

R657. Natural Resources, Wildlife Resources.

R657-4. Possession and Release of Pen-reared Gamebirds.

R657-4-1. Purpose and Authority.

(1) Under authority of Sections 23-13-4, 23-14-18, and 23-14-19, the Wildlife Board has established this rule for the possession, importation, purchase, propagation, sale, barter, trade, release or disposal of live pen-reared gamebirds and their eggs.

(2) The provisions of Rule R657-3 do not apply to activities conducted by holders of a valid wildlife document to the extent those activities are covered by this rule.

R657-4-2. Definitions.

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

(2) In addition:

(a) "Authorized Species" those species specifically authorized on a certificate of registration.

(b) "Commercial hunting area" or "CHA" means a parcel of land permitted to release pen-reared or propagated gamebirds more than 5 days per year.

(c) "Contiguous" means a piece of land that shares a boundary, including a single point at corners.

(d) "Director" means the director of the Division.

(e) "Disease free status" means a bird, or representative sample of a flock has tested negative for pathogens listed in R58-6 and R657-4-10.

(f) "Division" means the Utah Division of Wildlife Resources.

(g) "Durable marking" means metal leg band, patagial tag, or other marking attached to an animal identifying it as a pen-reared bird that can reasonably be expected to remain attached for more than one year and is easily visible on inspection of a bird in hand.

(h) "Field trial" means an organized event where the abilities of dog handlers and their dogs are evaluated, including the ability of the dogs to hunt or retrieve gamebirds.

(i) "NPIP" means National Poultry Improvement Plan.

(j) "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 facility or CHA. Operator further includes any person, group or business entity that employs or contracts another to serve or act as an operator.

(k) "Pen-reared Gamebird" means species of the following that were bred from legally acquired captive stock and hatched and raised in captivity:

(i) chukar partridge

(ii) red-legged partridge

(iii) gray (Hungarian) partridge

(iv) pheasant (genus Phasianus)

(v) Bobwhite quail

(vi) California quail

(vii) Gambel's quail

(viii) Coturnix quail

(ix) Buttonquails

(ix) waterfowl (Family Anatidae)

(l) "Train" or "training" means informal handling, exercising, teaching, instructing, and disciplining of dogs or raptors in the skills and techniques of hunting and retrieving gamebirds characterized by absence of fees, judging, or awards.

(m) "Wildlife Document" A certificate or registration, permit, license or other document issued by the Division granting permission for a possession of animals or a specific activity.

R657-4-3 Prohibited Possession and Release of Gamebirds

(1) A person may not take any live gamebird or the egg of any gamebird from the wild, except as provided in Rules R657-3 and R657-6 and the proclamation of the Wildlife Board for taking upland game. Any permit or Wildlife Document granted in this rule does not give permission to take any wild birds or other animals, including species listed as pen-reared gamebirds.

(2) Except as provided in Subsection R657-4-11, a person may not possess, purchase, or dispose of a live pen-reared gamebird without first obtaining a Pen-reared Gamebird Personal Possession Wildlife Document from the Division or Commercial Gamebird Facility License from the Department of Agriculture and Food.

(3) A person may not import, propagate, sell, barter, trade, any live pen-reared gamebird, or the eggs of any pen-reared gamebird, without first obtaining a Personal Use Pen-reared Gamebird Permit from the Division or Commercial Gamebird Facility License from the Department of Agriculture and Food.

(4) Except as provided in Subsection R657-4-14, a person may not release live pen-reared gamebirds without first obtaining a High Volume Pen-reared Gamebird Release Wildlife Document or CHA Wildlife Document from the Division.

R657-4-4. Exhibit of Wildlife Document, License, Pen-reared Gamebirds, and Equipment.

(1) A conservation officer or any other law enforcement officer may request any person engaged in activities covered under this rule to exhibit:

(a) the person's license, permit, health certificate, bill of sale, wildlife document or proof of ownership;

(b) any pen-reared gamebirds held in possession;

(c) any device, apparatus, or facility used for activities covered under this rule.

(2)(a) Certificates of registration, permits, wildlife documents and licenses are issued upon the express condition that the operator agrees to permit the Division, Department of Agriculture and Food, and public health and safety officials to enter and inspect the premises, facilities, and all required records and health certificates to ensure compliance with this rule and other applicable laws.

