

~~R657. Natural Resources, Wildlife Resources.~~

~~R657-3. Collection, Importation, Transportation, and Possession of Animals.~~

~~R657-3-1. Purpose and Authority.~~

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

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

~~—— (3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, propagation and possession of species of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46 and R657-52 through R657-60. Where a more specific provision has been adopted, that provision shall control.~~

~~—— (4) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R657-14, except as permitted by the Utah Department of Agriculture and Food.~~

~~—— (5) This rule does not apply to division employees acting within the scope of their assigned duties.~~

~~—— (6) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and the scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.~~

~~R657-3-2. Species Not Covered by This Rule.~~

~~—— The following species of animals are not governed by this rule:~~

~~—— (1) Alpaca (Lama pacos);~~

~~—— (2) Ass or donkey (Equus asinus);~~

~~—— (3) American bison, privately owned (Bos bison);~~

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

~~—— (5) Cassowary (All species) (Casuarius);~~

~~—— (6) Cat, domestic, including breeds that are recognized by The International Cat Association as Preliminary New, Advanced New, Non-championship, and Championship Breeds (Felis catus);~~

~~—— (7) Cattle (Bos taurus taurus);~~

~~—— (8) Chicken (Gallus gallus);~~

~~—— (9) Chinchilla (Chinchilla laniger);~~

~~—— (10) Dog, domestic including hybrids between wild and domestic species and subspecies (Canis familiaris);~~

~~—— (11) Ducks distinguishable morphologically from wild birds~~

- ~~(Anatidae);~~
~~—— (12) Elk, privately owned (Cervus elaphus canadensis);~~
~~—— (13) Emu (Dromaius novaehollandiae);~~
~~—— (14) Ferret or polecat, European (Mustela putorius);~~
~~—— (15) Fowl (guinea) (Numida meleagris);~~
~~—— (16) Fox, privately owned, domestically bred and raised (Vulpes vulpes);~~
~~—— (17) Geese, distinguishable morphologically from wild geese (Anatidae);~~
~~—— (18) "Gerbils" or Mongolian jirds (Meriones unguiculatus);~~
~~—— (19) Goat (Capra hircus);~~
~~—— (20) Hamster (All species) (Mesocricetus spp.);~~
~~—— (21) Hedgehog (white bellied) (Erinaceidae atelerix albiventris);~~
~~—— (22) Horse (Equus caballus);~~
~~—— (23) Llama (Lama glama);~~
~~—— (24) American Mink, privately owned, ranch-raised (Neovision vision);~~
~~—— (25) Mouse, house (Mus musculus);~~
~~—— (26) Mule and hinny (hybrids of Equus caballus and Equus asinus);~~
~~—— (27) Ostrich (Struthio camelus);~~
~~—— (28) Peafowl (Pavo cristatus);~~
~~—— (29) Pig, guinea (Cavia porcellus);~~
~~—— (30) Pigeon (Columba livia);~~
~~—— (31) Rabbit, European (Oryctolagus cuniculus);~~
~~—— (32) Rats, Norway and Black (Rattus norvegicus and Rattus rattus);~~
~~—— (33) Rhea (Rhea americana);~~
~~—— (34) Sheep (Ovis aries);~~
~~—— (35) Sugar glider (Petaurus breviceps);~~
~~—— (36) Swine, domestic (Sus scrofa domesticus);~~
~~—— (37) Tenrec (Tenrecidae);~~
~~—— (38) Turkey, privately owned, pen-raised domestic varieties (Meleagris gallopavo). Domestic varieties means any turkey or turkey egg held under human control and which is imprinted on other poultry or humans and which does not have morphological characteristics of wild turkeys;~~
~~—— (39) Water buffalo (Bubalis arnee);~~
~~—— (40) Yak (Bos mutus); and~~
~~—— (41) Zebu, or "Brahma" (Bos taurus indicus)~~

~~R657-3-3. Cooperative Agreements with Department of Health and Department of Agriculture and Food -- Agency Responsibilities.~~

- ~~(1) The division, the Department of Agriculture and Food, and the Department of Health work cooperatively through memorandums of understanding to:~~
~~—— (a) protect the health, welfare, and safety of the public;~~
~~—— (b) protect the health, welfare, safety, and genetic integrity of wildlife, including environmental and ecological impacts; and~~
~~—— (c) protect the health, welfare, safety, and genetic integrity of domestic livestock, poultry, and other animals.~~
~~(2) The division is responsible for:~~
~~—— (a) issuing certificates of registration for the collection,~~

~~possession, importation, and transportation of animals;~~

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

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

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

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

~~(f) preventing the spread of disease-causing pathogens from aquatic animals to other aquatic animals transferred from one site to another in the wild;~~

~~(g) investigating and preventing the outbreak and controlling the spread of disease-causing pathogens in terrestrial wildlife;~~

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

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

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

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

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

~~(iii) enforcing laws and rules made by the Wildlife Board governing species of animals which may be imported into the state or possessed or transported within the state that are applicable to aquaculture or fee fishing facilities;~~

~~(iv) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in aquaculture and fee fishing facilities; and~~

~~(v) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from aquaculture or fee fishing facilities to aquatic wildlife, or other animals, and humans.~~

~~(b) The Department of Agriculture and Food may quarantine any infected domestic animal or area within the state to prevent the spread of infectious or contagious disease as provided in Title 4, Chapter 31, Section 17.~~

~~(c) In addition to the authority and responsibilities listed in Subsection (3) (a) and (b), the Department of Agriculture and Food may make recommendations to the division concerning the collection, importation, transportation, and possession of animals if a disease is suspected of endangering livestock, fish, poultry, or other domestic animals.~~

~~(4) The Utah Department of Health is responsible for promoting~~

and protecting public health and welfare and may make recommendations to the division concerning the collection, importation, transportation, and possession of animals if a disease or animal is suspected of endangering public health or welfare.

