

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

##### **R657-4-1. Purpose and Authority.**

(1) Under authority of Sections 23A-5-302, 23A-2-305, and 23A-2-304, 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 R657-3b 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 23A-1-101.
- (2) In addition:
  - (a) "Authorized Species" means 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 five 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 Rule R58-6 and Sections R657-4-10, R657-4-11, R657-4-12, R657-4-13.
  - (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 breed 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 *Symaticus*, *Chrysolophus*, and *Phasianus*);
    - (v) Bobwhite quail;
    - (vi) California quail;
    - (vii) Gambel's quail; and
    - (viii) waterfowl (family Anatidae).
  - ~~(l)~~ (l) "Propagation" means to breed and hatch gamebirds from a parent stock.
  - ~~(m)~~ (m) "Train" or "training" means informal handling, exercising, teaching, instructing, and disciplining of dogs or falconry birds in the skills and techniques of hunting and retrieving gamebirds characterized by absence of fees, judging, or awards.
  - ~~(nn)~~ (nn) "Wildlife Document" means a certificate of 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 of Pen-reared Gamebirds.**

- (1) ~~(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, R657-6, R657-9, the proclamation of the Wildlife Board for taking upland game and the proclamation of the Wildlife Board for taking waterfowl. 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 Section R657-4-14, 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.~~
- ~~(2)~~ (3) Prohibited species include: forest grouse (dusky and ruffed), mountain quail, prairie chicken, sage-grouse, scaled quail, and sharp-tailed grouse. The stipulations pertaining to prohibited species can be found in Rule R657-3b.
- ~~(3) Except as provided in Section R657-4-14, 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 Possession Permit from the Division, a~~ Or Commercial Gamebird Facility License from the Department of Agriculture and Food.
- (4) Poultry dealers as defined in Rule R58-6 (such as feed stores) may not sell live pen-reared gamebirds or their eggs.

#### **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 of veterinary inspection, bill of sale, Wildlife Document, or proof of ownership;

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

(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, the Division of Law Enforcement, and the 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 of veterinary inspection 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 issued by the Division related to pen-reared gamebird possession or release, as authorized under Section 23A-4-1106 and Rule R657-26, for violation of Utah Code, rule, or terms of the certificate of registration.

(2) ~~A~~Unless otherwise stated elsewhere in this rule, a violation of this rule is punishable as provided in Section 23A-~~65~~-301.

(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 for approved species listed on the CHA Wildlife Document as not established in the wild in the area; or

(b) 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 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.**

All pen-reared gamebirds and hatching eggs imported into Utah must meet the requirements found in Rules 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 as applicable;

(b) the species;

(c) the number of pen-reared gamebirds;

(d) the sex of pen-reared gamebirds if plumages exhibit sexual dimorphism; ~~and~~

(e) the date of the transaction; and

(f) disease testing records

(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)~~ (e) disease testing records;

(f) 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

~~(fg)~~ 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 Section R657-4-~~17,15~~ it is unlawful and punishable under Section 23A-5-305 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.

(4) Flocks with any proportion of birds exhibiting clinical signs of disease are prohibited. If any birds within a flock are showing clinical signs, disease testing must occur and Department of Agriculture and Food protocols must be followed.

#### **R657-4-10. Disease General Provisions.**

(1) The Division may:

~~\_\_\_\_\_ (a) \_\_\_\_\_~~ (a) Conduct random testing for mycoplasma gallisepticum, mycoplasma synoviae, or other diseases with or without the Department of Agriculture and Food's assistance;

(b) Coordinate with the Department of Agriculture and Food and public health agencies as appropriate to investigate any reported disease and take any necessary action to control a contagious or infectious disease affecting domestic animals, wildlife, or public health; ~~or and~~

(b) Coordinate with the Department of Agriculture and Food to 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 and Human Services.

(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 holding 1,000 or more birds/eggs for 60 days or longer must be licensed through the Department of Agriculture and Food under Rule R58-6, and meet requirements outlined therein.

#### **R657-4-11. Disease Provisions for ~~Holders of High Volume Gamebird Release and Commercial Hunting Area Release Wildlife Documents~~ Release of Gamebirds.**

(1) Groups or individuals releasing pen-reared gamebirds through regional supervisor approval or under a High Volume Pen-reared Gamebird Release Wildlife Document or Commercial Hunting Area 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 a holder of a Pen-reared Personal Possession Wildlife Document;

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

~~\_\_\_\_\_ (c) Obtain pen-reared gamebirds~~ Verify negative tests from a holder of a pen-reared Gamebird Personal Possession Wildlife Document and the seller with documentation or test a representative sample prior to release and of birds not more than 30 days ~~of acquisition prior to release~~ for:

~~\_\_\_\_\_ (i) Mycoplasma gallisepticum;~~

~~\_\_\_\_\_ (ii) Mycoplasma synoviae;~~

~~\_\_\_\_\_ (iii) Avian Influenza virus; and~~

~~\_\_\_\_\_ (iv) Salmonella pullorum-typhoid; and~~

~~(A) \_\_\_\_\_~~ (A) Salmonella pullorum-typhoid testing is only required if any other domestic ~~birds are poultry or gamebirds~~ on the facility ~~or gamebirds~~ did not originate from an NPIP source flock certified for Pullorum-Typhoid.

