

R657. Natural Resources, Wildlife Resources.[]

R[~~657-69.~~657-69 Turkey Depredation.

R[~~657-69-1~~657-69-1. Purpose and Authority.

(1) Under authority of [~~Section~~Sections 23-17-5.1, and 23-17-5.2, this rule provides:

(a) the procedures for responding to and verifying reports of material damage caused by turkey;

(b) the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and

(c) a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys.

R[~~657-69-2~~657-69-2. Definitions.

(1) As used in this rule, "turkey" means a wild, free-ranging turkey and does not include a privately-owned wild turkey, domestic turkey, or wild-domestic hybrids.

(2) "Alternate limited entry drawing list" means a chronological list, based upon the permit drawing procedures described in the Upland Game and Turkey Guidebook, of those persons who were unsuccessful in drawing a limited entry turkey hunting permit and would have been successful were additional permits available.

(3) "Commercial poultry or gamebird facility" means the building licensed by the Department of Agriculture (UDAF) facility licensed by the Department of Agriculture that raises more than 1,000 poultry or gamebirds per year.

(4) ["]"Control permit["]" means a nontransferable turkey hunting permit issued by the division under Sections R657-69-6 or R657-69-7 that authorizes the holder to take a turkey for personal use within the described permit boundaries and described dates.

(4) [5] "Control permit voucher" means a document issued to a landowner or lessee that may be retained for personal use or transferred to a third party, and which allows the holder to purchase a turkey control permit from the division.

(5) [6] ["]"Depredation Hunt["]" means a turkey hunt organized pursuant to R657-69-5, the Wildlife Code, and proclamations of the Wildlife Board.

(6) [7] "Director" means the director of the division.

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

(9) ["]"Employee["]" means an individual regularly employed by the landowner or lessee for purposes unassociated with hunting on the private property owned or managed by the landowner or lessee.

(7) [10] "Gamebird" means any captive-raised animal identified as a "Pen-reared Gamebird" in Section R657-4-2.

(11) "Hatchery" means hatchery equipment on one premises operated or controlled by any person for the production of baby poultry, as defined in Rule R58-6.

(12) "Immediate family member" means the landowner's or lessee's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild, and grandchild.

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(13) "Infection zone" means any area within .25 mile of a commercial poultry or gamebird facility that poses a disease risk.

(14) "Landowner[" means any person, partnership, or corporation who owns private property in Utah and whose name appears on a deed as the owner or whose name appears as the purchaser on a contract for sale of private property.

(15) ["Lessee[" means any person, partnership, or corporation whose name appears as the lessee on a written lease, for at least a one[-]-year period, of private property, and who is in actual physical control of the private property.

(16) ["Material damage[" means physical impacts to private property caused by turkeys that are visible, persistent, and detrimental to the landowner or lessee['s use of the private property.

(17) ["Personal property[" means any moveable and tangible thing owned by the landowner or lessee. [~~---~~(12)

(18) "Poultry" means domestic fowl including chickens, turkeys, guinea fowl, pea fowl, pigeons, and ratites or other captive-bred birds not listed in Subsection R657-4-2(2)(c) which are bred for the primary purposes of producing eggs or meat whether kept for production or exhibition.

(19) "Private property" means land in private fee ownership, structures located thereon, and personal property of the landowner or lessee on or adjacent to the land of the landowner or lessee, but not including tribal trust lands.

R[~~657-69-3~~657-69-3. Responding to Reports of Material Damage by Turkeys.

(1) Upon discovering material damage to private property attributable to turkeys, a landowner or lessee may request that the division take action to mitigate that damage.

(2) A request for ~~[action]~~response shall be delivered to a division representative in the appropriate regional office.

(3) A request for action may be made:

- (a) orally to expedite a field investigation; or
- (b) in writing.

(4)(a) The division will investigate a request for action within 72 hours after receiving the request.

(b) If after completing its investigation the division confirms that material damage did occur and it appears that material damage may continue, the division shall:

- (i) remove or drive off turkeys causing material damage; or
- (ii) with the written approval of the landowner or lessee, implement a damage mitigation and prevention plan in accordance with Section R657-69-4.

(5) A landowner or lessee may not harass, hunt, or otherwise take a turkey on private property unless:

(a)(i) they possess a valid turkey hunting permit authorizing them to hunt turkeys; or

(ii) a damage mitigation and prevention plan authorizes them to undertake such actions; and

(b) the landowner or lessee['s actions are otherwise consistent with Title 23, the Wildlife Resources Code, ~~[its implementing regulations,]~~ of Utah, and the rules and proclamations of the Wildlife Board.

