasonal closures or other issues relating to access will also be included in hunting proclamations that are published annually by the Division.

The Division will work with local municipalities, the county, and other state and federal agencies to coordinate access and travel plans that are consistent with other planning efforts.

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Map B1

B1 - Starvation WMA Access Map



Legend
- Roads open year round
- Seasonally closed roads
- Administrative access only roads
SGID10.CADASTRE.LandOwnership
ADMIN
BLM
Private
SITLA
UDWR
USFS
Tribal
DOD
*WMA_fences_12182017

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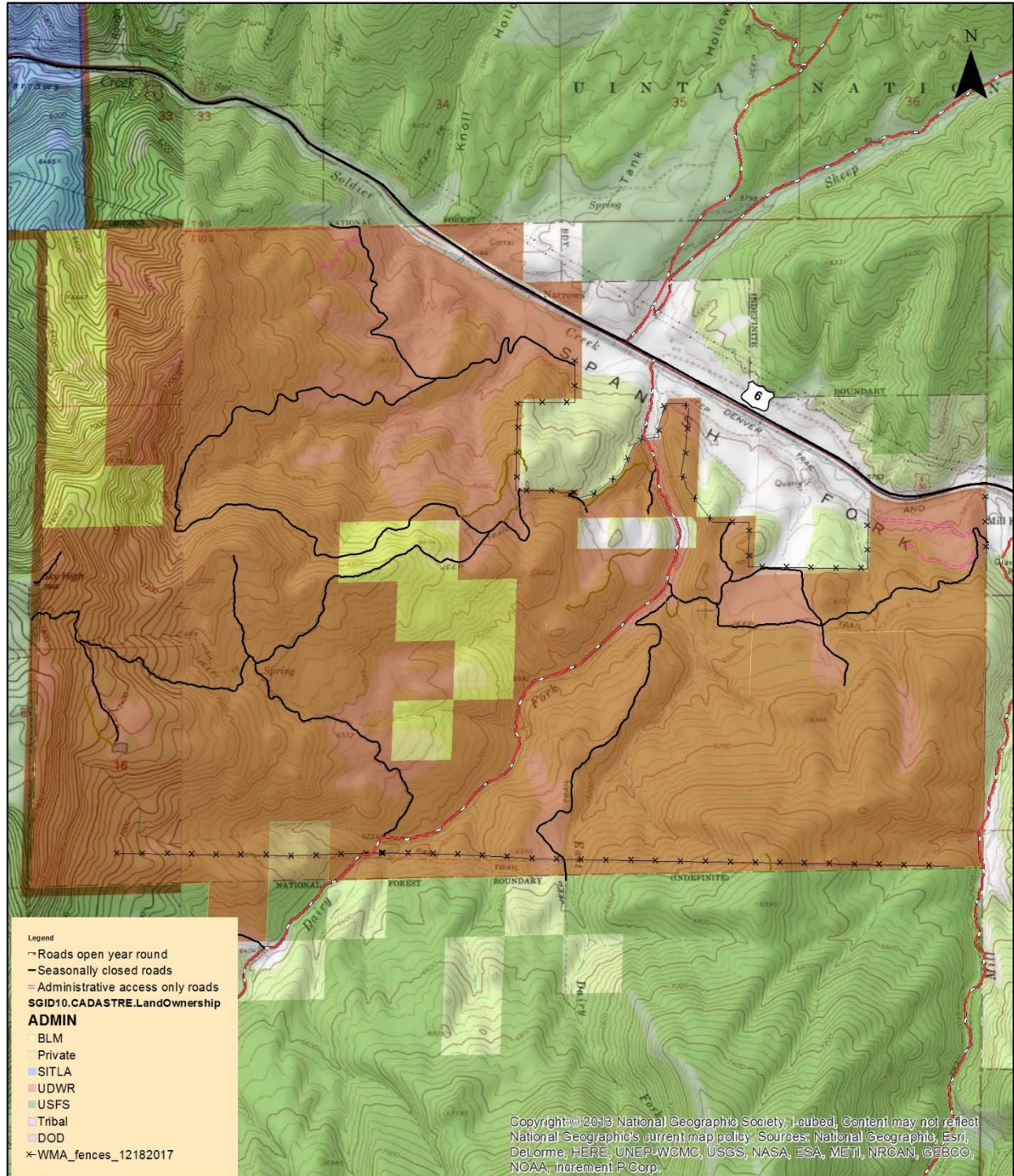


