

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

~~R657-22. Commercial Hunting Areas.~~

~~R657-22-1. Purpose and Authority.~~

~~Under authority of Section 23-17-6, this rule provides the procedures and requirements for establishing, maintaining, and operating a CHA.~~

~~R657-22-2. Definitions.~~

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

~~(2) In addition:~~

~~(a) "CHA" means Commercial Hunting Area.~~

~~(b) "Commercial hunting area" means a parcel of land where pen-raised or propagated game birds are released for the purpose of allowing hunters to take them for a fee.~~

~~(c) "Game bird" means, for the purpose of this rule only, all species or sub-species of partridge, pheasant, and quail authorized for release on a CHA.~~

~~(d) "Operator" means a person, group, or business entity, including their agents, employees and contractors, that manages, owns, administers, or oversees the activities and operations of a CHA. Operator further includes any person, group or business entity that employs or contracts another to serve or act as an operator.~~

~~R657-22-3. Application for a Certificate of Registration.~~

~~(1)(a) A certificate of registration is required before any person may operate a CHA.~~

~~(b) An application for a CHA certificate of registration must be completed and returned to the regional office where the proposed CHA is located.~~

~~(2)(a) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~

~~(b) Discovery of property after issuance of the CHA certificate of registration, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~

~~(3)(a) The application must be accompanied by:~~

~~(i) Detailed maps depicting boundaries, game bird holding facilities and ownership of all parcels within the CHA; and~~

~~(ii) Large scale maps depicting the location of the CHA relative to the nearest city or town;~~

~~(iii) evidence of ownership of the property, such as a copy of a title, deed, or tax notice that provides evidence the applicant is the owner of the property described; or~~

~~(iv) a lease agreement for the period of the CHA certificate of registration, listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;~~

~~(v) the address of any propagation or game bird holding facility not located on the CHA property; and~~

~~(vi) the annual CHA certificate of registration fee for the first year of operation.~~

~~(4) The division may return any application that is incomplete, completed incorrectly, or that is not accompanied by the information required in Subsection (3).~~

- ~~—— (5)(a) Review and processing of the application may require up to 60 days.~~
- ~~—— (b) More time may be required to process an application if the applicant requests authorization from the Wildlife Board for a variance to this rule.~~
- ~~—— (6) Applications are not accepted for a CHA that is within 1/4 mile of any existing state wildlife or waterfowl management area without requesting a variance from the Wildlife Board.~~
- ~~—— (7) The division may deny any application or impose provisions on the CHA certificate of registration that are more restrictive than this rule in the interest of wildlife or wildlife habitat.~~
- ~~—— (8) Commercial Hunting Area certificates of registration are effective from the date issued through June 30 of the third consecutive year.~~
- ~~—— (9) The annual CHA certificate of registration fee for the second and third years of operation must be submitted when invoiced.~~
- ~~—— (10) Rights granted by a CHA certificate of registration are not transferable or assignable.~~

~~R657-22-4. Renewal of Certificate of Registration.~~

- ~~—— (1) A certificate of registration may be renewed by completing a renewal application and paying a CHA certificate of registration renewal fee.~~
- ~~—— (2)(a) Renewal applications must be completed and submitted to the division regional office in which the CHA is located by May 1 immediately prior to the June 30 expiration date identified on the current CHA certificate of registration.~~
- ~~—— (b) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~
- ~~—— (c) Discovery of property during the CHA certificate of registration period, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~
- ~~—— (3)(a) The renewal application must be accompanied by:~~
 - ~~—— (i) a lease agreement extending through the period of the CHA certificate of registration being applied for listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;~~
 - ~~—— (ii) an annual report as provided in Subsection R657-22-6(2); and~~
 - ~~—— (iii) Detailed maps depicting boundaries, game bird holding facilities and ownership of all parcels within the CHA; and~~
 - ~~—— (iv) Large scale maps depicting the location of the CHA relative to the nearest city or town;~~