~~R657-3-4. Definitions.~~

~~(1) Terms used for purposes of this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (33).~~

~~(2) (a) "Animal" means:~~

~~(i) native, naturalized, and nonnative animals belonging to a species that naturally occurs in the wild, including animals captured from the wild or born or raised in captivity;~~

~~(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animal, including hybrids between wild and domestic species or subspecies; and~~

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

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

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

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

~~(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.~~

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

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

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

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

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

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

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

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

~~_____ (c) CITES appendices are published periodically by the CITES Secretariat and may be viewed at <http://www.cites.org/> which is incorporated herein by reference.~~

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

~~_____ (12) "Commercial use" means any activity through which a person in possession of an animal:~~

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

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

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

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

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

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

~~_____ (17) "Export" means to move or cause to move any animal from Utah by any means.~~

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

~~_____ (19) "Import" means to bring or cause an animal to be brought into Utah by any means.~~

~~_____ (20) (a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean that spends its entire life cycle in a marine environment.~~

~~_____ (b) "Marine aquatic animal" does not include:~~

~~_____ (i) anadromous aquatic animal species;~~

~~_____ (ii) species that temporarily or permanently reside in brackish water; and~~

~~_____ (iii) species classified as invasive or nuisance by state or federal law.~~

~~_____ (21) "Native species" means any species or subspecies of animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.~~

~~_____ (22) "Naturalized species" means any species or subspecies of animal that is not native to Utah but has established a wild, self-sustaining population in Utah.~~

~~———— (23) "Noncontrolled species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity poses no detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.~~

~~———— (24) (a) "Nonnative species" means a species or subspecies of animal that is not native to Utah.~~

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

~~———— (25) (a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display.~~

~~———— (b) "Ornamental aquatic animal species" does not include;~~

~~———— (i) fresh water;~~

~~———— (A) sport fish -- aquatic animal species commonly angled or harvested for recreation or sport;~~

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

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

~~———— (D) native species; or~~

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

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

~~———— (26) "Personal use" means the possession and use of an animal for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, hunting or any other use.~~

~~———— (27) "Possession" means to physically retain or to exercise dominion or control over an animal.~~

~~———— (28) "Prohibited species" means a species or subspecies of animal that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with this rule and any applicable federal laws.~~

~~———— (29) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the division, U.S. Fish and Wildlife Service, a school, or an institution of higher education.~~

~~———— (30) "Resident Canada Goose" means Canada geese that nest within Utah in urban environments during the months of March, April, May or June.~~

~~———— (31) "Scientific use" means the possession and use of an animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.~~

~~———— (32) "Transport" means to move or cause to move any animal within Utah by any means.~~

~~———— (33) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.~~

~~R657-3-5. Liability.~~

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

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

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

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

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

~~R657-3-6. Animal Welfare.~~

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

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

~~_____ (b) Section 76-9-301; and~~

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

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

~~_____ (a) tortures or seriously overworks an animal; or~~

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

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

~~R657-3-7. Take of Nuisance Birds and Mammals.~~

~~_____ (1) (a) A person is not required to obtain a certificate of registration or a federal permit to kill a bird belonging to a species listed in Subsection (1) (b) that is committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:~~

~~_____ (i) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;~~

~~_____ (ii) applicable local, state and federal laws are strictly complied with; and~~

~~_____ (iii) none of the birds killed, nor their plumage, are sold or offered for sale.~~

~~_____ (b) The following bird species are subject to the provisions of Subsection (1) (a):~~

~~(i) black-billed magpie (*Pica hudsonia*);~~
~~(ii) American crow (*Corvus brachyrhynchos*);~~
~~(iii) bronzed cowbird (*Molothrus aeneus*);~~
~~(iv) brown-headed cowbird (*Molothrus ater*); and~~
~~(v) shiny cowbird (*Molothrus bonariensis*).~~
~~(c) Nuisance birds removed under Subsection (1)(a):~~
~~(i) must be taken over the threatened area;~~
~~(ii) may not be taken with:~~
~~(A) bait, explosives, or poisons; or~~
~~(B) ammunition with lead or toxic projectiles, except when fired from an air rifle, air pistol, or a 22 caliber rimfire firearm; and~~
~~(iii) must be disposed of at a landfill that accepts wildlife carcasses, or burned or incinerated.~~
~~(d)(i) Any person that takes a nuisance bird pursuant to Subsection (1)(a) must provide to the appropriate U.S. Fish and Wildlife Service, Regional Migratory Bird Permit Office an annual report for each species taken.~~
~~(ii) Reports must be submitted by January 31st of the following year, and include the following information:~~
~~(A) name, address, phone number, and e-mail address of the person taking the birds;~~
~~(B) the species and number of birds taken;~~
~~(C) the months in which the birds were taken;~~
~~(D) the county or counties in which the birds were taken; and~~
~~(E) the general purpose for which the birds were taken, such as protection of agriculture, human health and safety, property, or natural resources.~~
~~(e) This Subsection (1) incorporates Section 50 CFR 21.41, 21.42 and 21.43, 2007, ed., by reference.~~
~~(2)(a) A person is not required to obtain a certificate of registration or a federal permit to kill a house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), or domestic pigeon or rock pigeon (*Columba livia*) when found damaging personal or real property, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:~~
~~(i) an attempt to control the birds using non-lethal methods occurs prior to using lethal methods;~~
~~(ii) applicable local, state and federal laws are strictly complied with; and~~
~~(iii) none of the birds killed, nor their plumage, are sold or offered for sale.~~
~~(b) Nuisance birds removed under Subsection (2)(a):~~
~~(i) must be taken over the threatened area;~~
~~(ii) may not be taken with bait, explosives, or poisons; and~~
~~(iii) must be disposed of at a landfill that accepts wildlife carcasses, or burned or incinerated.~~
~~(3) A person that takes a nuisance bird pursuant to Subsection (1) shall:~~
~~(a) allow any federal warden or state conservation officer unrestricted access over the premises where the birds are killed; and~~
~~(b) furnish any information concerning the control operations to the division or federal official upon request.~~
~~(4) A person may kill nongame mammals as provided in R657-19~~

~~R657-3-8. Collection, Importation, and Possession of Threatened and Endangered Species and Migratory Birds.~~

~~(1) The following species are prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division, a federal permit from the U.S. Fish and Wildlife Service, and an entry permit number from the Department of Agriculture and Food if importing:~~

~~(a) any species which have been determined by the U.S. Fish and Wildlife Service to be endangered or threatened pursuant to the federal Endangered Species Act, as amended; and~~

~~(b) any species of migratory birds protected under the Migratory Bird Treaty Act.~~

~~(2) Federal laws and regulations apply to threatened and endangered species and migratory birds in addition to state and local laws.~~

~~(3) Neither a federal permit nor a state certificate of registration is required to destroy the nests and eggs of resident Canada geese provided:~~

~~(a) the landowner or agent qualifies, registers and complies with all provisions of the Federal Nest and Egg Registry located at www.fws.gov/permits/mbpermits/GooseEggRegistration.html.~~

~~(b) The landowner reports to the state the date, location (including county) and number of eggs and nests destroyed, by October 1 of each year to the Wildlife Registration Coordinator.~~