(b) Inspections shall be made during reasonable hours.

R657-4-5. Penalty for Violation.

(1) The Division may suspend or revoke any license, permit or certificate related to pen-reared gamebird possession or release, as authorized under Section 23-19-9 and Rule R657-26, for violation of Utah Code, rule, or terms of the certificate of registration.

(2) A violation of any provision of this rule is punishable as provided in Section 23-13-11.

(3) The Division may dispose of pen-reared gamebirds or their eggs held in possession in violation of this rule.

R657-4-6. Recapture.

(1) Recapturing pen-reared gamebirds that have been released or escaped is permitted only:

(a) within CHA release area boundaries; and
(b) for species listed on the CHA Wildlife Document as not established in the wild in the area; or

(c) to capture birds who escaped from a registered personal use pen-reared gamebird facility or commercial gamebird facility.

(2) Any pen-reared gamebird that exits a designated release area becomes the property of the state of Utah and may not be recaptured.

(3) Any pen-reared gamebirds recaptured may not be recounted or added to the total number of birds released for annual reporting purposes.

R657-4-7. Importation of Live Pen-reared gamebirds and Eggs of Gamebirds.

(1) All pen-reared gamebirds and hatching eggs imported into Utah must meet the requirements found in R58-1 and R58-6.

R657-4-8. Records of Sale or Purchase of Live Pen-reared Gamebirds.

(1) Any person who sells, barter, trades, or disposes of a live pen-reared gamebird or the egg of a pen-reared gamebird to another person, including sale of birds released on commercial hunting areas or during high-volume pen-reared gamebird releases, must provide a bill of sale that includes:

(a) The seller's Commercial Gamebird Facility License number or Pen-reared Gamebird Personal Possession Wildlife Document number and CHA or High Volume Pen-reared Gamebirds Release Wildlife Document number if applicable.

(b) the species;

(c) the number of pen-reared gamebirds;

(d) the sex of pen-reared gamebirds if plumages exhibits sexual dimorphism;

(e) the date of the transaction.

(2) Any person who possesses, imports, purchases, propagates, sells, barter, trades, or disposes of live pen-reared gamebirds must keep a record of each transaction that includes:

(a) the species;

(b) the number of pen-reared gamebirds;

(c) the sex of pen-reared gamebirds if plumages exhibits sexual dimorphism.

(d) the name and address of each party to the transaction

(e) Commercial Gamebird Facility License number, Pen-reared Gamebird Personal Possession Wildlife Document number, CHA Wildlife Document number and High Volume Pen-reared Gamebirds Release Wildlife Document number as applicable; and

(f) the date of the transaction.

(3) The records required under Subsection (2) must be maintained for three years.

R657-4-9. Unlawful Release of Pen-reared Gamebirds.

(1) Except as provided in Rule R657-4-14, It is unlawful to release or abandon any live pen-reared gamebird without first obtaining written authorization from the Division in the form of a High Volume Pen-reared Gamebird Release, Wildlife Document, Commercial Hunting Areas Wildlife Document, or written prior approval of the division director or regional supervisor.

(2) The director of the Division may authorize the destruction of any escaped pen-reared gamebirds that may impact wildlife.

(3) A person may not restrict a pen-reared gamebird's ability to fly or run during hunting activities in any manner other than dizzying, tucking heads under wings before release or through the use of release mechanisms such as bird launchers and kick cages.

R657-4-10 Disease

(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, and may order quarantine, immunization, testing, or other sanitary measures.

(2)(a) The Division may order the destruction and disposal of any pen-reared gamebird 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 and Food, or the Department of Health.

(b) Actions taken pursuant to Subsection (a) may be at the operator's expense.

(c) Actions taken pursuant to Subsection (a) shall be accomplished by following procedures acceptable to the Division that ensure the disease is not transmitted to wildlife, domestic animals, or humans.

(3) Operators must take reasonable precautions to prevent and control the spread of infectious diseases among pen-reared gamebirds under their control.

(4) Commercial Gamebird Facilities must be licensed through the Department of Agriculture and Food under R58-6, and meet requirements outlined therein.

(5) Groups or individuals releasing pen-reared gamebirds under a High Volume Pen-reared Gamebird Release Wildlife Document shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture and Food. or;

(b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10.