~~R657-22-5. Conditions for Approval Initial and Renewal Applications.~~

- ~~—— (1) Initial and renewal applications may be denied by the division if the applicant or operator, or any of its agents or employees:~~
 - ~~—— (a) violated any provision of this rule, the Wildlife Resources Code, a CHA certificate of registration, or the CHA application;~~
 - ~~—— (b) obtained or attempted to obtain a CHA certificate of registration by fraud, deceit, falsification, or misrepresentation;~~

~~_____ (c) is employed, contracted through writing or verbal agreement, assigned, or requested to apply and act as the operator by a person, group, or business entity that will directly or indirectly benefit from the CHA, but would otherwise be ineligible under this rule or by virtue of suspension under Section 23-19-9 to operate a CHA if they applied directly as the operator; or~~

~~_____ (d) engaged in conduct that results in the conviction of, a plea of no contest to, a plea held in abeyance, or a diversion agreement to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a CHA operator bears a reasonable relationship to the operator's or applicant's ability to safely and responsibly operate a CHA.~~

~~_____ (2) Initial and renewal applications may be denied by the division if CHA operations may present unacceptable risk to wildlife populations.~~

~~_____ (3) If an application is denied, the division shall state the reasons in writing within 30 days of denial.~~

R657-22-6. Records and Reports.

~~_____ (1) The operator of a CHA shall maintain complete and accurate records of:~~

~~_____ (a) the number, species, and source of any game birds purchased or propagated;~~

~~_____ (b) health certificates for all game birds purchased from outside the state of Utah;~~

~~_____ (c) the number, species and season the game birds are released; and~~

~~_____ (d) the number, species and season of game birds taken within the CHA boundary, including wild game birds~~

~~_____ (e) the number, species and date of unusual mortality events due to sickness, disease, diet or unknown cause; and~~

~~_____ (f) copies of the bill of sale issued to hunters and any other person who purchases game birds.~~

~~_____ (2) Each operator must submit an annual report on a form provided by the division within 30 days of the close of the season or at the time of renewal, including:~~

~~_____ (a) the number of game birds by species that were released and the total number of game birds taken by hunters or sold;~~

~~_____ (b) the date, source, and number of the game birds purchased; and~~

~~_____ (c) the number of game birds by species held in possession for carryover breeding stock at the close of the season.~~

~~_____ (3) All records must be maintained on the hunting premises or the principal place of business for three years and must be available for inspection by the division.~~

~~_____ (4) Falsifying or fabricating any record or report is prohibited and may result in forfeiture of CHA opportunities.~~

~~_____ (5) The operator of a CHA shall notify the Division of any large mortality events due to sickness, disease, diet or unknown cause within 72 hours of the event.~~

R657-22-7. Boundary Marking.

~~_____ (1) The CHA area must be posted:~~

~~_____ (a) at least every 300 yards along the outer boundary of all hunted areas; and~~

~~_____ (b) on all corners, streams, rivers, drainage divides, roads, gates, trails, rights-of-way, dikes, canals, and ditches crossing the boundary lines.~~

~~_____ (2) Each sign used to post the property must be at least 8-1/2 by 11 inches and~~

must clearly state:

- ~~_____ (a) the name of the CHA as designated on the CHA certificate of registration;~~
- ~~_____ (b) the words "No Trespassing"; and~~
- ~~_____ (c) wording indicating the sign is located on the CHA boundary.~~
- ~~_____ (3)(a) If the CHA operator fails to renew a CHA certificate of registration or a renewal application is denied, all signs shall be immediately removed.~~
- ~~_____ (b) The division may remove and dispose of any signs that are not removed within 30 days after the termination of the CHA certificate of registration.~~
- ~~_____ (4) Commercial hunting area activities may only be conducted on property properly posted and specifically authorized in the CHA certificate of registration.~~
- ~~_____ (5) Commercial hunting area operators may not post or otherwise restrict public access on public roads, right-of-ways, or easements within the CHA.~~

