

## **R657. Natural Resources, Wildlife Resources.**

### **R657-9. Taking waterfowl, snipe and coot.**

#### **R657-9-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking waterfowl, snipe and coot.

#### **R657-9-2. Definitions.**

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

(b) The terms provided in Subsections 58-79-102(1) through (7) are incorporated by reference.

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

(c) "CFR" means the Code of Federal Regulations.

(d) "Daily Bag Limit" means the maximum number of migratory game birds of a single species or combination, aggregate, of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(e) "Dark geese" means the following species: cackling, Canada, and brant. (f) "Light geese" means the following species: snow, blue and Ross'.

(g) "Live decoys" means tame or captive ducks, geese or other live birds.

(h) "Migratory bird" means any bird that migrating game bird, such as waterfowl, snipe, coot, American crow, band-tailed pigeon, mourning dove, white-winged dove, and Sandhill crane.

(i) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(j) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.

(k) "Possession limit" the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(l) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

(m) "snipe]Snipe" means the following species: common, Jack, pin-tailed, solitary, Swinhoe's and Wilson's snipe.

(n) "Transport" means to ship, export, import or receive or deliver for shipment.

(o) "Waterfowl" means ducks, mergansers, geese[~~-brant~~] and tundra swans.

([e]p) "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

([p]q) "Waterfowl Management Area" means the following properties owned or managed by the division primarily for the conservation, production, or recreational harvest of ducks, mergansers, geese, [~~brant~~], tundra swans, and other waterfowl:

- (i) Bicknell Bottoms
- (ii) Blue Lake
- (iii) Brown's Park
- ~~(iii) Blue Lake~~
- (iv) Clear Lake
- (v) Desert Lake
- (vi) Farmington Bay
- (vii) Fitzgerald
- (viii) Harold Crane
- (ix) Howard Slough
- ~~(ix) Harold Crane~~
- (x) Locomotive Springs
- (xi) Mallard Springs
- (xii) Manti Meadows
- (xiii) Mills Meadows
- (xiv) Ogden Bay
- (xiv) Powell Slough
- (xv) Public Shooting Grounds
- ~~(xv) Powell Slough~~
- (xvi) Redmond Marsh
- (xvii) Rock Island
- (xviii) Salt Creek
- (xix) Stewart Lake
- (xx) Timpie Springs
- (xxi) Topaz
- (xxii) Warm Springs
- (xxiii) Willard Spur

### **R657-9-3. Stamp Requirements.**

(1) Any person 16 years of age or older [~~may not hunt waterfowl without first obtaining~~]must obtain a federal migratory bird hunting and conservation stamp prior to hunting waterfowl, and [~~having~~]must have the physical stamp or proof of electronic stamp in possession when hunting waterfowl.

(2) [~~The~~]A physical federal migratory bird hunting and conservation stamp must be validated by the hunter's signature in ink across the face of the stamp.

(3) A electronic federal migratory bird hunting and conservation stamp does not need to be signed.

(4) A federal migratory bird hunting and conservation stamp is not required for any person under the age of 16.

(5) Federal migratory bird hunting and conservation stamps are non-transferrable.

#### **R657-9-4. Permit Applications for Tundra Swan.**

- (1) [~~Swan~~]Tundra swan permits [~~will be~~]are issued pursuant to R657-62-22.

#### **R657-9-5. Tagging Tundra Swans.**

(1)(a) A person that takes a tundra swan must tag the carcass, as provided in Section 23-20-30, immediately upon taking possession of the carcass and reaching a location listed below that is closest to the place where the carcass was first retrieved by the hunter, another person, or a dog:

- (i) the blind or fixed location in the field where the person taking the tundra swan was set up and from where they shot at the tundra swan;
  - (ii) a vessel available to the person; or
  - (iii) the first area of land free from standing water.
- (b) "Vessel" means, for the purposes of this subsection, any type of watercraft used or capable of being used as a means of transportation on water.

(2) To tag a tundra swan carcass, a person shall:

- (a) completely detach the tag from the license or permit;
- (b) completely remove the appropriate notches to correspond with the date the [~~animal~~]tundra swan was taken; and
- (c) attach the tag to the tundra swan carcass so that the tag remains securely fastened and visible.

