

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

~~R657-4. Possession of Live Game Birds.~~

~~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, or disposal of live game birds.~~

~~_____ (2) The provisions of Rule R657-3 do not apply to activities conducted by holders of a valid certificate of registration for aviculture 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) "Aviculture installation" means an enclosed place such as a pen or aviary where privately owned game birds are propagated or kept, and restricts the game birds from escaping into the wild.~~

~~_____ (b) "Commercial use" means, for purposes of this rule, the sales of any game birds authorized by the certificate of registration in excess of \$5,000 annually.~~

~~_____ (c) "Game bird" means;~~

~~_____ (i) crane;~~

~~_____ (ii) Blue, Ruffed, Sage, Sharp-tailed, and Spruce grouse;~~

~~_____ (iii) Chukar, Red-legged, and Hungarian partridge;~~

~~_____ (iv) pheasant;~~

~~_____ (v) Band-tailed Pigeon;~~

~~_____ (vi) Bobwhite, California, Gambel's, Harlequin, Mountain, and Scaled quail;~~

~~_____ (vii) waterfowl;~~

~~_____ (viii) Common Ground, Inca, Mourning, and White-winged dove;~~

~~_____ (ix) wild or pen-reared wild turkey of the following subspecies:~~

~~_____ (A) Eastern;~~

~~_____ (B) Florida or Osceola;~~

~~_____ (C) Gould's;~~

~~_____ (D) Merriam's;~~

~~_____ (E) Ocellated; and~~

~~_____ (F) Rio Grande; and~~

~~_____ (x) ptarmigan.~~

~~_____ (d) "Pen-reared wild turkey" means any turkey or turkey egg held under human control that:~~

~~_____ (i) is imprinted on other poultry or humans; and~~

~~_____ (ii) has morphological characteristics of wild turkeys.~~

~~_____ (e) "Wild turkey" means recognized subspecies and hybrids of free-ranging turkeys hatched in the wild. Recognized subspecies and hybrids between subspecies include Eastern, Florida or Osceola, Gould's, Merriam's, Ocellated, and Rio Grande.~~

~~R657-4-3. Certificates of Registration.~~

~~_____ (1) Except as provided in Subsections R657-4-3(5) and R657-4-7(2), a person may not possess, import, purchase, propagate, sell, barter, trade, or dispose of any live~~

~~game bird, or the eggs of any game bird, without first obtaining a certificate of registration for aviculture from the division.~~

~~—— (2) Any person who has obtained a certificate of registration for aviculture may possess, import, purchase, propagate, sell, barter, trade, or dispose of only those species of game birds designated on that person's certificate of registration.~~

~~—— (3) Certificates of registration for aviculture:~~

~~—— (a) are not transferable; and~~

~~—— (b) are valid for five years from the date of issuance.~~

~~—— (4)(a) Any person who has applied for and obtained a certificate of registration for aviculture must comply with all state, federal, city, and other municipality laws, rules, and regulations pertaining to the possession of live game birds.~~

~~—— (b) A person shall not operate a hatchery or offer any chicks, poults, or hatching eggs for sale in Utah without first obtaining a hatchery license from the Department of Agriculture and Food as provided in Section 4-29-4.~~

~~—— (5) A person who acquires live game birds is not required to obtain a certificate of registration:~~

~~—— (a) if the game birds are used for training dogs as provided in Rule R657-46;~~

~~—— (b) if the game birds are used for the sport of falconry and:~~

~~—— (i) each game bird held in possession is banded with a metal leg band purchased from the division;~~

~~—— (ii) the game birds are not held in possession longer than 60 days;~~

~~—— (iii) a bill of sale establishing proof of purchase from a legal source is in possession; and~~

~~—— (iv) a valid entry permit number and a certificate of veterinary inspection has been obtained from the Department of Agriculture and Food as provided in Rule R58-1 if the game birds are imported into Utah; or~~

~~—— (c) for holding game birds in temporary storage while the game birds are in transit through Utah provided the birds are identified as to their source and destination and are not removed from the shipping containers.~~

~~R657-4-4. Application for a Certificate of Registration.~~

~~—— (1) A person may obtain a certificate of registration for aviculture by submitting a completed application and the appropriate fee to the regional division office in the area in which the aviculture installation is to be located.~~