~~R657-22-8. Acreage Requirements.~~

- ~~_____ (1)(a) The minimum acreage accepted for a CHA is 160 acres in a single contiguous tract.~~
- ~~_____ (b) Disjunct areas may be included under a single CHA COR if each area is 160 acres or larger and all areas can be contained within an circular area 10 miles in diameter.~~
- ~~_____ (b) The maximum acreage accepted for a CHA is 5,760 acres.~~
- ~~_____ (2) A CHA may not be established closer than 1/4 mile of a wildlife management area, waterfowl management area, or migratory bird refuge unless otherwise allowed by a variance of the Wildlife Board.~~

~~R657-22-9. Bill of Sale Required.~~

- ~~_____ (1) The operator of a CHA shall issue a bill of sale to each person who has taken a game bird from the CHA.~~
- ~~_____ (2) The bill of sale shall be issued prior to the transportation of any bird from the CHA.~~
- ~~_____ (3) The bill of sale must include:~~
 - ~~_____ (a) the person's name;~~
 - ~~_____ (b) the date the game birds were taken or purchased;~~
 - ~~_____ (c) the species, number of game birds, and sex of the game birds; and~~
 - ~~_____ (d) the name of the CHA where the game birds were taken or purchased.~~

~~R657-22-10. Importation.~~

- ~~_____ (1) A CHA certificate of registration allows the importation of live game birds provided the operator first obtains a valid certificate of veterinary inspection covering each imported game bird, and further receives an import permit from the Utah Department of Agriculture and Food consistent with the requirements of Rule R58-1.~~
- ~~_____ (2) The health certificate must contain an entry permit number from the Department of Agriculture as provided in Section R58-1-4.~~

~~R657-22-11. Disease Protocol.~~

- ~~_____ (1) The division may:~~
 - ~~_____ (a) investigate any reported disease and take any necessary action to control a~~

~~contagious or infectious disease affecting domestic animals, wildlife, or public health; or~~

~~— (b) order a veterinarian or certified pathologist's report of a suspected disease at the operator's expense, and may order quarantine, immunization, testing, or other sanitary measures.~~

~~— (2)(a) The division may order the destruction and disposal of any game bird found to have an untreatable disease which poses a potential threat or health risk to domestic poultry, humans, or wildlife, as determined by the division, the Department of Agriculture, or the Department of Health.~~

~~— (b) Actions taken pursuant to Subsection (a) shall be:~~

~~— (i) at the operator's expense; and~~

~~— (ii) accomplished by following procedures acceptable to the division that ensure the disease is not transmitted to wildlife, domestic animals, or humans.~~

~~— (3)(a) Commercial hunting area operators must take reasonable precautions to prevent and control the spread of infectious diseases among pen-raised game birds under their control including the requirements as provided in Subsection (b) and Section R657-22-10.~~

~~— (b) Commercial hunting area operators must obtain a statement from a veterinarian before release that the birds have tested negative for Mycoplasma gallisepticum, Mycoplasma synoviae, Avian Influenza virus and Salmonella pullorum or come from a source flock that participates in the National Poultry Improvement Plan (NPIP).~~

~~— (c) Commercial hunting area operators who have a current CHA certificate of registration must comply with the requirement in Subsection (b) within six months from the effective date of this rule.~~

R657-22-12. Authorized Species.

~~— The only game birds that may be released or propagated under the authority of a CHA certificate of registration are species or subspecies of partridge, pheasant, or quail specifically authorized on a certificate of registration.~~

R657-22-13. Inspection of Game Birds, Premises, and Records.

~~— (1)(a) Certificates of registration are issued upon the express condition that the operator agrees to permit the division and public health and safety officials to enter and inspect the premises, facilities, and all required records and health certificates to ensure the CHA is in compliance with this rule and other applicable laws.~~

~~— (b) Commercial hunting area operators must allow the division and public health and safety officials reasonable access to conduct the inspections authorized in Subsection (1)(a).~~

~~— (2) Inspections shall be made during reasonable hours.~~

R657-22-14. Restrictions on Release and Harvest.