~~R657-3-9. Release of Animals to the Wild -- Capture or Disposal of Escaped Wildlife.~~

~~(1) (a) Except as provided in this rule, the rules and regulations of the Wildlife Board, or Title 4, Chapter 37 of the Utah Code, a person may not release to the wild or release into any public or private waters any animal, including fish, without first obtaining authorization from the division.~~

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

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

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

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

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

~~(1) A conservation officer or any other peace officer may require any person engaged in activities regulated by this rule to exhibit:~~

~~(a) any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession;~~

~~(b) any animal; or~~

~~(c) any device, apparatus, or facility used for activities~~

~~covered by this rule.~~

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

~~R657-3-11. Certificate of Registration.~~

~~(1) (a) Except as provided in Subsection (8) a person shall obtain a certificate of registration before collecting, importing, transporting, possessing or propagating any species of animal or its parts classified as prohibited or controlled, except as otherwise provided in this rule, statute or rules and orders of the Wildlife Board.~~

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

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

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

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

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

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

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

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

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

~~(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall expire effective upon the date of the representative's discontinuation of association with that entity.~~

~~(c) Certificates of registration do not provide the holder any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer or death of the COR holder.~~

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

~~(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for periodic regulation and monitoring by the division.~~

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

~~involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.~~

~~_____ (5) (a) Upon or before the expiration date of a certificate of registration, the holder must apply for a renewal of the certificate of registration to continue the activity.~~

~~_____ (b) The division may use the criteria provided in Section R657-3-14 in determining whether to renew the certificate of registration.~~

~~_____ (c) It is unlawful for a person to possess an animal for which a certificate of registration is required if that person;~~

~~_____ (i) does not have a valid certificate of registration authorizing possession of the animal; or~~

~~_____ (ii) fails to submit a renewal application to the division prior to the expiration of an existing certificate of registration authorizing possession of the animal.~~

~~_____ (d) If a renewal application is not submitted to the division by the expiration date, live or dead animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.~~

~~_____ (e) If a renewal application is submitted to the division before the expiration date of the existing certificate of registration, continued possession of the animal under the expired certificate of registration shall remain lawful while the renewal application is pending.~~

~~_____ (6) Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 or the terms of a certificate of registration may disqualify a person from renewing an existing certificate of registration or obtaining a new certificate of registration.~~

~~_____ (7) A certificate of registration may be suspended as provided in this rule, Section 23-19-9 and Rule R657-26.~~

~~_____ (8) (a) A certificate of registration is not required to import, possess, or transfer a live marine aquatic animal classified as noncontrolled, controlled or prohibited, provided the marine aquatic animal is:~~

~~_____ (i) imported, possessed, or transferred for purposes of immediate human consumption;~~

~~_____ (ii) possessed live no longer than 30 days from the date of importation or the date of receipt, if acquired from an intrastate source;~~

~~_____ (iii) held in a tank or aquaria with an effluent that discharges into a sewage treatment system or other area that does not drain into any surface water source;~~

~~_____ (iv) never released in any water source, including sewer systems;~~

~~_____ (v) acquired from a lawful source and documentation of purchase is retained; and~~

~~_____ (vi) imported and possessed in compliance with applicable state and federal laws, including the importation requirements in R657-3-25.~~

~~_____ (b) A certificate of registration is not required to import, possess, or transfer a dead aquatic animal or its parts classified as noncontrolled, controlled or prohibited, provided it is:~~

~~_____ (i) imported, possessed, or transferred for purposes of immediate human consumption;~~
~~_____ (ii) acquired from a lawful source and documentation of purchase is retained; and~~
~~_____ (b) imported and possessed in compliance with applicable state and federal laws.~~

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

~~_____ (1) (a) Initial and renewal applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.~~

~~_____ (b) Applications may require a minimum of 45 days for review and processing from the date the application is received.~~

~~_____ (c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.~~

~~_____ (2) (a) Legal tender in the correct amount must accompany the application.~~

~~_____ (b) The certificate of registration fee includes a nonrefundable handling fee.~~

~~_____ (c) Upon request, applicable fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies if, in the opinion of the division, the activity will significantly benefit the division, wildlife, or wildlife management.~~

~~R657-3-13. Retroactive Effect on Possession.~~

~~_____ A person lawfully possessing an animal prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited. The certificate of registration shall be obtained within six months of the reclassification. If a certificate of registration is not obtained possession of the animal thereafter shall be unlawful.~~

~~R657-3-14. Issuance Criteria.~~

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

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

~~_____ (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;~~

~~_____ (c) ecological and environmental impacts;~~

~~_____ (d) the suitability of the applicant's holding facilities;~~

~~_____ (e) the experience of the applicant for the activity requested; and~~

~~_____ (f) ecological or environmental impact on other states.~~

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

~~_____ (a) the validity of the objectives and design;~~

~~_____ (b) _____ the likelihood the project will fulfill the stated objectives;~~

~~_____ (c) _____ the applicant's qualifications to conduct the research, including education or experience;~~

~~_____ (d) _____ the adequacy of the applicant's resources to conduct the study; and~~

~~_____ (e) _____ whether the scientific use is in the best interest of the animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.~~

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

~~_____ (a) _____ the objectives and structure of the educational program; and~~

~~_____ (b) _____ whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility; and~~

~~_____ (c) _____ whether the individual is in possession of the required federal permits.~~

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

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

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

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

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

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

~~_____ (6) _____ The division, in making a determination under this section, may consider any available facts or information that is relevant to the issuance or renewal of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.~~

~~_____ (7) _____ If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.~~

~~_____ (8) _____ An appeal of the denial of an application may be made as provided in Section R657-3-37.~~

~~R657-3-15. Amendment to Certificate of Registration.~~

~~_____ (1) (a) _____ If circumstances materially change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.~~

~~_____ (b) The division may amend the certificate of registration or deny the request based on the criteria for initial and renewal applications provided in Section R657-3-14, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.~~

~~_____ (c) The division may charge a fee for amending the certificate of registration.~~

~~_____ (d) An appeal of a request for an amendment may be made as provided in Section R657-3-37.~~

~~_____ (2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.~~

~~_____ (3) (a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.~~

~~_____ (b) Animals or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.~~

~~R657-3-16. Records and Reports.~~

~~_____ (1) (a) From the date of issuance or renewal of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation authorized pursuant to this rule or the certificate of registration.~~

~~_____ (b) Records must be kept current and shall include the names, phone numbers, and addresses of persons to whom any animal has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.~~

~~_____ (c) The records required under this section must be maintained for two years from the expiration date of the certificate of registration.~~

