

R657. Natural Resources, Wildlife Resources.

R657-64. Predator Control Incentives.

R657-64-1. Purpose and Authority.

- (1) This rule is promulgated under authority of Section 23A-11-402 to establish procedures for:
- (a) targeted predator control and general predator control programs administered by the division for the benefit of mule deer; and
 - (b) creation and distribution of educational and training materials related to mule deer protection.

R657-64-2. Definitions.

- (1) Terms used in this rule are defined in Section 23A-11-401 and 23A-1-101.
- (2) In addition:
 - (a) "Division" means the Utah Division of Wildlife Resources.
 - (b) "Fiscal year" means July 1st through June 30th of the following calendar year.
 - (c) "General predator control" means a predatory animal removal effort by the division, which uses the public to remove predators for the benefit of mule deer.
 - (d) "GPS" means Global Positioning System location in ~~either~~ the form of either Latitude-Longitude coordinate or Universal Transverse Mercator (UTM) coordinate.
 - (e) ~~"Marked" means the permanent clipping or punching of ears on the predatory animal carcass or pelt.~~
 - (f) ~~"Predatory animal" means a coyote.~~
 - (g) ~~"Preserved" means drying, freezing, drying, or chemically treating the pelt or scalp with ears attached and the lower jaw of a coyote so it is not decomposed or spoiled when presented to the division for reimbursement under Section R657-64-4.3.~~
 - (h) ~~"Targeted area" means an area within the State of Utah specifically identified for predatory animal removal during a specified season.~~
 - (i) ~~"Targeted predator control" means a predatory animal removal effort by the division or its contractors:~~
 - (i) to remove predatory animals in an area where high predation on mule deer occurs; and
 - (ii) that focuses on specific locations and certain times.
 - (j) ~~"State" means State of Utah.~~

R657-64-3. Predatory Animal Control Programs.

- (1) Two predatory animal control programs are created within the division to provide financial incentive to participants for the removal of coyotes detrimental to mule deer production.
 - (a) The General Predator Control Program provides a financial incentive to any participant with a predator control certificate of registration to remove coyotes within the ~~State~~state.
 - (i) The financial incentive to participate in the program and remove coyotes under the conditions prescribed in this rule and by the division is \$50 compensation per animal, unless otherwise reduced or increased by the division pursuant to Subsections (ii) and (iii).
 - (ii) Compensation for coyotes in any given fiscal year is limited to the annual legislative appropriation for the program, and no further compensation will be paid once the funding allocation is exhausted.
 - (iii) Beginning July 1, 2019, compensation amounts may be adjusted by the division as follow.
 - (A) When annual compensation claims exceed the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year will be reduced by \$5 from that paid in the previous year.
 - (B) When annual compensation claims are less than the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year ~~will~~can be increased by \$5 from that paid in the previous year, ~~provided compensation never exceeds \$50 per animal.~~
 - (C) Compensation amounts may be increased by the division for coyote removal in defined areas that offer the greatest benefit to mule deer protection.
 - (b) The Targeted Predator Control Program focuses coyote removal efforts within prescribed areas of the ~~State~~state and during specified times of the year where predation on deer is most prevalent by:
 - (i) using personnel hired and employed by the division to undertake targeted removal efforts; or
 - (ii) contracting with vendors to undertake targeted removal efforts.
 - (2) Participants in either program are not granted special authority to take coyotes beyond that available to non-participants, and each shall comply with all applicable federal, state, and local laws.
 - (3)(a) Except as provided in Subsection (3)(b), participants in both programs are required to follow all relevant rules and regulations related to trapping and firearm use, as detailed in ~~state code~~the Utah State Code and ~~rule~~Rule R657-11, "Taking Furbearers."
 - (b) The division may exempt a participant in the Targeted Predator Control Program from specified provisions of Rule R657-11 Taking Furbearers, which the division determines necessary to effectively control coyotes in a targeted area that are detrimental to mule deer production.

R657-64-4. General Predator Control Program -- Certificate of Registration Required.

(1) A person must possess a valid predator control certificate of registration issued by the division to participate in the General Predator Control Program.