R~~[657-69-4]~~657-69-4. Turkey Damage Mitigation and Prevention Plans.

(1) A damage mitigation and prevention plan may authorize the division to undertake any or all of the following actions:

(a) provide educational materials regarding turkeys and turkey damage to the landowner or lessee, including strategies on how to alleviate damage;

(b) use, or allow the landowner or lessee to use, nonlethal methods to haze turkeys on private property experiencing material damage and, if necessary, provide the landowner or lessee equipment and supplies necessary to carry out hazing;

(c) exclude turkeys from areas in which material damage has occurred and is expected to continue to occur, using fencing, tarpaulins, or other similar materials;

(d) capture and relocate any turkeys causing, or reasonably likely to cause, material damage to the property to a location on the Wildlife Board approved turkey transplant list;

(e) allow expanded harvest of turkeys by:

(i) increasing permit numbers during limited entry or general season hunts;

(ii) expanding or increasing the areas for turkey hunts;

(iii) enrolling the property in the division's Walk-In Access Program in accordance with R657-56;

(iv) enrolling the property in the division's Cooperative Wildlife Management Unit Program in accordance with [Rule R657-37](#);

(v) schedule and hold a depredation hunt~~[-pursuant to R657-69-5;]~~

~~[(vi) issue control permits]~~ pursuant to ~~[R657-69-6]~~[Section R657-69-5](#)~~[-or]~~

~~[(vii) issue control permits pursuant to Section R657-69-6; or~~

~~(viii) issue control permit vouchers[-pursuant to]~~ [pursuant to Section R657-69-7](#);

(f) allow landowners or lessees to capture and relocate turkeys causing, or reasonably likely to cause, material damage to the property to a location on the Wildlife Board approved turkey transplant list;

(g) allow landowners or lessees to use weapons or methods otherwise prohibited to take a turkey if traditional weapons are unsuitable for the location of the property; and

(h) other reasonable measures aimed at reducing instances of material damage to the private property in question.

(2) Damage mitigation and prevention plans shall have:

(a) a description of the private property covered by the plan;

(b) a specific effective date and effective term for the plan;

(c) a description of the verified instances of material damage and the dates of occurrence; and

(d) an assurance by the landowner or lessee that members of the public holding a control permit or a turkey depredation permit may access the private property at no charge during the hunts for which they hold a permit.

(3) Damage mitigation and prevention plans may be amended or renewed with written consent of the division and the landowner or lessee during their effective term.

(4)(a) The landowner or lessee may unilaterally revoke and withdraw from a damage mitigation and prevention plan by providing the division 30 days prior written notice.

(b) A landowner or lessee's revocation of approval of a damage mitigation and prevention plan eliminates the division's obligations described in the plan.

(c) A landowner or lessee may not revoke approval of a damage mitigation and prevention plan after a depredation hunt has been scheduled on their private property until after the depredation hunt has taken place.

(4)5) The division may unilaterally revoke and withdraw from a damage mitigation and prevention plan if:

___ (a) the landowner or lessee fails to exercise reasonable care and diligence to avoid loss or minimize the damage caused by turkeys;

___ (b) the landowner or lessee fails to comply with the terms of the damage mitigation and prevention plan; or

(c) in the division's discretion, the damage mitigation and prevention plan is not necessary.

(5)6) The expiration or revocation of a damage mitigation and prevention plan does not preclude the landowner or lessee from making future requests for action.

(6)7) The division shall not be financially liable for damage to private property caused by:

(a) turkeys;

(b) its efforts to remove or drive off turkeys in response to a request for action; or

(c) actions taken or authorized by a damage mitigation and prevention plan.

(7)8) A landowner or lessee shall have a copy of the damage prevention and mitigation plan in their possession while undertaking any action authorized in the plan that otherwise violates [Title 23](#), the Wildlife [Resources Code of Utah](#), including, ~~[but not limited to,]~~ the hazing, capturing, and transplanting of turkeys.

R~~657-69-5~~657-69-5. Depredation Hunts for Turkey.

(1) Turkey depredation hunts are intended to:

(a) mitigate verified reports of material damage by turkeys and prevent future instances of material damage in the vicinity of the hunt area;

(b) be a focused response to verified reports of material damage;

(c) be a rapid response mechanism to verified reports of material damage; and

(d) have limited permit numbers.

(2) Turkey depredation hunts shall operate consistent with the following guidelines:

(a) turkey depredation hunts may be held August 1 through March 14;

(b) parameters for a turkey depredation hunt must comply with the provisions established in the current Wild Turkey Management Plan approved by the Wildlife Board; and

(c) the boundaries of the hunts, specific season dates, bag limits, sex of birds that may be taken, and allowable weapon types will be further defined in a depredation hunt plan by the division Regional Supervisor.