~~_____ (2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.~~

~~_____ (3) Failure to submit the appropriate records and reports may result in denial or suspension of a certificate of registration.~~

~~R657-3-17. Collection, Importation or Possession for Personal Use.~~

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

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

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

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

~~_____ (2) Notwithstanding Subsection (1), a person may import or possess any dead animal or its parts, except as provided in Section R657-3-8, for personal use without obtaining a certificate of~~

registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

~~R657-3-18. Collection, Importation or Possession of a Live Animal for a Commercial Use.~~

~~_____ (1) (a) A person may not collect or possess a live animal for a commercial use or commercial venture for financial gain, unless otherwise provided in the rules and proclamations of the Wildlife Board.~~

~~_____ (b) Use of brine shrimp for culturing ornamental aquatic animal species is not a commercial use if the brine shrimp eggs or cysts are not sold, bartered, or traded and no more than 200 pounds are collected annually.~~

~~_____ (2) (a) A person may import or possess a live animal or parts thereof classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of animals may not be sold or traded unless they originate from a captive-bred population.~~

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

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

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

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

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

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

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

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

~~_____ (c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, aquarium, aviary or film company under this Subsection is restricted to those facilities~~

that keep the prohibited species of animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition, viewing, or filming.

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

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

~~———— (1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead animal or its parts for a commercial use or commercial venture for financial gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.~~

~~———— (2) The restrictions in Subsection (1) do not apply to the following:~~

~~———— (a) the commercial use of a dead coyote, jackrabbit, muskrat, raccoon, or its parts;~~

~~———— (b) a business entity that has obtained a certificate of registration from the division to conduct nuisance wildlife control or carcass removal; and~~

~~———— (c) dead animals sold or traded for educational use.~~

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

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

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

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

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

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

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

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

~~———— (a) Penguins, family Spheniscidae, (All species);~~

~~———— (b) Megapodes (Mound-builders), family Megapodiidae (All species);~~

~~———— (c) Coturnix quail, family Phasianidae (Coturnix spp.);~~

~~———— (d) Buttonquails, family Turnicidae (All species);~~

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

~~———— (f) Pigeons and Doves, family Columbidae (All species not native~~

to North America);

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

~~— (h) Rollers, family Coraciidae (All species);~~

~~— (i) Motmots, family Momotidae (All species);~~

~~— (j) Hornbills, family Bucerotidae (All species);~~

~~— (k) Barbets, families Capitonidae and Rhamphastidae (Capitoninae) (All species not native to North America);~~

~~— (l) Toucans, families Ramphastidae and Rhamphastidae (Ramphastinae) (All species not native to North America);~~

~~— (m) Broadbills, family Eurylaimidae (All species);~~

~~— (n) Cotingas, family Cotingidae (All species);~~

~~— (o) Honeyeaters, Meliphagidae Family (All species);~~

~~— (p) Leafbirds and Fairy-bluebirds, family Irenidae (Irena spp., Chloropsis spp., and Aegithina spp.);~~

~~— (q) Babblers, family Timaliidae (All species);~~

~~— (r) White-eyes, family Zosteropidae (All species);~~

~~— (s) Sunbirds, family Nectariniidae (All species);~~

~~— (t) Sugarbirds, family Promeropidae (All species);~~

~~— (u) Weaver finches, family Ploceidae (All species);~~

~~— (v) Estrildid finches (Waxbills, Mannikins, and Munias) family Estrildidae, (Estrildidae) (Estrildinae) (All species); and~~

~~— (w) Vidua finches (Indigobirds and Whydahs) family Viduidae, Estrildidae (Viduinæ) (All species);~~

~~— (x) Finches and Canaries, family Fringillidae (All species not native to North America);~~

~~— (y) Tanagers (including Swallow-tanager), family Thraupidae (All species not native to North America); and~~

~~— (z) Icterids (Troupials, Blackbirds, Orioles, etc.), family Icteridae (All species not native to North America, except Central and South American Cowbirds).~~

~~(2) The following birds are classified as noncontrolled for collection and possession, and controlled for importation:~~

~~— (a) Cowbirds (Molothrus spp.) family Icteridae;~~

~~— (b) European Starling, family Sturnidae (Sturnus vulgaris);~~

~~— (c) House (English) Sparrow, family Passeridae (Passer domesticus); and~~

~~— (d) Domestic Pigeon (Rock Dove) (Columba livia) family Columbidae.~~

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

~~— (a) Ocellated turkey, family Phasianidae, (Meleagris ocellata).~~

~~(4) All species and subspecies of birds and their parts, including feathers, not listed in Subsection (1) through Subsection (3):~~

~~— (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;~~

~~— (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;~~

~~— (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and~~

possession.

~~_____ (d) destruction of resident Canada goose eggs and nests is allowed provided the landowner complies with R657-3-8(3).~~

~~_____ (5) Destruction of resident Canada goose eggs and nests is allowed provided the landowner complies with R657-3-8(3).~~

~~R657-3-22. Classification and Specific Rules for Crustaceans and Mollusks.~~

~~_____ (1) Crustaceans are classified as follows:~~

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

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

~~_____ (c) Crayfish, families Astacidae, Cambaridae and Parastacidae (All species except Cherax quadricarinatus) are prohibited for collection, importation and possession;~~

~~_____ (d) Pilose crayfish, (Pacifacastacus gambelii) is prohibited for collection, importation, and possession;~~

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

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

~~_____ (g) Spiny water flea, family Cercopagidae (Bythotrephes cederstroemii) is prohibited for collection, importation and possession.~~

~~_____ (h) Stygobromus utahensis, family Crangonnyctidae is prohibited for collection, importation and possession.~~

~~_____ (2) Mollusks are classified as follows:~~

~~_____ (a) Family Achatinidae (All species) is prohibited for collection, importation and possession;~~

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

~~_____ (c) Dark falsemussel, (Mytilopsis leucophaeta) family Dreissenidae is controlled for collection, importation and possession;~~

~~_____ (d) Desert mountainsnail, family Oreohelicidae (Oreohelix peripherica) is controlled for collection, importation and possession;~~

~~_____ (e) Desert springsnail, (Pyrgulopsis deserta) family Hydrobiidae is controlled for collection, importation and possession;~~

~~_____ (f) Desert valvata, (Valvata utahensis) family Valvatidae is prohibited for collection, importation and possession;~~

~~_____ (g) Eureka mountainsnail, (Oreohelix eurekaensis) family Oreohelicidae is controlled for collection, importation and possession;~~