(B) Avian Influenza testing is provided by the Department of Agriculture for Commercial Gamebird Facility License holders and NPIP certified flocks. The operator is responsible for conducting and funding testing if they do not meet these requirements.

(v) Additional ~~Any additional~~ diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds if the wildlife document holder has been notified of additional requirements.

(2) 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 before release, or verification of quarterly testing done by the Department of Agriculture and Food that a representative sample of birds have tested negative for: the diseases listed in Section R657-4-11.

~~\_\_\_\_\_ (a) Mycoplasma gallisepticum;~~

~~\_\_\_\_\_ (b) Mycoplasma synoviae;~~  
~~\_\_\_\_\_ (c) Avian Influenza virus; and~~  
~~\_\_\_\_\_ (d) Salmonella pullorum typhoid.~~  
~~\_\_\_\_\_ (i) Salmonella pullorum typhoid testing is only required if any other domestic birds are on the facility or if any gamebirds did not originate from an NPIP source flock certified as free from Pullorum Typhoid.~~  
~~\_\_\_\_\_ (e) Additional disease identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds if the wildlife document holder has been notified of additional requirements.~~

(3) In the case of game birds testing positive for diseases listed in Subsection (2)(c) game birds shall not be brought into, out of, or released from any holding facilities before disease free status has been established.

(a) Facilities are not considered to be disease free 60 until 30 days after a negative testing test result is received as specified in Subsection (2).

(4) Testing ~~as~~ per Subsection (2) is additionally required before release after positive disease tests.

(5) Additional measures may be applied as deemed appropriate by the Division; in coordination with the Department of Agriculture and Food, ~~or the Department of Health and Human Services.~~

(6) ~~A holder of High Volume Pen-reared Gamebird Release Wildlife Documents or Commercial Hunting Area Pen-reared Gamebird Release Wildlife Documents~~ Any person possessing pen-reared gamebirds shall notify the Division of any large or unusual morbidity or mortality events affecting at least 25 percent of the flock due to infectious disease, diet, or unknown cause within 48 hours of the event.

#### **R657-4-12. Disease Provisions for Holders of Pen-reared Gamebird Personal Possession Wildlife Documents.**

~~\_\_\_\_\_ (1) Those holding Confirmed 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 suspected cases of diseases listed on the Utah licensed by the Department of Agriculture;~~

~~\_\_\_\_\_ (b) Import pen-reared gamebirds into List of Reportable Conditions for Animals must be reported to the Utah following Department of Agriculture and Food requirements in Section R58-1; or,~~

~~\_\_\_\_\_ (c) Test a representative sample within 30 days of acquisition for:~~

~~\_\_\_\_\_ (i) Mycoplasma gallisepticum;~~

~~\_\_\_\_\_ (ii) Mycoplasma synoviae;~~

~~\_\_\_\_\_ (iii) Avian Influenza virus; and~~

~~\_\_\_\_\_ (iv) Salmonella pullorum typhoid.~~

~~\_\_\_\_\_ (A) Salmonella pullorum typhoid testing is only required if any other domestic birds are on the facility or gamebirds did not originate from an NPIP source flock certified for Pullorum Typhoid.~~

~~\_\_\_\_\_ (v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds if the wildlife document holder has been notified of additional requirements.~~

~~\_\_\_\_\_ (2) In the case of gamebirds testing positive for diseases listed in Subsection (1)(c), game birds shall not be brought into, out of, or released from any holding facilities before disease free status has been established.~~

~~\_\_\_\_\_ (a) Facilities are considered disease free 60 days after negative testing as specified in Subsection (1)(c).~~

~~\_\_\_\_\_ (b) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health and Human Services.~~

~~\_\_\_\_\_ (3) Those holding or propagating pen-reared gamebirds under a Pen-reared Gamebird Personal Possession Wildlife Document shall notify the Division of any large or unusual mortality events due to infectious disease, diet, or unknown cause within 48 hours of the event.~~

#### **R657-4-13. Disease Provisions for those possessing gamebirds under short term pen-reared gamebird possession provisions or releasing gamebirds under personal use pen-reared gamebird release provisions.**

~~\_\_\_\_\_ (1) Those possessing 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 Section R58-1; or~~

~~\_\_\_\_\_ (c) Test a representative sample within 30 days before release for:~~