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Map B2

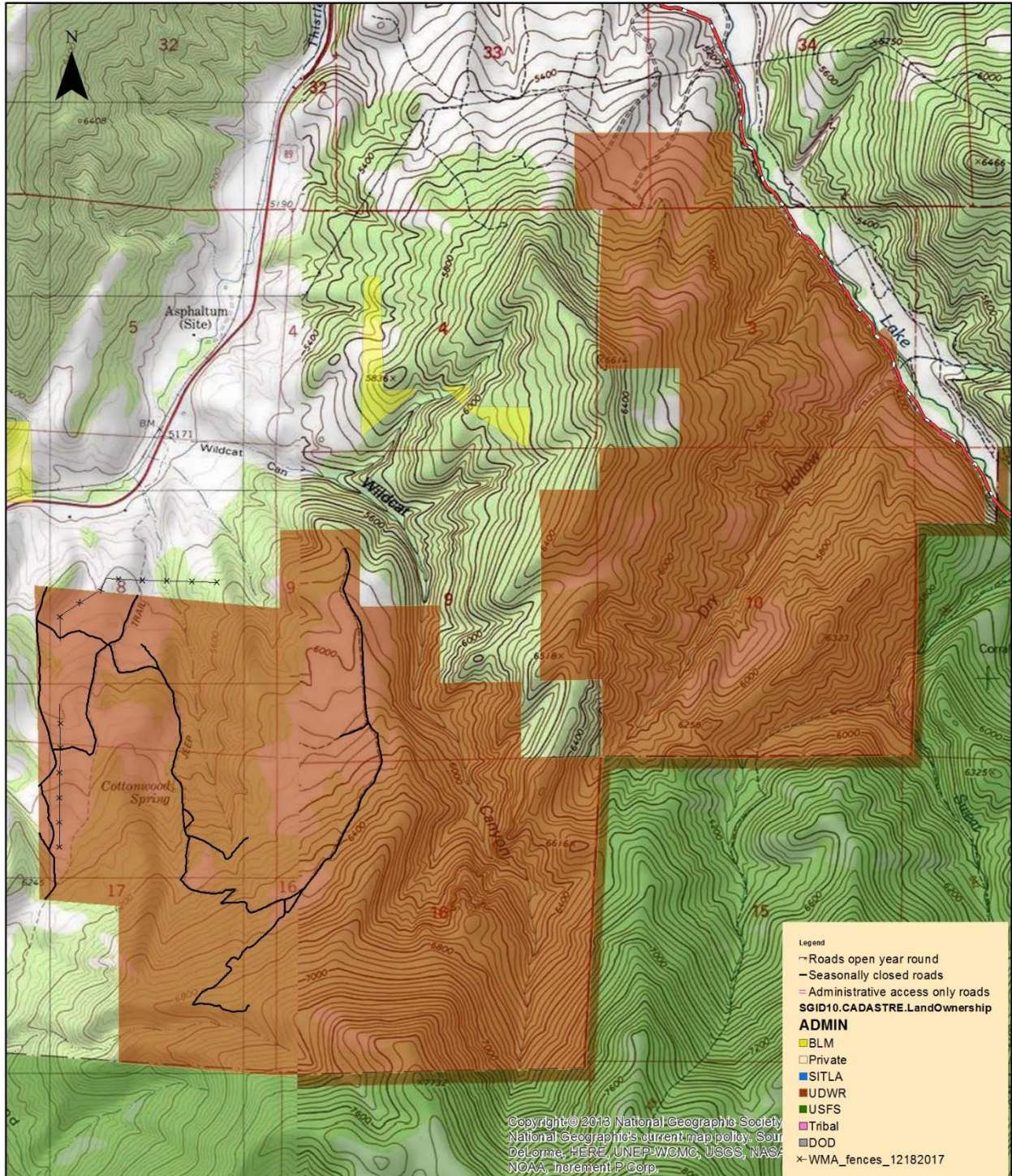
B2 - Dairy Fork WMA Access Map