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

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

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

~~—— (k) Floater, (Anodonta spp. All species) family Anodontidae is controlled for collection, importation and possession;~~
~~—— (l) Glossy valvata, (Valvata humeralis) family Valvatidae is controlled for collection, importation and possession;~~
~~—— (m) Kanab ambersnail, (Oxyloma kanabense) family Succineidae is prohibited for collection, importation and possession;~~
~~—— (n) Lyrate mountainsnail, (Oreohelix haydeni) family Oreohelicidae is controlled for collection, importation and possession;~~
~~—— (o) New Zealand mudsnail, (Potamopyrgus antipodarum) family Hydrobiidae is prohibited for collection, importation and possession;~~
~~—— (p) Quagga mussel, (Dreissena bugenses) family Dreissenidae is prohibited for collection, importation and possession;~~
~~—— (q) Red-rimmed melania, (Melanoides tuberculatus) family Thiariidae is prohibited for collection, importation and possession;~~
~~—— (r) Springsnails or pyrgs (Prygulopsis spp., All species) family Hydrobiidae are controlled for collection, importation and possession.~~
~~—— (s) Southern tightcoil, (Ogaridiscus subrupicola) family Zonitidae is controlled for collection, importation and possession;~~
~~—— (t) Spruce snail, (Microphysula ingersolli) family Thysanophoridae is controlled for collection, importation and possession;~~
~~—— (u) Thickshell pondsnail, (Stagnicola utahensis) family Lymnaeidae is prohibited for collection, importation and possession;~~
~~—— (v) Utah physa, (Physella utahensis) family Physidae is controlled for collection, importation and possession;~~
~~—— (w) Western pearlshell, (Margaritifera falcata) family Margaritiferidae is prohibited for collection, importation and possession;~~
~~—— (x) Wet-rock physa, (Physella zionis) family Physidae is controlled for collection, importation and possession;~~
~~—— (y) Yavapai mountainsnail, (Oreohelix yavapai) family Oreohelicidae is controlled for collection, importation and possession; and~~
~~—— (z) Zebra mussel, (Dreissena polymorpha) family Dreissenidae is prohibited for collection, importation and possession.~~
~~—— (3) All native species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as controlled for collection, importation and possession.~~
~~—— (4) All nonnative species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as prohibited for collection, importation and possession.~~

~~R657-3-23. Classification and Specific Rules for Fish.~~

~~—— (1) All species of fish listed in Subsections (2) through (30) are classified as prohibited for collection, importation and possession, except:~~
~~—— (a) Koi, (Cyprinus carpio) family Cyprinidae is prohibited for collection, and noncontrolled for importation and possession;~~
~~—— (b) all species and subspecies of ornamental aquatic animal species not listed in Subsections (2) through (30) are classified~~

~~as prohibited for collection, and noncontrolled for importation and possession; and~~

~~(c) all native and nonnative species and subspecies of fish that are not ornamental aquatic animal species and not listed in Subsections (2) through (30) are classified as prohibited for collection, and controlled for importation and possession.~~