(c) If any birds are kept longer than 30 days, or are housed in the same facility that has contained any birds for more than 30 days operators must obtain a statement from a veterinarian within 30 days prior to release that a representative sample of birds tested negative for:

(i) *Mycoplasma gallisepticum*;

(ii) *Mycoplasma synoviae*;

(iii) Avian Influenza virus

(iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.

(v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.

(d) In the case of positive tests birds shall not be brought into, out of, or released from any holding facilities where birds have tested positive for listed diseases within 60 days.

(i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.

(ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.

(e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

(6) Those holding or propagating pen-reared gamebirds under a Pen-reared Gamebird Personal Possession Wildlife Document shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture; Or

(b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10; Or

(c) Test within 30 days of acquisition for:

(i) Mycoplasma gallisepticum;

(ii) Mycoplasma synoviae;

(iii) Avian Influenza virus

(iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.

(v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.

(d) In the case of positive tests birds shall not be brought into, out of, or released from of any holding facilities where birds have tested positive for listed diseases within 60 days.

(i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.

(ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.

(e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

(7) Those possessing and/or releasing pen-reared gamebirds under short-term pen-reared gamebird possession provisions or personal use pen-reared gamebird release provisions shall:

(a) Obtain pen-reared gamebirds from a Commercial Gamebird Facility within Utah licensed by the Department of Agriculture; Or

- (b) Import pen-reared gamebirds into Utah following Department of Agriculture and Food requirements in R58-1-10; Or
- (c) Test within 30 days prior to release for:
 - (i) Mycoplasma gallisepticum;
 - (ii) Mycoplasma synoviae;
 - (iii) Avian Influenza virus
 - (iv) Salmonella pullorum-typhoid testing is required if any other domestic birds are on the facility or if any pen-reared gamebirds did not originate from an NPIP source flock certified for both Pullorum-Typhoid.
- (v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds.
- (d) In the case of positive tests birds shall not be brought into, out of, or released from of any holding facilities where birds have tested positive for listed diseases within 60 days.
 - (i) The flock must test negative before any birds are brought into, out of, or released from any facilities where birds have previously tested positive for listed diseases.
 - (ii) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health.
- (e) Notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.

R657-4-11 Short Term Pen-reared Gamebird Possession

- (1) A wildlife document is not required if:
 - (a) A person has pen-reared gamebirds collectively in possession less than 60 days; and
 - (b) fewer than 50 birds are held; and
 - (c) pen-reared gamebirds were acquired in Utah or imported as per regulations in R58-6; and
 - (d) each pen-reared gamebird has a durable marking attached; and
 - (e) a bill of sale establishing proof of purchase from a legal source is in possession; and
 - (f) pen-reared gamebirds meet disease requirements specified in R657-4-10; and
 - (g) the pen-reared gamebirds are used for dog training or falconry bird training.
- (2) No registration is needed for holding pen-reared gamebirds in temporary storage while the pen-reared gamebirds are in transit through Utah provided the birds are identified as to their source and destination and are not removed from the shipping containers.
- (3) Any person in possession of pen-reared gamebirds must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

R657-4-12. Pen-reared Gamebird Personal Possession Wildlife Document.

- (1) A Pen-reared Gamebird Personal Possession Wildlife Document is required for any of the following:
 - (a) Pen-reared gamebirds are held 60 day or longer.

(b) 50 or more and less than 1000 total birds and viable eggs are held in possession.

(c) for import, propagation, sale, barter, trade of pen-reared gamebirds.

(d) for hatching of pen-reared gamebird eggs.

(2) A person who acquires live pen-reared gamebirds is not required to obtain a Pen-reared Gamebird Personal Possession Wildlife Document if they:

(a) meet criteria in Section R657-4-11

(b) possess a Commercial Gamebird Facility License from the Department of Agriculture and Food as outlined in R58-6.

(3) Pen-reared Gamebird Personal Possession Wildlife Documents:

(a) are not transferable; and

(b) are valid for one year from the date of issuance.

(c) are limited to authorized pen-reared gamebird species or as indicated on the permit.