(3) A person may not:

- (a) remove more than one notch indicating the date; or
  - (b) tag more than one tundra swan carcass using the same tag.
- (4) A person may not hunt or pursue a tundra swan after:
- (a) shooting and retrieving the tundra swan;
  - (b) the tag is detached from the permit; or
  - (c) any of the notches have been removed from the tag.

#### **R657-9-6. Return of Tundra Swan Harvest and Hunt Information.**

(1) [~~Swan~~]Tundra swan permit holders who do not hunt or are unsuccessful in taking a tundra swan must respond to the tundra swan questionnaire through the division's [~~Internet~~]internet address, or by telephone, within 30 calendar days of the conclusion of the prescribed tundra swan hunting season.

(2) Within three days of harvest, tundra swan permit holders successful in taking a [~~swan~~]tundra swan, or who incidentally take another swan species, must personally present the swan or its head for measurement to the division or the Bear River Migratory Bird Refuge and further provide all harvest information requested by the division or Refuge.

(3) Hunters who fail to comply with the requirements of Subsections (1) or (2) shall be ineligible to:

- (a) obtain a tundra swan permit the following season; and
- (b) obtain a tundra swan permit after the first season of ineligibility until the swan orientation course is retaken.

(4) [~~late~~]Late tundra swan questionnaires may be accepted pursuant to [~~Rule~~]Subsection R657-42-9(3). [~~Swan~~]Tundra swan permit holders are still required to present the swan or its head for measurement to a division office.

#### **R657-9-8. Nontoxic Shot.**

(1) Only nontoxic shot may be in possession or used while hunting waterfowl, snipe, and coot.

(2) A person may not possess or use lead shot:

(a) while hunting waterfowl, [snipe](#) or coot in any area of the state;

(b) on federal refuges;

(c) on the following waterfowl management areas: Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Manti Meadow, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart's Lake, Timpie Springs, Willard Spur; or

(d) on the Scott M. Matheson or Utah Lake wetland preserve.

#### **R657-9-9. Use of Weapons on State Waterfowl Management Areas.**

(1) A person may not discharge a firearm, crossbow, or archery tackle on the Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart's Lake, Timpie Springs and Topaz Waterfowl Management areas or Utah Lake Wetland Preserve during any time of the year, except:

(a) the use of authorized weapons as provided in Section R657-9-7 during waterfowl hunting seasons for lawful hunting activities;

(b) as otherwise authorized by the ~~[Division]~~[division](#) in [a](#) special use permit, certificate of registration, ~~[administrative]~~rule, proclamation, or order of the Wildlife Board; or

(c) for lawful purposes of self-defense.

#### **R657-9-10. Airborne, Terrestrial, and Aquatic Vehicles.**

~~(1)~~[\(1\)](#) Migratory game birds may not be taken:

~~(1)~~[\(1\)](#)[a](#) from or by means of ~~[any]~~[a](#) motorboat or other craft having a motor attached~~[-or]~~; [\(b\)](#) sailboat unless the motor has been completely shut off or sails furled and its progress has ceased~~[- provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;]~~ or

~~(2)~~[\(2\)](#)[b](#) by means or aid of any motor driven land, water or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of any migratory bird.

[\(2\) A craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power.](#)

#### **R657-9-11. Airboats.**

(1) Air-thrust or air-propelled boats and personal watercraft are not allowed in designated parts of the following areas for the purposes of waterfowl hunting:

(a) Box Elder County: Box Elder Lake, Bear River, that part of Harold S. Crane within one-half mile of all dikes and levees, Locomotive Springs, Public Shooting Grounds and Salt Creek, that part of Bear River Migratory Bird Refuge north of "D" line dike, and outside Units 1, 3, 4 and 5 as posted.

- (b) Daggett County: Brown's Park
  - (c) Davis County: Howard Slough, Ogden Bay and Farmington Bay within diked units or as posted
  - (d) Emery County: Desert Lake
  - (e) Millard County: Clear Lake, Topaz Slough
  - (f) Tooele County: Timpie Springs
  - (g) Uintah County: Stewart's Lake
  - (h) Utah County: Powell Slough
  - (i) Wayne County: Bicknell Bottoms
  - (j) Weber County: Ogden Bay within diked units or as posted and the portion of Harold S. Crane Waterfowl Management Area that falls within the county line.
- (2) "Personal watercraft" means for purposes of this section, a motorboat that is:
- (a) less than 16 feet in length;
  - (b) propelled by a water jet pump; and
  - (c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