~~(2) Carp, including hybrids, family Cyprinidae (All species, except Koi).~~

~~(3) Catfish:~~

~~(a) Blue catfish, (*Ictalurus furcatus*) family Ictaluridae;~~

~~(b) Flathead catfish, (*Pylodictus olivaris*) family Ictaluridae;~~

~~(c) Giant walking catfish (airsac), family Heteropneustidae (All species);~~

~~(d) Labyrinth catfish (walking), family Clariidae (All species); and~~

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

~~(4) Herring:~~

~~(a) Alewife, (*Alosa pseudoharengus*) family Clupeidae; and~~

~~(b) Gizzard shad, (*Dorosoma cepedianum*) family Clupeidae.~~

~~(5) Killifish, family Fundulidae (All species).~~

~~(6) Pike killifish, (*Belonesox belizanus*) family Poeciliidae.~~

~~(7) Minnows:~~

~~(a) Bonytail, (*Gila elegans*) family Cyprinidae;~~

~~(b) Colorado pikeminnow, (*Ptychocheilus lucius*) family Cyprinidae;~~

~~(c) Creek chub, (*Semotilus atromaculatus*) family Cyprinidae;~~

~~(d) Emerald shiner, (*Notropis atherinoides*) family Cyprinidae;~~

~~(e) Humpback chub, (*Gila cypha*) family Cyprinidae;~~

~~(f) Least chub, (*Iotichthys phlegethontis*) family Cyprinidae;~~

~~(g) Northern leatherside chub, (*Lepidomeda copei*) family Cyprinidae;~~

~~(h) Red shiner, (*Cyprinella lutrensis*) family Cyprinidae;~~

~~(i) Redside shiner, (*Richardsonius balteatus*) family Cyprinidae;~~

~~(j) Roundtail chub, (*Gila robusta*) family Cyprinidae;~~

~~(k) Sand shiner, (*Notropis stramineus*) family Cyprinidae;~~

~~(l) Southern leatherside chub, (*Lepidomeda aliciae*) family Cyprinidae;~~

~~(m) Utah chub, (*Gila atraria*) family Cyprinidae;~~

~~(n) Virgin River chub, (*Gila seminuda*) family Cyprinidae; and~~

~~(o) Virgin spinedace, Cyprinidae Family (*Lepidomeda mollispinis*).~~

~~(p) Woundfin, (*Plagopterus argentissimus*) family Cyprinidae.~~

~~(8) Burbot, (*Lota lota*) family Lotidae.~~

~~(9) Suckers:~~

~~(a) Bluehead sucker, (*Catostomus discobolus*) family Catostomidae;~~

~~(b) Desert sucker, (*Catostomus clarki*) family Catostomidae;~~

~~(c) Flannelmouth sucker, (*Catostomus latipinnis*) family Catostomidae;~~

~~(d) June sucker, (*Chasmistes liorus*) family Catostomidae;~~

~~(e) Razorback sucker, (*Xyrauchen texanus*) family Catostomidae;~~

- ~~—— (f) Utah sucker, (Catostomus ardens) family Catostomidae; and~~
- ~~—— (g) White sucker, (Catostomus commersoni) family Catostomidae.~~
- ~~—— (10) White perch, (Morone americana) family Moronidae.~~
- ~~—— (11) Cutthroat trout, (Oncorhynchus clarki) (All subspecies) family Salmonidae.~~
- ~~—— (12) Bowfin, (All species) family Amiidae.~~
- ~~—— (13) Bull shark, (Carcharhinus leucas) family Carcharhinidae.~~
- ~~—— (14) Drum (All freshwater species), family Sciaenidae.~~
- ~~—— (15) Gar, (All species) family Lepidosteidae~~
- ~~—— (16) Jaguar guapote, (Cichlasoma managuense) family Cichlidae.~~
- ~~—— (17) Lamprey, (All species) family Petromyzontidae.~~
- ~~—— (18) Mexican tetra, (Astyanax mexicanus, except blind form) family Characidae.~~
- ~~—— (19) Mooneye, (All species) family Hiodontidae.~~
- ~~—— (20) Nile perch, (Lates, luciolates) (All species) family Centropomidae.~~
- ~~—— (21) Northern pike, (Esox lucius) family Esocidae.~~
- ~~—— (22) Piranha, (Serrasalmus, All species) family Characidae.~~
- ~~—— (23) Round goby, (Neogobius melanostomus) family Gobiidae.~~
- ~~—— (24) Ruffe, (Gymnocephalus cernuus) family Percidae.~~
- ~~—— (25) Snakehead, (All species) family Channidae.~~
- ~~—— (26) Stickleback, (All species) family Gasterosteidae.~~
- ~~—— (27) Stingray (All freshwater species) family Dasyatidae.~~
- ~~—— (28) Swamp eel, (All species) family Synbranchidae.~~
- ~~—— (29) Tiger fish or guavinus, (Hoplias malabaricus) family Erythrinidae.~~
- ~~—— (30) Tilapia, (Tilapia and Sarotherodon) (All species) family Cichlidae.~~

~~R657-3-24. Classification and Specific Rules for Mammals.~~

- ~~—— (1) Mammals are classified as follows:~~
- ~~—— (a) Monotremes (platypus and spiny anteaters), (All species) families Ornithorhynchidae and Tachyglossidae are prohibited for collection, and controlled for importation and possession;~~
- ~~—— (b) Marsupials are classified as follows:~~
- ~~—— (i) Virginia opossum, (Didelphis virginiana) family Didelphidae is noncontrolled for collection, prohibited for importation and controlled for possession;~~
- ~~—— (ii) Wallabies, wallaroos and kangaroos, (All species) family Macropodidae are prohibited for collection, importation and possession;~~
- ~~—— (c) Bats and flying foxes (All families, All species) (order Chiroptera), are prohibited for collection, importation and possession;~~
- ~~—— (d) Insectivores (all groups, All species) are controlled for collection, importation and possession;~~
- ~~—— (e) Hedgehogs (Erinaceidae) except white bellied hedgehogs are controlled for collection, importation and possession;~~
- ~~—— (f) Shrews, (Sorex spp. and Notisorex spp.) family Soricidae are controlled for collection, importation and possession;~~
- ~~—— (g) Anteaters, sloths and armadillos (All families, All species) (order Xenartha), are prohibited for collection, and controlled for importation and possession;~~
- ~~—— (h) Aardvark (Orycteropus afer) family Orycteropodidae is~~

~~prohibited for collection, and controlled for importation and possession;~~

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

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

~~(k) Lagomorphs (rabbits, hares and pikas) are classified as follows:~~

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

~~(ii) Cottontails, (Sylvilagus spp.) family Leporidae are prohibited for collection, and controlled for importation and possession;~~

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

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

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

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

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

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

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

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

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

~~(v) Voles (All genera and species), family Muridae, subfamily Microtinae are controlled for collection, importation and possession;~~

~~(vi) Western harvest mouse, (Reithrodontomys megalotis) family Muridae is controlled for collection, importation and possession;~~

~~(vii) Woodrats, (Neotoma spp.) family Muridae are controlled for collection, importation and possession;~~

~~(viii) Nutria or coypu, (Myocastor coypus) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;~~

~~(ix) Pocket gophers (All species, except the Idaho pocket gopher (Thomomys idahoensis)) family Geomyidae are noncontrolled for collection, and controlled for importation and possession;~~

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

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

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

~~—— (xiii) Abert's squirrel, (Sciurus aberti) family Sciuridae is prohibited for collection, importation and possession;~~

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

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

~~—— (xvi) Utah prairie dog, (Cynomys parvidens) family Sciuridae is controlled for lethal take, and prohibited for live collection, importation and possession;~~

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

~~—— (xviii) Chipmunks, All species except yellow-pine chipmunk (Neotamias amoenus) family Sciuridae are noncontrolled for collection, and controlled for importation and possession;~~

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

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

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

~~—— (xxii) Fox squirrel or eastern fox squirrel (Sciurus niger) family Sciuridae is prohibited for collection, importation, and possession;~~

~~—— (xxiii) Ground squirrel and rock squirrel, and antelope squirrels (All species, All genera), family Sciuridae are controlled for collection, importation and possession, except nuisance squirrels which are noncontrolled for collection;~~

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

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

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

~~—— (xxvii) Porcupine, (Erethizon dorsatum) family Erethizontidae is controlled for collection, importation and possession;~~

~~—— (xxviii) Degus and other South American rodents, family Octodontidae (All species) are prohibited for collection, importation and possession;~~

~~—— (xxvix) Dormice, families Gliridae and Selevinidae (All species) are prohibited for collection, importation and possession;~~

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

~~—— (xxxii) Jirds, (Meriones spp.) family Muridae are prohibited for collection, importation and possession;~~

~~—— (xxxiii) Mice, (All species of Mus) family Muridae, except Mus musculus are prohibited for collection, importation and possession;~~

~~—— (xxxiiii) Spiny mice, (Acomys spp.) family Muridae are prohibited for collection, importation and possession;~~

~~—— (xxxiv) Hyraxes (All species) family Procaviidae are prohibited for collection, and controlled for importation and possession;~~

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

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

~~—— (i) American bison or "buffalo" wild and free ranging, (Bos bison) family Bovidae is prohibited for collection, importation and possession;~~

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

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

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

~~—— (v) Caribou, captive-bred, (Rangifer tarandus) family Cervidae is prohibited for collection, and controlled for importation and possession;~~

~~—— (vi) Elk or red deer (Cervus elaphus), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;~~

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

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

~~—— (ix) Moose, (Alces alces) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (x) Mule deer, (Odocoileus hemionus) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xi) White-tailed deer (Odocoileus virginianus), family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xii) Rusa deer, (Cervus timorensis) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xiii) Sambar deer, (Cervus unicolor) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xiv) Sika deer, (Cervus nippon) family Cervidae is prohibited for collection, importation and possession;~~

~~—— (xv) Muskox, (Ovibos moschatus), wild and free ranging, family Bovidae is prohibited for collection, importation and possession;~~

~~—— (xvi) Muskox, (Ovibos moschatus), captive-bred, family Bovidae is prohibited for collection, and controlled for importation and possession;~~