(4) Any person who has applied for and obtained a Pen-reared Gamebird Personal Possession Wildlife Document must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

(5) Facilities

(a) Facilities shall comply with Division facility guidelines

(b) Facilities shall be constructed so as to prevent egress of birds

(c) Facilities shall not permit access to native waterways.

(d) Inspection is not required to issue permit.

(6) Pen-reared Gamebird Personal Possession Wildlife Document holders must comply with disease testing requirements as per R657-4-10

(7) Registration for a Pen-reared Gamebird Personal Possession Wildlife Document.

(a) A person may obtain a Pen-reared Gamebird Personal Possession Wildlife Document through the Division's online permitting system.

(b) If the applicant is under the age of 18, a parent or guardian must co-sign the application and is responsible for compliance with this rule and all other associated laws.

R657-4-13. Commercial Gamebird Facility.

(1) A Commercial Gamebird Facility License required if:

(a) More than 1000 total birds and viable eggs are held in possession.

(b) for import, propagation, sale, barter, trade of gamebirds.

(2)(a) A Commercial Gamebird Facility must be licensed by the Department of Agriculture and Food under R657-6.

(b) Private pen-reared gamebird facilities propagating less than 1000 pen-reared gamebirds per year are exempt from licensure through the Department of Agriculture and Food if in possession of Pen-reared Gamebird Personal Possession Wildlife Document as per R657-4-12.

(3) Facilities shall comply with Division facility guidelines in addition to Department of Agriculture and Food Requirements.

(a) Facilities should be constructed so as to prevent escape of birds.

(b) Facilities shall prevent access to native waterways.

(4) Any person in possession of pen-reared gamebirds must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live pen-reared gamebirds.

R657-4-14. Personal Use Pen-reared Gamebird Release.

(1) A person may release legally acquired pen-reared gamebirds without registration provided:

(a) The person or group of persons is not releasing more than ten pen-reared gamebirds per day or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater.

(b) The group releasing pen-reared gamebirds is less than or equal to 10 persons.

(c) The person or group is releasing legally acquired pen-reared gamebirds for the purpose of training a bird dogs or falconry birds.

(d) The person or group birds has an invoice or bill of sale in their possession showing lawful personal possession or ownership of the pen-reared gamebirds;

(e) Each pen-reared gamebird must be marked with a durable marking;

(f) Any pen-reared gamebird released in areas with wild populations of the same species must be marked with a visible streamer or tape at least 12 inches in length before being released, and must have the streamer or tape attached when killed; and

(g) the use of dogs complies with Rules R657-6. R657-9, and R657-54 and use of falconry birds complies with R657-20.

(2) A person may only take the pen-reared gamebirds they or members of their group have released.

(3) Pen-reared gamebirds that are not recovered on the day of the training, released without permanent marking, or pen-reared gamebirds that escape shall become property of the state of Utah and may not be recaptured or taken except:

(a) as specified in Section R657-4-6;

(b) during legal hunting seasons as specified in the Upland Game and Waterfowl proclamations of the Wildlife Board.

(4) Pen-reared gamebirds released must:

(a) meet requirements specified in Section R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

R657-4-15 High Volume Pen-reared Gamebird Release (Field Trial)

(1) A High Volume Pen-reared Gamebird Release Wildlife Document is required for

(a) Groups larger than 10 people releasing pen-reared gamebirds;

(b) Release of greater than ten pen-reared gamebirds per day per group, or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater;

(c) Release activities occur in a release area on 5 or fewer days within a 365 day period; or

(d) A field trial involving the pursuit of wild rabbits.

(2)(a) A person or group may conduct an event using pen-reared gamebirds provided that person or group applies for and obtains a Wildlife Document from the Division, except as provided in Subsection (b).

(b) A person or group may conduct a field trial using pen-reared gamebirds on a commercial hunting area without obtaining a Wildlife Document.

(3) Up to 1000 pen-reared gamebirds may be in possession for up to 10 days under a High Volume Pen-reared Gamebird Release Wildlife Document.

(a) Possession of pen-reared gamebirds must comply with Section R657-4-10 and other applicable rule.

(4) Any person or group using pen-reared gamebirds must have an invoice or bill of sale available for inspection showing lawful personal possession or ownership of such birds as specified in Section R657-4-8.

(5)(a) each pen-reared gamebird must be marked with a durable marking, except as provided in Subsection (c).