**R657-9-12. Motorized Vehicle Access.**

- (1) "Motorized vehicle" means, for ~~[the]~~ purposes of this section ~~[-means]~~, a vehicle that is self-propelled or possesses the ability to be self-propelled. This does not include vehicles moved solely by human power, motorized wheelchairs, or an electric personal assisted mobility device.
- (2) Motorized vehicle travel is restricted to county roads, improved roads, and parking areas.
- (3) Off-highway vehicles are not permitted on state waterfowl management areas, except as marked and posted open.
- (4) Off-highway vehicles are not permitted on Bear River Migratory Bird Refuge.
- (5) Motorized ~~[boat]~~vehicle use is restricted on waterfowl management areas as specified in the guidebook of the Wildlife Board for taking waterfowl, snipe and coot.
- (6) Electric-assisted bicycles propelled in part by electrical assistance are only permitted on state waterfowl management areas if they meet the Class 1 definition provided in Subsections 41-6a-102(8) and (17).

**R657-9-16. Baiting.**

- (1) ~~[(1)]~~ A person may not take migratory game birds by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited.
- (2) This section does not prohibit:
- (a) ~~[the taking]~~The take of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:
    - (i) standing crops or flooded standing crops (including aquatics), standing, flooded or manipulated natural vegetation, flooded harvested croplands, or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;
    - (ii) from a blind or other place of concealment camouflaged with natural vegetation;

(iii) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys or retrieving downed birds.

(b)3) The ~~taking~~take of any migratory game bird, except waterfowl, coots and cranes, is legal on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown or solely as the result of a normal agricultural operation.

#### **R657-9-23. Custody~~[-of Birds]~~ of Another Person's Migratory Game Bird.**

No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by Section R657-9-21.

#### **R657-9-26. Migratory Bird Preservation Facilities.**

(1) "Migratory bird preservation facility" means, for purposes of this section:

(i) Any person who, at their residence or place of business and for hire or other consideration;~~[-of]~~

(ii) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(2) No migratory bird preservation facility shall:

(a) receive or have in custody any migratory game bird unless accurate records are maintained that can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show:

(i) the number of each species;

(ii) the location where taken;

(iii) the date such birds were received;

(iv) the name and address of the person from whom such birds were received;

(v) the date such birds were disposed of; and

(vi) the name and address of the person to whom such birds were delivered; or

(b) destroy any records required to be maintained under this section for a period of one year following the last entry on record.

(3) Record keeping as required by this section will not be necessary at hunting clubs that do not fully process migratory birds by removal of the head and wings.

(4) No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried out.

#### **R657-9-27. Importation.**

(1) A person may not:

(~~1~~)a) import migratory game birds belonging to another person; or

(~~2~~<sup>2</sup>)<sup>b</sup>) import migratory game birds in excess of the following importation limits:

(<sup>a</sup>)<sup>i</sup>) From any country except Canada and Mexico, during any one calendar week beginning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese [~~including brant~~], singly or in the aggregate of all species;

(~~b~~<sup>b</sup>)<sup>ii</sup>) From Canada, not to exceed the maximum number to be exported by Canadian authorities;

(<sup>e</sup>)<sup>iii</sup>) From Mexico, not to exceed the maximum number permitted by Mexican authorities in any one day: provided that if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

### **R657-9-28. Use of Dogs.**

(1) An individual may not use or permit a dog to harass, pursue, or take protected wildlife unless otherwise allowed for in the Wildlife Code, administrative rules issued under Wildlife Code, or a guidebook of the Wildlife Board.

(2) Dogs may be used to locate and retrieve turkey during open turkey hunting seasons.

(3) Dogs are generally allowed on state wildlife management and waterfowl management areas, subject to the following conditions.