(3) Hunters will be selected to receive a depredation permit in the following order, based on permit availability:

(a) randomly selected individuals in the depredation hunter pool; and

(b) individuals on the alternate limited entry drawing list, in chronological order.

(4)(a) The turkey hunter depredation pool provides hunters an opportunity to be placed on a wait-list and become eligible to receive a depredation permit as the availability for depredation permits allows.

(b) Applications for the turkey hunter depredation pool must be submitted pursuant to instructions in the current year's Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(c) Applications must be received by the date published in the Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(d) Applications received after the date published in the proclamation Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey may be used after the list of individuals within the depredation hunter pool and the alternate limited entry drawing list has been exhausted.

(5) If a hunter is successful in the depredation permit drawing and possesses a valid unfilled turkey permit for a hunt in the same calendar year as the depredation hunt, that hunter may receive a depredation permit at no cost.

(6) Hunters selected to receive a depredation permit who do not possess a valid unfilled turkey permit must purchase the appropriate permit prior to participating in the depredation hunt.

(7) Hunters selected to receive a depredation permit will not lose bonus points associated with the limited entry application process.

(8) Wild turkey depredation permits qualify towards permit possession limits identified in [Rule R657-54](#).

(9) Depredation permits may be withheld from persons who have violated ~~[this rule, any other wildlife rule]~~ [Title 23](#), the Wildlife Resources Code [of Utah, this rule, any other rule, or proclamation of the Wildlife Board](#), or who are otherwise ineligible to receive a permit.

~~R[657-69-6]~~[657-69-6](#). Control Permits for Turkey.

(1)(a) As part of a damage mitigation and prevention plan, the division may issue a turkey control permit at no cost directly to the affected landowner or lessee, or to their immediate family member or employee.

(b) No more than two control permits may collectively be issued per calendar year under each damage prevention and mitigation plan.

(2) A control permit allows the permit holder to take a single turkey of either sex within the boundaries designated in the damage mitigation and prevention plan.

(3) Control permit turkey hunts may be held August 1 through March 14.

(4)(a) In the event that the landowner or lessee, or the landowner or lessee's immediate family member or employee, who receives the control permit does not possess a valid hunting or combination license, the division may issue a special turkey control license at no cost to the designated permit holder for the purposes of obtaining a control permit.

(b) A special turkey control license does not authorize the license holder to take any other protected wildlife or to obtain any other permit other than a turkey control permit.

(5) Hunters who receive a control permit will not lose any bonus points accrued as part of the limited entry turkey application process.

(6) Control permits may be withheld from persons who have violated [~~this rule, any other wildlife rule~~][Title 23](#), the Wildlife Resources Code [of Utah, this rule, any other rule or proclamation of the Wildlife Board](#), or who are otherwise ineligible to receive a permit.

(7) Control permits issued under this section do not count towards permit possession limits identified in [Rule R657-54](#).

(8) Rimfire firearms may be used as a legal weapon for wild turkey permits issued pursuant to this section.

R[~~657-69-7~~][657-69-7](#). Control Permit Vouchers for Turkey.

(1)(a) As part of the damage mitigation and prevention plan, the division may issue turkey control permit vouchers to the landowner or lessee.

(b) The number of control permit vouchers shall not exceed 10% of the documented turkeys on the private property or fifteen vouchers per calendar year, whichever is less.

(2)(a) Control permit vouchers do not allow turkey hunting and must be redeemed for a control permit prior to going afield.

(b) Control permit vouchers may be redeemed for a turkey control permit at a division office prior to the closing date of the control permit turkey hunt for which the voucher was issued.

(c) Individuals shall pay the required fee in order to redeem a control permit voucher for a turkey control permit.

(3)(a) A landowner or lessee transferring control permit vouchers to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for turkey hunting under a control permit on the landowner or lessee's private property.

(b) Turkey control permit vouchers are only transferable between the landowner or lessee and an individual redeeming that voucher for a turkey control permit.

(c) Redeemed turkey control permit vouchers do not qualify towards permit possession limits identified in [Rule R657-54](#).

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[\(4\) An individual may redeem up to three control permit vouchers per fall season.](#)

[\(5\) Individuals redeeming a control permit voucher for a control permit will not lose accrued bonus points for limited entry turkey hunting as a result of redeeming the voucher.](#)

R[~~657-69-8~~][657-69-8](#). Hunt Areas for Depredation and Control Permit Hunts.