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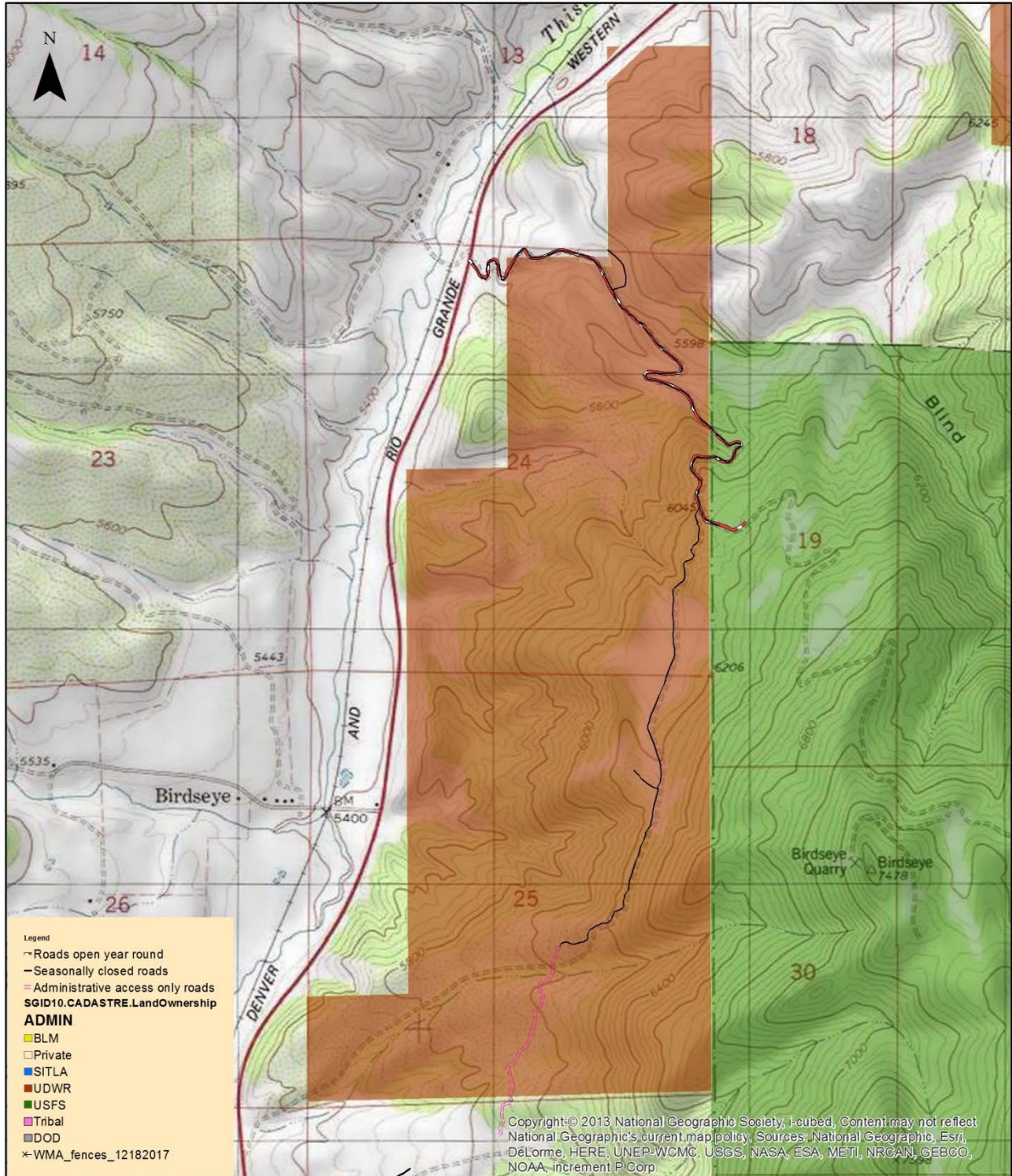
B3 - Lake Fork WMA Access Map