~~— (1)(a) Except as provided in Subsection R657-22-16(2)(e), game birds raised or held in possession under this rule may be released only on the CHA property.~~

~~— (b) Each game bird released must be healthy, capable of flight, free of disease and suitable for human consumption.~~

~~— (c) A person may not retard or restrict a game bird's ability to fly or run during~~

~~hunting activities in any manner other than dizzying or tucking heads under wings before release.~~

~~_____ (2) A minimum of 100 game birds of each authorized species, shall be released on the CHA during the current operating year.~~

~~_____ (3)(a) Operators may not allow the harvest of more than 85% of each species released, except as provided in Subsection (b).~~

~~_____ (b) There is no limit to the percentage of game birds that may be harvested that are not, in the opinion of the division, established as a wild population in the vicinity of the CHA. Any variance to Subsection (a) shall be indicated on the CHA certificate of registration.~~

~~_____ (4) Only those game birds obtained from the following sources may be released or held in possession on a CHA:~~

~~_____ (a) an aviculturist, certified as provided in Rule R657-4;~~

~~_____ (b) a CHA, certified under this rule; or~~

~~_____ (c) a source located outside of Utah provided the game birds are imported as provided in Rule R58-1.~~

~~_____ (5) Protected wildlife not authorized for release on the CHA may be hunted only during their respective seasons as provided in the rules and proclamations of the Wildlife Board.~~

~~R657-22-15. Recapture.~~

~~_____ (1)(a) Trapping game birds alive or retrapping game birds that have been released is permitted only:~~

~~_____ (i) within the CHA area boundaries;~~

~~_____ (ii) from September 1 through April 2; and~~

~~_____ (iii) for wild species listed on the CHA certificate of registration as not established in the area.~~

~~_____ (b) Any game bird that escapes from the CHA becomes the property of the state of Utah and may not be recaptured.~~

~~_____ (2) Any game bird trapped alive may not be recounted or added to the total number of birds released when computing the number which may be taken as provided in Subsection R657-22-14(3).~~

~~R657-22-16. Propagation.~~

~~_____ (1) The CHA certificate of registration allows the propagation of those species of game birds held in possession as indicated on the CHA certificate of registration.~~

~~_____ (2) Any game birds held in possession under this rule must be released on the CHA or may be sold:~~

~~_____ (a) to a private wildlife farm, certified as provided in Rule R657-4;~~

~~_____ (b) a CHA, certified under this rule;~~

~~_____ (c) to a person located outside of Utah;~~

~~_____ (d) to a person for consumption; or~~

~~_____ (e) for use in training dogs or the sport of falconry as provided in Rule R657-46.~~

~~_____ (3) Authorization for the possession of live game birds for any primary purpose other than being released to allow hunters to take them for a fee may be obtained under the provisions of Rule R657-4 or Rule R657-46.~~

~~R657-22-17. Season Dates.~~

- ~~_____ (1) Hunting on CHA areas is permitted from September 1 through March 31.~~
- ~~_____ (2) If September 1 falls on a Sunday, the season will open on August 31.~~

~~R657-22-18. Hunting Hours and Hunter Requirements.~~

- ~~_____ (1) Game birds may be taken on a CHA only one half hour before sunrise through one half hour after sunset.~~
- ~~_____ (2) Any person hunting within the state on any CHA must meet requirements as provided in Section 23-17-6.~~

~~R657-22-19. Suspension.~~

~~_____ The division may suspend a CHA certificate of registration for a CHA as authorized under Section 23-19-9 and Rule R657-26.~~

~~KEY: game birds, wildlife, wildlife law~~

~~Date of Enactment or Last Substantive Amendment: March 25, 2019~~

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