(b) The marking must remain attached to the pen-reared gamebird.

(c) Marking is not required for pen-reared gamebirds released in a field trial that is conducted on a commercial hunting area.

(6) Pen-reared gamebirds may be released only

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(c) after the release area has been cleared of wild gamebirds using trained pointing or flushing dogs.

(d) on public property with additional permission from the land management agency for the event.

(7) After release, pen-reared gamebirds may be taken:

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(c) by the person who released the pen-reared gamebirds, or by any person participating in the event.

(8) Pen-reared gamebirds that leave the property where the event is held, and birds remaining at the end of the field trial except within commercial hunting area boundaries, shall become the property of the state of Utah and may not be taken, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(9) Pen-reared gamebirds released must:

(a) meet requirements specified in Section R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

(10) Wild rabbits may be used for field trials provided

(a) the dog is tracking scent trails of wild rabbits.

(b) following initial contact with a wild rabbit the dog must cease pursuit.

(c) only during the dates of the field trial event as specified in the certificate of registration.

(d) the dog, or the person training the dog, may not harass, catch, capture, kill, injure, or at any time, possess any wild rabbits, except during legal hunting seasons.

(11) Wild rabbits may be taken only during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

R657-4-16. Application for a High Volume Pen-reared Gamebird Release (Field Trial) Wildlife Document.

(1)(a) Applications must be submitted to the appropriate regional Division office where the field trial is being held.

(b) Applications must be received at least 60 days prior to the date of the event.

(2) The Division shall not approve any application for an area where, in the opinion of the Division, the release of pen-reared gamebirds and related activities interferes with wildlife, wildlife habitat or wildlife nesting periods.

(3) An application for a High Volume Pen-reared Gamebird Release Wildlife Document must include:

(a) The operator's name, address and telephone number; and

(c) Detailed maps depicting boundaries of release areas and ownership of all parcels within the release area; and

(d) Large scale maps depicting the location of the release area relative to the nearest city or town;

(e) Planned number and species of pen-reared gamebirds to be released

(f) Planned number of participants

(g) Outline of events

(h) Dates of events

(i) Written permission from landowner or land management agency, or evidence of ownership from the operator.

(j) Documentation that pen-reared gamebirds being used for the event:

(a) meet requirements specified in Section R657-4-10.

(b) are healthy, capable of flight, free of disease and suitable for human consumption.

(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) In determining whether to allow the release of pen-reared gamebirds the Division shall consider:

(a) the potential release site and its relative impact on wildlife and wildlife habitat;

(b) the species or subspecies of pen-reared gamebirds to be released; and

(c) the activity for which the pen-reared gamebirds are to be released.

R657-4-17 Commercial Hunting Area Pen-reared Gamebird Release

(1) A Commercial Hunting Area Pen-reared Gamebird Release Wildlife Document is required for

(a) Groups larger than 10 people releasing pen-reared gamebirds; or

(b) Release of greater than ten pen-reared gamebirds per day per group, or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater; and

(c) Release activities that occur in an area on more than 5 days within a 365 day period

(i) Division of Wildlife designated dog training areas are exempt from Subsection R657-4-19(1)(c)

(2) The Wildlife Document for CHA Pen-reared Gamebird Release as specified in paragraph (1) is valid for 3 years from the date of issuance.

(a) The Wildlife Document for CHA Gamebird Release is void if annual report and annual fee are not received by the Division.

(3)(a) An operator, their employees, customers or volunteers may release pen-reared gamebirds as specified on their Wildlife Document within the designated commercial hunting area for hunting or training activities during established commercial hunting area season dates.

(b) A operator may conduct a field trial using pen-reared gamebirds on a commercial hunting area without obtaining an additional High Volume Pen-reared Gamebird Release Wildlife Document within season dates specified on their Wildlife Document.

(4) CHA certificates of registration are effective from the date issued through June 30 of the third consecutive year.

(5) The operator must have an invoice or bill of sale available for inspection showing lawful personal possession or ownership of such birds.

(6) Pen-reared gamebirds may be released without a durable marking within designated commercial hunting area boundaries.

(7) Pen-reared gamebirds may be released only

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(8) After release, pen-reared gamebirds may be taken:

(a) on the property specified in the Wildlife Document.