(2) To receive a predator control certificate of registration, a person must;

~~(a) complete an online application, including the applicant's:~~

~~(i) full name;~~

~~(ii) mailing address;~~

~~(iii) phone number;~~

~~(iv) e-mail address;~~

~~(v) date of birth; and~~

~~(vi) social security number;~~

~~(b) (a) pay any required application and certificate of registration fees;~~

~~(b) complete an annual online orientation and training and registration course;~~

~~(c) agree to the requirements of this rule and any additional terms and conditions specified by the division for program participation on its webpage;~~

~~(e) (d) agree to complete and submit all necessary federal and state documents, and~~ acknowledge and agree to the division submitting an Internal Revenue Service Form 1099 each calendar year where compensation totals require reporting under federal law;

~~(f) acknowledge and agree to verify that all coyotes submitted for compensation are killed by the applicant within the Statestate.~~

~~(g) acknowledge and agree to collect and submit accurate GPS data through the division-approved mobile app documenting the precise location where each coyote is killed; and~~

~~(h) acknowledge and agree to not interfere with USDA Wildlife Services or Utah Department of Agriculture and Food (UDAF) employees conducting similar coyote removal efforts in the area.~~

(3) The division may deny an application for a predator control certificate of registration for any of the following reasons:

(a) the ~~application registration~~ is incomplete or filled out incorrectly;

(b) the ~~application registration~~ contains false or misleading information;

(c) the applicant fails to complete or otherwise comply with any of the requirements in Subsection (2);

(d) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;

(e) the applicant's hunting or trapping privileges are suspended in Utah or any other state;

(f) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or

(g) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are killed.

(4)(a) Upon approval of the application, the division will issue a predator control certificate of registration to the applicant authorizing their participation in the program.

(b) The certificate of registration will remain valid for 365 days from the date of issuance, unless earlier suspended pursuant to Section R657-64-11.

(c) Upon expiration of a predator control certificate of registration, a new certificate of registration must be obtained under the criteria and conditions set forth in Subsections (2) and (3) to participate in the program.

R657-64-4.3. General Predator Control Program -- Compensation.

(1)(a) Program participants with a valid predator control certificate of registration will be eligible to receive from the division \$50 for each qualifying coyote presented, unless compensation is otherwise reduced or increased by the division pursuant to Subsection R657-64-3(1)(a).

(b) Requests for payment shall be made only on the designated check-in dates and at the locations identified by the division.

(2) Receipt of compensation is further subject to the following conditions:

(a) The claimant seeking compensation for a coyote must:

(i) personally kill the animal presented for payment;

(ii) possess a valid predator control certification of registration at the time the animal is killed and at the time it is presented to the division for payment;

(iii) complete and submit a signed division-approved compensation form in electronic ~~or written~~ format containing the following information:

(A) the claimant's name and ~~certificate of registration~~ division customer ID number;

(B) the date and exact GPS location where each coyote was killed; ~~and~~

~~(C) (C) a clear picture of the coyote at the kill site; and~~

~~(D) verification that the claimant personally killed the coyotes, the information provided is accurate, and all program terms and conditions have been complied with;~~

(iv) present to the division at a designated check-in event the fresh or preserved;

- ~~(A) full pelt or scalp of each coyote with both ears attached; and~~
~~(B) entire lower jaw or front two-thirds of the jaw including canines and premolars~~ of each coyote--removed from the carcass with canine and molar teeth intact; and
- (v) link or associate the ~~pelt, scalp, and~~ jaw of each coyote presented for reimbursement to the corresponding entry for that coyote on the division-approved compensation form.
- (b) Except as provided in Subsection (3), a claimant may not seek or obtain an incentive payment under this rule for any coyote that is:
- (i) killed by someone or something other than the claimant;
 - (ii) killed outside ~~the State~~ of Utah;
 - (iii) presented to the division for payment more than 365 days from the date it was killed;
 - (iv) marked as previously redeemed for payment; or
 - (v) presented to the division in a condition where the ~~pelt, scalp or~~ lower jaw:
 - (A) is spoiled or rotten;
 - (B) has maggots or other carrion organisms;
 - (C) is in a frozen state that impedes division processing; or
 - (D) is damaged or otherwise in a condition where the species cannot be reliably verified, or the absence or presence of markings cannot be ascertained.
- (3) Program participants may designate a third party to check-in their coyotes with the division at the designated times and locations, provided:
- (a) the compensation form referred to in Subsection (2)(a)(iii) is completed and signed by the program participant that killed the coyotes;
 - (b) the lower jaw ~~and either the full pelt or the scalp (with both ears attached)~~ of each coyote is presented to the division, as required in Subsections (2)(a)(iv) and (2)(b), with the compensation form; and
 - (c) the compensation form identifies and authorizes the person that will present it to the division for compensation.
- (4) Program participants are not authorized to trespass or take coyotes ~~on tribal trust lands without written tribal authorization.~~
(a) on tribal trust lands without written tribal authorization;
(b) other private lands without written permission of the landowner; or
(c) restricted government lands without written permission from the appropriate authorities.
- (5) Employees and contractors of USDA Wildlife Services or UDAF are ineligible to receive compensation for coyotes taken within the scope of their employment or contractual responsibilities.
- (6) Compensation for qualified coyotes will be documented by written receipt at the time of submission to the division and payment by check will be mailed at a later date.
- (7) Participants shall be responsible for disposing of coyote pelts ~~and ears~~ presented to the division for compensation, but the division may retain the lower jaw.
- (8) The division ~~will mark~~may mark each coyote or keep the jaw or teeth of each coyote redeemed for payment to ensure compensation is paid only once for each animal.