~~—— (xvii) Pronghorn, (Antilocapra americana) family Antilocapridae is prohibited for collection, importation and possession;~~

~~—— (xviii) Barbary sheep or aoudad, (Ammotragus lervia) family Bovidae is prohibited for collection, importation and possession;~~

~~—— (xix) Bighorn sheep (Ovis canadensis) (including hybrids) family Bovidae are prohibited for collection, importation and possession;~~

~~—— (xx) Dall's and Stone's sheep (Ovis dalli) (including hybrids) family Bovidae are prohibited for collection, importation and possession;~~

~~—— (xxi) Exotic wild sheep (including mouflon, Ovis musimon; Asiatic or red sheep, Ovis orientalis; urial, Ovis vignei; argali, Ovis~~

~~ammon; and snow sheep, *Ovis nivicola*), including hybrids, family Bovidae are prohibited for collection, importation and possession;~~

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

~~(xxiii) Ibex, (*Capra ibex*) family Bovidae is prohibited for collection, importation and possession;~~

~~(xxiv) Wild boar or pig (*Sus scrofa*), including hybrids, are prohibited for collection, importation and possession;~~

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

~~(i) Bears, (All species) family Ursidae are prohibited for collection, importation and possession;~~

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

~~(iii) Fennec, (*Vulpes zerda*) family Canidae is prohibited for collection, importation and possession;~~

~~(iv) Gray fox, (*Urocyon cinereoargenteus*) family Canidae is prohibited for collection, importation and possession;~~

~~(v) Kit fox, (*Vulpes macrotis*) family Canidae is prohibited for collection, importation and possession;~~

~~(vi) Red fox, (*Vulpes vulpes*) family Canidae, as applied to animals in the wild or taken from the wild, is noncontrolled for lethal take and prohibited for live collection, possession, or importation;~~

~~(vii) Gray wolf, (*Canis lupus*) except hybrids with domestic dogs, family Canidae is prohibited for collection, importation and possession;~~

~~(viii) Wild Cats (All species, including hybrids) family Felidae are prohibited for collection, importation, and possession;~~

~~(ix) Bobcat, (*Lynx rufus*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;~~

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

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

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

~~(xiii) Eurasian lynx, (*Lynx lynx*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;~~

~~(xiv) American badger, (*Taxidea taxus*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xv) Black-footed ferret, (*Mustela nigripes*) family Mustelidae is prohibited for collection, importation or possession;~~

~~(xvi) Ermine, stout, or short-tailed weasel, (*Mustela erminea*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xvii) Long-tailed weasel (*Mustela frenata*) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xviii) American marten, (*Martes americana*) wild and free ranging, family Mustelidae is prohibited for collection, importation and possession;~~

~~(xix) American marten, (*Martes americana*) captive-bred, family Mustelidae is prohibited for collection, controlled for importation~~

and possession;

~~(xx) American mink, (Neovison vison) except domestic forms, family Mustelidae is prohibited for collection, importation and possession;~~

~~(xxi) Northern river otter, (Lontra canadensis) family Mustelidae is prohibited for collection, importation and possession;~~

~~(xxii) Striped skunk, (Mephitis mephitis) family Mephitidae is prohibited for collection, importation, and possession, except nuisance skunks, which are noncontrolled for collection;~~

~~(xxiii) Western spotted skunk, (Spilogale gracilis) family Mephitidae is prohibited for collection, importation, and possession;~~

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

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

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

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

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

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

~~(p) Primates are classified as follows:~~

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

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

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

~~(iv) Aye aye, (Daubentonia madagascensis) family Daubentonidae is prohibited for collection, importation and possession;~~

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

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

~~(vii) New World monkeys, (All species) family Cebidae are prohibited for collection, importation and possession;~~

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

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

~~(x) Great apes (All species), which include gorillas, chimpanzees and orangutans, family Hominidae are prohibited for collection, importation and possession;~~

~~(xi) Lesser apes (Siamang and gibbons, All species), family Hylobatidae are prohibited for collection, importation and possession;~~

~~(2) All species and subspecies of mammals and their parts, not~~

~~listed in Subsection (1):~~

~~— (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;~~

~~— (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;~~

~~— (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.~~

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

~~— (1) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any live animal may be imported into Utah.~~

~~— (2) (a) All live aquatic animals, including marine aquatic animals, imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:~~

~~— (i) common or scientific names of the aquatic animals;~~

~~— (ii) name and address of the consignor and consignee;~~

~~— (iii) origin of shipment;~~

~~— (iv) final destination;~~

~~— (v) number of aquatic animals shipped; and~~

~~— (vi) certificate of veterinary inspection, Utah entry permit number issued by the Utah Department of Agriculture and Food, and any other health certifications.~~

~~— (b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, Aquaculture Act and the rules promulgated there under.~~

~~— (3) Subsection (2) (a) does not apply to dead fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.~~

~~R657-3-26. Transporting Live Animals Through Utah.~~

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

~~— (a) the animal remains in Utah no more than 72 hours; and~~

~~— (b) the animal is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah; and~~

~~— (c) the animal is a raptor used for falconry purposes in compliance with the requirements in R657-20.~~

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

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

~~— (4) None of the provisions in this section will be construed to supersede R657-20-14 and R657-20-30.~~

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

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

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

~~R657-3-28. Transfer of Possession.~~

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

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

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

~~—— (4) A certificate of registration does not provide the holder any rights of succession.~~

~~R657-3-29. Propagation.~~

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

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

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

~~R657-3-30. Propagation of Raptors.~~

~~—— (1) A person may propagate raptors only as provided in this section, R657-20-30, and 50 CFR 21.30, 2011 which are incorporated herein by reference. All applicants for captive breeding permits must become familiar with this rule and other applicable state and federal regulations.~~

~~—— (2) A person must apply for a federal raptor propagation permit and a certificate of registration from the division to propagate raptors.~~

~~—— (3) If the applicant requests authority to use raptors taken from the wild, the division's avian program coordinator must determine the following:~~

~~—— (a) whether issuance of the permit would have significant effect on any wild population of raptors;~~

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

~~—— (c) whether suitable captive stock is available; and~~

~~—— (d) whether wild stock is needed to enhance the genetic~~

~~variability of captive stock; and~~

~~_____ (c) whether a federal permit to use a wild caught raptor for propagation has been issued.~~

~~_____ (4) Raptors may not be taken from the wild for captive breeding, except as provided in Subsection (3) and R657-20-30.~~