(b) on the dates specified in the Wildlife Document.

(9) Pen-reared gamebirds that leave the designated commercial hunting area boundaries shall become the property of the state of Utah and may not be taken outside of the designated commercial hunting area boundaries, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(10) Pen-reared gamebirds released must:

(a) meet requirements specified in R657-4-10.

(b) be healthy, capable of flight, free of disease and suitable for human consumption.

(11)(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 pen-reared gamebirds 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 Wildlife Document.

(12) The Division may include more restrictive conditions on approval of CHAs to protect wildlife and wildlife populations.

R657-4-18. Commercial Hunting Area Application.

(1)(a) Applications must be submitted to the appropriate regional Division office where the proposed CHA is located.

(b) Review and processing of the application may require up to 60 days.

(c) More time may be required to process an application if the applicant requests authorization from the Wildlife Board for a variance to this rule.

(2) The Division shall not approve any application for an area where, in the opinion of the Division, the release of pen-reared gamebirds and related activities interferes with wildlife, wildlife habitat or wildlife nesting periods.

(3) An application for a CHA Wildlife Document must include:

(a) The operator's name, address and telephone number; and

(b) Detailed maps depicting boundaries, pen-reared gamebird holding facilities and ownership of all parcels within the CHA; and

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

(d) Planned number and species of pen-reared gamebirds to be released

(e) 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

(f) a lease agreement for the period of the CHA Wildlife Document, 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;.

(g) the annual CHA Wildlife Document fee for the first year of operation.

(4)(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 Wildlife Document, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA Wildlife Document.

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

(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 Wildlife Document that are more restrictive than this rule:

(a) if CHA operations may present unacceptable risk to wildlife populations or wildlife habitat.

(b) if the applicant or operator, or any of its agents or employees:

(i) violated any provision of this rule, the Wildlife Resources Code, a CHA Wildlife Document, or the CHA application;

(ii) obtained or attempted to obtain a CHA Wildlife Document by fraud, deceit, falsification, or misrepresentation;

(iii) 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

(iv) 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.

(c) If an application is denied, the Division shall state the reasons in writing.

R657-4-19. Commercial Hunting Area Records and Reports.

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

(a) the number, species, and source of any pen-reared gamebirds purchased or propagated;

(b) health certificates for all pen-reared gamebirds purchased from outside the state of Utah;

(c) the number, species and season the pen-reared gamebirds are released; and

(d) the number, species and season of pen-reared gamebirds taken within the CHA boundary.

(e) the number and species and season of wild gamebirds taken within the CHA boundary.

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

(g) copies of the bill of sale issued to hunters and any other person who purchases gamebirds.

(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 pen-reared gamebirds by species that were released and the total number of pen-reared gamebirds taken by hunters or sold;

(b) the date, source, and number of the pen-reared gamebirds purchased; and

(c) the number of pen-reared gamebirds by species held in possession for carryover breeding stock at the close of the season.

(d) annual fee

(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 permits.

R657-4-20. Commercial Hunting Area 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 Wildlife Document;

(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 Wildlife Document 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 Wildlife Document.

(4) Commercial hunting area activities may only be conducted on property properly posted and specifically authorized in the CHA Wildlife Document.

(5) Commercial hunting area operators may not post or otherwise restrict public access on public roads, right-of-ways, inholdings, or easements within the CHA, including corner crossing to contiguous parcels of publically owned lands.

R657-4-21. Commercial Hunting Area Acreage Requirements.

(1)(a) The minimum acreage accepted for a CHA is 160 acres in a single contiguous tract.

(b) Non-contiguous areas may be included under a single CHA Wildlife Document if each area is 160 acres or larger and all areas can be contained within a circular area 10 miles in diameter.

(c) 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.

(d) a new application for the same area may be reapproved at the end of a 3 year Wildlife Document term without reauthorization by the Wildlife Board.

R657-4-22. Commercial Hunting Area 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.

(3) Extended season dates may be requested for hosting field trials.

R657-4-23. Commercial Hunting Area Hunting Hours and Hunter Requirements.

(1) Pen-reared gamebirds 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 hunter education requirements or possess a trial hunting authorization as provided in Section 23-17-6.

KEY: wildlife, birds, game laws, aviculture

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