R657-64-4.7. General Predator Control Program -- Electronic Certification.

- (1) Beginning on July 1, 2019, program participants seeking compensation for coyotes under Section R657-64-4.3 must comply with the following electronic certification requirements:
- (a)(i) Download the division's electronic certification application to a personal electronic device with photograph and location services capabilities.
 - (ii) The application will automatically record the date and GPS location of each photograph and link that data to the photograph.
 - (b) Using the electronic certification application, claimants must enable the location services on their electronic device and photograph each coyote at the exact location it is trapped or killed.
 - (c) The photographic image must:
 - (i) show the entire coyote carcass so it fills the frame of the image;
 - (ii) be uploaded to the division's designated database; and
 - (iii) be sufficiently clear and detailed to match a pelt or scalp presented to the division for compensation with the coyote carcass in the photographic image.
- (2) Compensation will not be paid for any coyote presented to the division that has not been electronically certified by the claimant consistent with the requirements of Subsection (1).

R657-64-5. Targeted Predator Control Program.

- (1) The division may hire employees or award contracts to vendors for targeted coyote removal services.
- (2) Targeted predator control contracts will be solicited and awarded through the Division of Purchasing and General Services consistent with the procurement requirements in Title 63G, Chapter 6a of the Utah Code.

R657-64-6. Trap and Hunting Locations.

(1) Program participants and contract vendors are required to provide GPS data documenting the precise location where each coyote is taken.

(2) To the extent GPS data discloses the location of trap lines or hunting areas, and public disclosure of that data exposes the traps to the possibility of theft and damage or the hunting area to exploitation by others, the data may be classified as "protected" under [Section Subsection 63G-2-305\(2\)](#) and restricted from public disclosure pursuant to Title 63G, Chapter 2, Government Records Access and Management Act, provided the requirements of Subsection (3) are satisfied.

(3) Any person desiring to protect GPS data from public disclosure that locates trap lines or hunting areas must submit to the division a written claim of confidentiality explaining:

- (a) the financial and commercial harm reasonably expected to occur if the data is subject to public disclosure; and
- (b) why the person submitting the data has a greater interest in prohibiting access than the public in obtaining access.

R657-64-7. Coordination.

(1) The division will coordinate with the Department of Agriculture and Food and the Agricultural and Wildlife Damage Prevention Board created in Section 4-23-4 to:

- (a) minimize unnecessary duplication of predatory animal control efforts;
- (b) prevent interference between predatory animal control programs administered under Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act and this rule; and
- (c) enhance the effectiveness of predatory animal control efforts and maximize the benefit to both mule deer and livestock.

R657-64-8. Education and Training.

The division may conduct and administer training, education, and outreach activities related to mule deer protection and predator control.

R657-64-9. Appropriation of Funds.

- (1) Funding for the predatory animal control programs in this rule is appropriated annually by the Legislature.
- (2) Should appropriated funding be reduced or eliminated, funds available for compensation in the two predatory animal control programs may be ended without prior public notice.
- (3) Once the annual funding allocation for coyote removal is expended for the general or targeted control programs in a given year, no further payments will be made for that year, regardless of pelts ~~or ears~~ that may be held by program participants.

R657-64-10. Liability.

(1)(a) Any person who participates in either predatory animal control program under this rule assumes full and complete liability and responsibility for their acts and omissions while engaged in removing coyotes or redeeming them for compensation.

(b) To the extent provided under the Utah Governmental Immunity Act and the liability limitations in this rule, the division shall not be liable in any civil action for any act or omission of a program participant while removing coyotes or redeeming them for compensation.

(2) It is the responsibility of program participants to read, understand and comply with this rule and all other applicable federal, state, county, and municipal laws, regulations, and ordinances.

R657-64-11. Violations.

(1)(a) The division may suspend, terminate, or deny any certificate of registration or other authorization issued under this rule to participate in either or both predatory animal control programs for any of the violations listed in [Subsection R657-64-4\(3\)](#) ~~or R657-64-5(3)(b)~~.

(b) Suspension proceedings involving predator control certificates of registration will be initiated and adjudicated consistent with the procedures set forth in [Rule R657-26](#).

(2) Providing false information to the division or otherwise violating the provisions of this rule may be criminally prosecuted under applicable offenses defined in the Utah Code.

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