(1) The hunt area for depredation hunts and control permit hunts may include a buffer zone of up to 2 miles around the parcels of private property experiencing material damage.

(2) Buffer zones, if any, will be defined in the damage mitigation and prevention plan.

(3) Buffer zones may partially encompass or be adjacent to lands experiencing material damage.

(4) If a buffer zone includes the private land of multiple landowners, each affected landowner must be a signatory to the damage mitigation and prevention plan.

[R657-69-9]

R657-69-9. Removal of Turkeys from Commercial Poultry or Gamebird Facilities and Infection Zones.

- (1) An owner or operator of a lawfully permitted commercial poultry or gamebird facility that locates wild turkeys within the infection zone of their facility must immediately notify the division.
- (2) Upon division confirmation that there are wild turkeys within the infection zone of a commercial poultry or gamebird facility, the owner or operator may apply for a certificate of registration under Section R657-3-11 authorizing lethal removal of the wild turkeys.
- (3) As a condition of receiving a certificate of registration, the division may, in cooperation with the Utah Department of Agriculture, identify modifications or improvements to the commercial poultry or gamebird facility, or infection zone.
- (4) Only the owner or operator, their employees, their immediate family members, may be authorized to lethally remove turkeys from a commercial poultry or gamebird facility, or infection zone.

Wild turkey may only be taken with:

- (a) Archery equipment, including a draw-lock, or a crossbow using broadhead tipped arrows or bolts;
- (b) a shotgun, firing shot sizes BB and smaller diameter; or
- (c) a rimfire or centerfire firearm

(6) Any individual authorized to act under a certificate of registration must:

- (a) have passed a division authorized hunter education course;
- (b) be eligible to legally possess and handle a firearm; and
- (c) not be under an active suspension or revocation of any hunting privileges.

(7) The certificate of registration for removal of wild turkeys from a commercial poultry or gamebird facility or infection zone shall identify:

(a) the name of the contact information for the commercial poultry or gamebird facility;

(b) the number of wild turkeys to be lethally removed;

(c) the names of the individuals authorized to act under the certificate of registration;

(d) the dates authorized for lethal removal;

(e) the specified infection zone(s) where wild turkeys may be removed;

(f) the reporting date for which the division must receive confirmation that all wild turkeys have been removed from the commercial poultry or gamebird facility or infection zone; and

(g) directions to the certificate of registration holder regarding carcass delivery to the division for disease sampling and any other provisions outlined in the certificate of registration.

(8) Neither the certificate of registration holder nor any individual acting under its authority may commercialize any wildlife or their parts removed from a commercial poultry or gamebird facility or infection zone(s).

R657-69-10. Reporting Requirements and Disease Testing.

- (1) Every wild turkey lethally removed from a commercial poultry or gamebird facility or infection zone(s) must be collected and provided to division promptly following removal.
- (2) The certificate of registration holder must deliver each carcass to the division as directed in the certificate of registration.

R657-69-11. Reservation of Division Authority.

- (1) Nothing herein shall preclude the division from unilaterally removing wild turkeys from commercial poultry or gamebird facilities or infection zones, consistent with statutory notification provisions.
- (2) If the division determines that issuance of a certificate of registration for lethal removal is appropriate, the division may determine the number of turkeys that may be removed under a certificate of registration based upon the individual circumstances of each request, including:
 - (a) the age and sex of the animals confined;
 - (b) threats to wildlife resources; and
 - (c) potential impacts to the owner or operator.

R657-69-12. Appeal Procedures.

~~[(1)]~~ Upon the petition of an aggrieved party to a final division action relative to material damage caused by turkeys and this rule ~~[, a qualified hearing examiner shall take evidence and make recommendations to the Wildlife Board, who shall resolve the grievance in accordance with Rule R657-2]~~ the landowner or lessee may petition the mitigation review panel for relief as provided in Subsection 657-44-4.

R~~657-69-10~~657-69-13. Hunting or Combination License Required.

- (1)(a) A person must possess or obtain a valid Utah hunting or combination license, or a special turkey control license, to receive a turkey control permit pursuant to Section R657-69-6.
- (b) A person must possess or obtain a valid Utah hunting or combination license to:
 - (i) receive a turkey depredation permit; or
 - (ii) or redeem a control permit voucher for the corresponding permit.
- (2)(a) Special turkey control licenses are only issued to landowners or lessees, immediate family members, and employees that are designated to receive a turkey control permit under Section R657-69-6 and do not possess a valid Utah hunting or combination license.
- (b) Special turkey control licenses may not be used in lieu of a hunting or combination license to obtain a depredation permit or a control permit under a control permit voucher.

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