~~_____ (5) A person must obtain authorization from the division before importing raptors or raptor semen into Utah. The authorization shall be noted on the certificate of registration.~~

~~_____ (6) A person may sell a captive-bred raptor properly marked with a band approved by the U.S. Fish and Wildlife Service or issued by the U.S. Fish and Wildlife Service to a resident raptor breeder or falconer who has a valid Utah falconry certificate of registration or to a nonresident state and federally licensed apprentice, general or master class falconer or raptor breeder.~~

~~_____ (7) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.~~

~~_____ (8) A raptor imported into Utah is required to have:~~

~~_____ (a) a certificate of veterinary inspection from the state, tribe, country or territory of origin; and~~

~~_____ (b) an import authorization number issued through the Utah Department of Agriculture and Food.~~

~~_____ (9) A permittee may use raptors held in possession for propagation in the sport of falconry only if such use is designated on both the permittee's propagation permit and the falconry certificate of registration.~~

~~_____ (a) Formal approval from the division is required to transfer a raptor from a falconry certificate of registration to propagation use that exceeds 8 months in duration.~~

~~_____ (b) A licensed raptor propagator may temporarily possess and use a falconry raptor for propagation without division approval, provided the propagator possesses;~~

~~_____ (i) a signed and dated statement from the falconer authorizing the temporary possession; and~~

~~_____ (ii) a copy of the falconer's original FWS Form 3-186A for that raptor.~~

~~_____ (10) Raptors considered unsuitable for release to the wild from rehabilitation projects, and certified as not releasable by the rehabilitator and a licensed veterinarian, may be placed with a licensed propagator upon written request to the division from the licensed propagator that is endorsed by the rehabilitator and in concurrence with the U.S. Fish and Wildlife Service.~~

~~_____ (11) A copy of the propagator's annual report of activities required by the U.S. Fish and Wildlife Service must be sent to the division as specified on the certificate of registration.~~

~~_____ (12) None of the provisions in this section will be construed to supersede R657-20-30.~~

R657-3-31. Propagation of Bobcat, Lynx, and Marten.

~~_____ (1) (a) A person may propagate captive-bred bobcat, lynx (Canada and/or Eurasian), or American marten only after obtaining a certificate of registration from the division.~~

~~_____ (b) The certificate of registration must be renewed annually.~~

~~_____ (c) Renewal of a certificate of registration will be subject~~

~~to submission of a report indicating:~~

~~—— (i) the number of progeny produced;~~

~~—— (ii) the animal's disposition; and~~

~~—— (iii) a certificate of inspection by a licensed veterinarian verifying that the animals are maintained under healthy and nutritionally adequate conditions.~~

~~—— (2) (a) Any person engaged in propagation must keep at least one male and one female in possession.~~

~~—— (b) Live bobcat, lynx, and American marten may not be obtained from the wild for use in propagation.~~

~~—— (c) Bobcat, lynx, and American marten held for propagation shall not be maintained as pets and shall not be declawed or defanged.~~

~~—— (3) The progeny and descendants of any bobcat, lynx, or American marten may be pelted or sold.~~

~~—— (4) (a) If any bobcat, lynx, or American marten is sold live to a person residing in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.~~

~~—— (b) The offense of selling or transferring a live bobcat, lynx, or American marten to a person who has not obtained a certificate of registration shall be punishable against both the transferor and the transferee.~~

~~—— (5) (a) Each pelt must have attached to it a permanent possession tag before being sold, bartered, traded, or transferred to another person.~~

~~—— (b) Permanent possession tags may be obtained at any regional division office and shall be affixed to the pelt by a division employee.~~

~~—— (6) The progeny of bobcat, lynx, or American marten may not be released to the wild.~~

~~—— (7) Nothing in this section shall be construed to allow a person holding a certificate of registration for propagation to use or possess a bobcat, lynx, or American marten for any purpose other than propagation without express authorization on the certificate of registration.~~

~~R657-3-32. Propagation of Caribou, Fallow Deer, Musk-ox, and Reindeer.~~

~~—— (1) (a) A person may propagate captive-bred caribou, fallow deer, musk-ox, or reindeer only after obtaining a certificate of registration from the division.~~

~~—— (b) The certificate of registration must be renewed annually.~~

~~—— (c) Renewal of a certificate of registration will be subject to submission of a report indicating;~~

~~—— (i) the disposition of each animal held in possession during the year; and~~

~~—— (ii) a certificate of inspection by a licensed veterinarian verifying that the animals are maintained under healthy and nutritionally adequate conditions.~~

~~—— (2) (a) If any live caribou, fallow deer, musk-ox, or reindeer is sold, traded, or given to another person as a gift in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.~~

~~—— (b) The offense of selling or transferring a live caribou, fallow deer, musk-ox, or reindeer to a person who has not obtained~~

~~a certificate of registration shall be punishable against both the transferor and the transferee.~~

~~(3) If, at any time, the division determines that the possession or propagation of caribou, fallow deer, musk-ox, or reindeer has a significantly detrimental effect to the health of any population of wildlife, the division may:~~

~~(a) terminate the authorization for propagation; and~~

~~(b) require the removal or destruction of the animals at the owner's expense.~~

~~R657-3-33. Violations.~~

~~(1) Any violation of this rule shall be punishable as provided in Section 23-13-11.~~

~~(2) Nothing in this rule shall be construed to supersede any provision of Title 23, of Utah Code which establishes a penalty greater than an infraction. Any provision of this rule which overlaps a provision of Title 23 is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.~~

~~R657-3-34. Division Responsibilities.~~

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

~~(a) reviewing:~~

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

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

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

~~(2) The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.~~

~~R657-3-35. Request for Species Reclassification.~~

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

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

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

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

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

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

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

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

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

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

~~(4) (a) The division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation~~

~~to the Wildlife Board.~~

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

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

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

~~(ii) any information provided by the applicant or other interested parties.~~

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

~~(6) A change in species classification shall be made in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act.~~

~~R657-3-36. Request for Variance.~~

~~(1) A person may request a variance to this rule for the collection, importation, propagation, or possession of an animal classified as prohibited under this rule by submitting a variance request to the division.~~

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

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

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

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

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

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

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

~~(a) consider the division recommendation; and~~

~~(b) any information provided by the person making the request.~~

~~(5) (a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-3-14.~~

~~(b) If the request applies to a broad class of persons and not to the unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.~~

~~(6) (a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.~~

~~(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.~~

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

~~(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request consistent with~~

~~R657-2.~~

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

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

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

~~Notice of Continuation: February 3, 2023~~

~~Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14; 63C-7-101 et seq.~~