(a) Dogs are not allowed on the following state wildlife management areas and waterfowl management areas between March 10 and August 31 annually or as posted by the Division:

- (i) Annabella;
- (ii) Bear River Trenton Property Parcel;
- (iii) Bicknell Bottoms;
- (iv) Blue Lake;
- (v) Browns Park;
- (vi) Bud Phelps;
- (vii) Clear Lake;
- (viii) Desert Lake;
- (ix) Farmington Bay;
- (x) Harold S. Crane;
- (xi) Hatt's Ranch
- (xii) Howard Slough;
- (xiii) Huntington;
- (xiv) James Walter Fitzgerald;
- (xv) Kevin Conway;
- (xvi) Locomotive Springs;
- (xvii) Manti Meadows;
- (xviii) Mills Meadows;
- (xix) Montes Creek;
- (xx) Nephi;
- (xxi) Ogden Bay;
- (xxii) Pahvant;
- (xxiv) Public Shooting Grounds;



- (xxv) Redmond Marsh;
- (xxvi) Richfield;
- (xxvii) Roosevelt;
- (xxviii) Salt Creek;
- (xxix) Scott M. Matheson Wetland Preserve;
- (xxx) Steward Lake;
- (xxxi) Timpie Springs;
- (xxxii) Topaz Slough;
- (xxxiii) Utah Lake Wetland Preserve;
- (xxxiv) Vernal; and
- (xxxv) Willard Bay.

(b) The Division may establish special restrictions for Division-managed properties, such as on-leash requirements and temporary or locational closures for dogs, and post them at specific Division properties and at Regional offices;

(c) Organized events or group gatherings of twenty-five (25) or more individuals that involve the use of dogs, such as dog training or trials, that occur on Division properties may require a special use permit as described in Rule R657-28; and

(d) Dog training may be allowed in designated areas on Lee Kay Center and Willard Bay WMA by the Division without a special use permit.

[\(e\) Dogs are only allowed on the Nature Trail within the Hasenyager Nature Preserve, and must be on a leash.](#)

### **R657-9-30. Rest Areas and No Shooting Areas.**

(1) A person may only access and use state waterfowl management areas in accordance with state and federal law, state administrative code, and proclamations of the Wildlife Board.

(2)(a) The division may establish portions of state waterfowl management areas as “rest areas” for wildlife that are closed to the public and trespass of any kind is prohibited.

(b) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are designated as rest areas:

- (i) that portion of Clear Lake Waterfowl Management Area known as Spring Lake;
- (ii) that portion of Desert Lake Waterfowl Management Area known as Desert Lake;
- (iii) that portion of Public Shooting Grounds Waterfowl Management Area that lies above and adjacent to the Hull Lake Diversion Dike known as Duck Lake;
- (iv) that portion of Salt Creek Waterfowl Management Area known as Rest Lake;
- (v) that portion of Farmington Bay Waterfowl Management Area that lies in the northwest quarter of unit one; and

(iv) that portion of Ogden Bay Waterfowl Management Area known as North Bachman.

(c) Maps of all rest areas will be available at division offices, on the division’s website, and to the extent necessary, marked with signage at each rest area.

(3)(a) The division may establish portions of state waterfowl management areas as “No Shooting Areas” where the discharge of weapons for the purposes of hunting is prohibited.

(b) No Shooting Areas remain open to the public for other lawful activities.



(c) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are No Shooting Areas:

(i) all of Antelope Island, including all areas within 600 feet of the upland vegetative line or other clearly defined high water-mark;

(ii) within 600 feet of the north and south side of the center line of Antelope Island causeway;

(iii) within 600 feet of all structures found at Brown's Park Waterfowl Management Area;

(iv) the following portions of Farmington Bay Waterfowl Management Area:

(A) within 600 feet of the Headquarters;

(B) within 600 feet of dikes and roads accessible by motorized vehicles;

(C) within the area designated as the [~~Learning Center~~ [Hasenyager Nature Preserve](#)]; and

(D) within the [~~100 yard~~ [300 foot](#)] buffer around the Farmington Bay Waterfowl Management Area rest area;

(v) within 600 feet of the headquarters area of Ogden Bay Waterfowl Management Area;

(vi) within the boundaries of all State Parks except those designated open by appropriate signage as provided in Section R651-614-4;

(vii) within 1/3 of a mile of the Great Salt Lake Marina;

(viii) below the high-water mark of Gunnison Bend Reservoir and its inflow upstream to the Southerland Bridge, Millard County;

(xi) any property within the boundary of the Salt Lake International Airport; and

(x) any property within the boundaries of federal migratory bird refuges, unless hunting waterfowl specifically authorized by the federal government.

(4) The division reserves the right to manage division lands and regulate its use consistent with Section 23-21-7 and Rule R657-28.

**KEY:** wildlife, birds, migratory birds, waterfowl

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