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B4 - Birdseye WMA Access Map



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Appendix C – WMA Parcel Information

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Southeast Utah County HMP

Property	Township	Range	Section	Parcel Number
				32:111:0002
Starvation	10S	7E	19	32:111:0006
				32:111:0004
				32:111:0005
				32:111:0017
Starvation	10S	7E	20	32:111:0018
				32:113:0005
				32:113:0006
				32:113:0007
Starvation	10S	7E	29	32:113:0008
				32:114:0002
				32:114:0003
				32:114:0004
Starvation	10S	7E	30	32:114:0005
				32:115:0001
Starvation	10S	7E	31	32:115:0002
Starvation	11S	7E	6	32:020:0001
Starvation	11S	7E	7	33:021:0001
Starvation	11S	7E	8	33:022:0004
Starvation	11S	7E	9	33:023:0001
Starvation	11S	7E	17	33:031:0002
				33:032:0001
				33:032:0002
				33:032:0003
Starvation	11S	7E	18	33:032:0004
				33:033:0001
Starvation	11S	7E	19	33:033:0002
Starvation	11S	7E	20	33:034:0002
				32:107:0001
				32:107:0002
Starvation	10S	6E	25	32:107:0005

				32:108:0001
Starvation	10S	6E	26	32:108:0004
Starvation	10S	6E	36	32:110:0004
				33:012:0004
Starvation	11S	6E	13	33:012:0015
				33:012:0007
				33:012:0008
Starvation	11S	6E	24	33:012:0010
Property	Township	Range	Section	Parcel Number
Dairy Fork	10S	5E	2	32:078:0004
				32:079:0001
				32:079:0002
Dairy Fork	10S	5E	3	32:079:0003
Dairy Fork			4	32:080:0001
				32:083:0002
Dairy Fork	10S	5E	9	32:083:0003
				32:084:0001
Dairy Fork	10S	5E	10	32:084:0002
				32:085:0002
				32:085:0006
				32:085:0008
				32:085:0011
				32:085:0012
				32:085:0015
Dairy Fork	10S	5E	11	32:085:0017
				32:086:0008
Dairy Fork	10S	5E	12	32:086:0009
				32:087:0005
Dairy Fork	10S	5E	13	32:087:0006
				32:088:0007
Dairy Fork	10S	5E	14	32:088:0008
				32:089:0001
Dairy Fork	10S	5E	15	32:089:0006
Dairy Fork	10S	5E	16	32:090:0001
Dairy Fork	10S	5E	21	32:091:0003

Property	Township	Range	Section	Parcel Number
Lake Fork	9S	4E	33	31:033:0006
Lake Fork	9S	4E	34	31:035:0010
Lake Fork	10S	4E	2	32:063:0002
Lake Fork	10S	4E	3	32:064:0002
Lake Fork	10S	4E	8	32:071:0007
				32:072:0002
Lake Fork	10S	4E	9	32:072:0003
				32:073:0001
Lake Fork	10S	4E	10	32:073:0002
Lake Fork	10S	4E	11	32:074:0002
Lake Fork	10S	4E	16	32:075:0001
Lake Fork	10S	4E	17	32:076:0002
				Parcel Number
Birdseye	10S	3E	13	32:049:0008
Birdseye	10S	3E	24	32:054:0011
Birdseye	10S	3E	25	32:055:0009

Appendix D – Wildlife Action Plan Conservation Status Key

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Global, national, and subnational levels

NatureServe conservation statuses may be applied at any or all of three geographical levels. The WAP uses two of these levels, N and S:

- G - Ranks designated at the global (or range-wide) level (G-rank).
- N - Ranks designated at a national level (N-rank) for a particular nation.
- S - Ranks designated at a subnational or state level (S-rank).