~~—— (2) 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.~~

~~—— (3) A person may apply to renew a certificate of registration on or three months before the date on which the certificate of registration expires.~~

~~R657-4-5. Exhibit of Certificate of Registration, Game Birds, and Equipment.~~

~~—— A conservation officer or any other peace officer may request any person engaged in activities covered under this rule to exhibit:~~

~~—— (1) the person's certificate of registration, permit, health certificate, bill of sale, or proof of ownership;~~

~~—— (2) any game birds held in possession; or~~

~~—— (3) any device, apparatus, or facility used for activities covered under this rule.~~

~~R657-4-6. Unlawful Possession -- Release of Game Birds.~~

- ~~_____ (1) A person may not:~~
 - ~~_____ (a) take any live game bird or the egg of any game bird from the wild, except as provided in Rules R657-3 and R657-6 and the proclamation of the Wildlife Board for taking upland game;~~
 - ~~_____ (b) release or abandon any live game bird without first obtaining written authorization from the division director or appropriate regional supervisor as provided in Subsection (2), except that game birds may be released for training dogs or raptors as provided in Rule R657-46; or~~
 - ~~_____ (c) release any wild turkey or pen-reared wild turkey from captivity.~~
- ~~_____ (2) A person must submit a letter requesting permission to release game birds and must include the operator's:~~
 - ~~_____ (a) name, address and telephone number;~~
 - ~~_____ (b) certificate of registration number;~~
 - ~~_____ (c) area and date of intended release;~~
 - ~~_____ (d) species to be released;~~
 - ~~_____ (e) number and sex of each species to be released; and~~
 - ~~_____ (f) a statement from a veterinarian that the birds have been tested for Salmonella pullorum or come from a source flock that participates in the National Poultry Improvement Plan (NPIP).~~
- ~~_____ (3) In determining whether to allow the release of a game bird as allowed under Subsection (1)(b), the division shall consider:~~
 - ~~_____ (a) the potential release site and its relative impact on wildlife and wildlife habitat;~~
 - ~~_____ (b) the species or subspecies of game birds to be released; and~~
 - ~~_____ (c) the activity for which the game birds are to be released.~~
- ~~_____ (4)(a) Any game bird that escapes from captivity becomes the property of the state of Utah.~~
- ~~_____ (b) The director may authorize the destruction of any escaped game birds that may impact wildlife.~~
- ~~_____ (5) The division may dispose of game birds or their eggs held in possession in violation of this rule.~~
- ~~_____ (6) Game birds or their eggs held in captivity must be confined to the registered aviculture installation, except when in transit or being displayed.~~

~~R657-4-7. Importation of Live Game Birds and Eggs of Game Birds.~~

- ~~_____ (1) Except as provided in Subsection (2) and Section R657-4-3(5), a person importing live game birds or the eggs of game birds into Utah must first obtain:~~
 - ~~_____ (a) a valid entry permit number and a certificate of veterinary inspection from the Department of Agriculture and Food as provided in Rule R58-1 and in accordance with Section 4-29-2; and~~
 - ~~_____ (b) a certificate of registration from the division.~~
- ~~_____ (2) A nonresident importing live game birds into Utah is not required to obtain a certificate of registration for aviculture unless the game birds remain in Utah longer than 72 hours.~~

~~R657-4-8. Sale or Purchase of Live Game Birds.~~

~~_____ (1)(a) Any person who sells, barter, trades, or disposes of a live game bird or the egg of a game bird to another person must provide a bill of sale.~~

~~_____ (b) The transferer's certificate of registration number must be written on the bill of sale.~~

~~_____ (2)(a) Any person who possesses, imports, purchases, propagates, sells, barter, trades, or disposes of live game birds must keep a record of each transaction that includes:~~

~~_____ (i) the species;~~

~~_____ (ii) the number and sex of the game birds;~~

~~_____ (iii) the name and address of each party to the transaction; and~~

~~_____ (iv) the date of the transaction.~~

~~_____ (b) The records required under Subsection (a) must be maintained for five years.~~

~~R657-4-9. Penalty for Violation.~~

~~_____ A violation of any provision of this rule is punishable as provided in Section 23-13-11.~~

~~KEY: wildlife, birds, game laws, aviculture~~

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~~Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-4~~