Commonly encountered conservation status ranks

Conservation status ranks primarily consist of numbers, which are sometimes replaced by or used in conjunction with letters or punctuation marks. The numbers used are:

- 1 - Critically imperiled (typically having 5 or fewer occurrences, or 1,000 or fewer individuals).
- 2 - Imperiled (typically having 6 to 20 occurrences, or 1,001 to 3,000 individuals).
- 3 - Vulnerable (rare; typically having 21 to 100 occurrences, or 3,001 to 10,000 individuals).
- 4 - Apparently secure (uncommon but not rare, but with some cause for long-term concern; typically having 101 or more occurrences, or 10,001 or more individuals).
- 5 - Secure (common, widespread, abundant, and lacking major threats or long-term concerns).

Thus, for example, an N3 species is "nationally vulnerable", and an S2 species is "state imperiled" for the particular state the rank is assigned. According with NatureServe convention, a state numerical rank cannot imply that the species is more secure at the state level than it is nationally or globally (e.g., a rank of N1/S3 cannot occur). However, in a few cases we have violated this convention, for these reasons:

- State ranks are assigned and maintained by state natural heritage programs and conservation data centers. The Utah Natural Heritage Program (UNHP) is located within UDWR, which updates state ranks periodically - every 5 years or so.
- National and Global ranks are assigned and maintained by NatureServe, a non-profit organization and also a network of over 80 state, provincial, and other "subnational" (e.g., Navajo Nation, Tennessee Valley Authority) natural heritage programs. NatureServe updates its National and Global ranks at much longer intervals - often 15-20 years - than many state programs.
- Logic dictates that a species' actual (versus reported) conservation status would change more quickly in smaller areas (e.g., states) than in much larger ones (e.g., nations). State programs may prefer to maintain, report, and use current information, rather than communicate information they know to be outdated and incorrect, while waiting for NatureServe to update their ranks. This is the case in Utah.

National (N) and State (S) Conservation Status Ranks

RANK	DEFINITION
<p style="margin: 0;">NX</p> <p style="margin: 0;">SX</p>	<p>Presumed Extirpated—Species or ecosystem is believed to be extirpated from the jurisdiction (i.e., nation, or state/province). Not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered. [equivalent to “Regionally Extinct” in IUCN Red List terminology]</p>
<p style="margin: 0;">NH</p> <p style="margin: 0;">SH</p>	<p>Possibly Extirpated – Known from only historical records but still some hope of rediscovery. There is evidence that the species or ecosystem may no longer be present in the jurisdiction, but not enough to state this with certainty. Examples of such evidence include (1) that a species has not been documented in approximately 20-40 years despite some searching and/or some evidence of significant habitat loss or degradation; (2) that a species or ecosystem has been searched for unsuccessfully, but not thoroughly enough to presume that it is no longer present in the jurisdiction.</p>
<p style="margin: 0;">N1</p> <p style="margin: 0;">S1</p>	<p>Critically Imperiled— At very high risk of extirpation in the jurisdiction due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.</p>
<p style="margin: 0;">N2</p> <p style="margin: 0;">S2</p>	<p>Imperiled— At high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.</p>
<p style="margin: 0;">N3</p> <p style="margin: 0;">S3</p>	<p>Vulnerable— At moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.</p>
<p style="margin: 0;">N4</p> <p style="margin: 0;">S4</p>	<p>Apparently Secure— At a fairly low risk of extirpation in the jurisdiction due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.</p>
<p style="margin: 0;">N5</p> <p style="margin: 0;">S5</p>	<p>Secure— At very low or no risk of extirpation in the jurisdiction due to a very extensive range, abundant populations or occurrences, with little to no concern from declines or threats.</p>