~~\_\_\_\_\_ (i) Mycoplasma gallisepticum;~~

~~\_\_\_\_\_ (ii) Mycoplasma synoviae;~~

~~\_\_\_\_\_ (iii) Avian Influenza virus; and~~

~~\_\_\_\_\_ (iv) Salmonella pullorum typhoid.~~

~~\_\_\_\_\_ (A) Salmonella pullorum typhoid testing is only required if any other domestic birds are on the facility or gamebirds did not originate from an NPIP source flock certified for Pullorum Typhoid.~~

~~\_\_\_\_\_ (v) Additional diseases identified by the Division or Utah Department of Agriculture and Food as threats to wildlife or domestic birds if the wildlife document holder has been notified of additional requirements.~~

~~\_\_\_\_\_ (2) In the case of game birds testing positive for diseases listed in Subsection (1)(c) game birds shall not be brought into, out of, or released from of any holding facilities before disease free status has been established.~~

~~\_\_\_\_\_ (a) Facilities are considered disease free 60 days after negative testing listed in Subsection (1)(c).~~

~~\_\_\_\_\_ (b) Retesting as per Subsection (1)(c) is additionally required before release.~~

~~\_\_\_\_\_ (c) Additional measures may be applied as deemed appropriate by the Division, the Department of Agriculture and Food, or the Department of Health and Human Services.~~

~~\_\_\_\_\_ (e) Those possessing gamebirds under short term pen-reared gamebird possession provisions shall notify the Division of any large or unusual mortality events due to infectious disease, diet or unknown cause within 48 hours of the event.~~

#### **R657-4-14.**

#### **R657-4-12. 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;
- (b) fewer than 50 birds are held;
- (c) pen-reared gamebirds were acquired in Utah or imported ~~as~~ per R657-4-7;
- (d) each pen-reared gamebird has a durable marking attached;
- (e) a bill of sale establishing proof of purchase from a legal source is in possession;
- (f) pen-reared gamebirds meet disease requirements specified in Section R657-4-~~10~~110 and R657-4-~~13~~11; 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-~~15~~13. 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 but~~ less than 1,000 total birds and viable eggs are held in possession;
- (c) for import, propagation, sale, barter, trade of pen-reared gamebirds; or
- (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-~~14~~; ~~or~~ 12;
- (b) possess a Commercial Gamebird Facility License from the Department of Agriculture and Food as outlined in Rule

R58-6-; or

(c) possess a Commercial Hunting Area certificate of registration

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

- (a) are not transferable;
- (b) are valid for one year from the date of issuance; and
- (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) Holders of Pen-reared Gamebird Personal Possession Wildlife Documents shall:

- (a) construct facilities so as to prevent escape of birds;
- (b) construct facilities to preclude access to native waterways; and
- (c) meet other minimum facility standards as specified in Division pen-reared gamebird facility guidelines available at

<https://wildlife.utah.gov/gamebirds.html>.

(d) register the facility at: <https://wildlife.utah.gov/gamebirds.html>

(6) A facility inspection is not required to issue a Pen-reared Gamebird Personal Possession Wildlife Document.

(7) Pen-reared Gamebird Personal Possession Wildlife Document holders must comply with disease provisions as per Section R657-4-10 and R657-4-~~12~~11.

(8) 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-~~16~~14. Commercial Gamebird Facility.**

(1) A Commercial Gamebird Facility License from the Department of Agriculture and Food is required for importation propagation, sale, barter, or trade of gamebirds if:

- ~~\_\_\_\_\_ (a) more than at least~~ 1,000 total birds and viable eggs are held in possession; ~~and for 60 days or more.~~
- ~~\_\_\_\_\_ (b) for importation, propagation, sale, barter, trade of gamebirds.~~

~~\_\_\_\_\_ (2) A~~ License requirements for a Commercial Gamebird Facility ~~must~~may be ~~licensed by the Department of Agriculture and Food under found in~~ Rule R58-6, Poultry and Captive-Raised Gamebirds.

(3) Commercial Gamebird Facilities shall ~~comply with Division pen-reared gamebird facility guidelines available at <https://wildlife.utah.gov> in addition to Department of Agriculture and Food Requirements.;~~

- (a) ~~Commercial Gamebird Facilities shall~~ be constructed so as to prevent escape of birds.
- (b) ~~Commercial Gamebird Facilities shall~~ prevent access to native waterways; and
- (c) prevent ingress of wildlife.

(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-~~17~~15. Personal Use Pen-reared Gamebird Release.**

(1) A person may release legally acquired pen-reared gamebirds without wildlife documents or the approval of a division regional supervisor provided:

(a) the person or group of persons is not releasing more than ~~ten~~10 pen-reared gamebirds per day or three pen-reared gamebirds per dog or registered falcon per day, whichever is greater;

(i) If the group of persons or number of pen-reared gamebirds is more than 10 for two or fewer days in the same area within a 365 day period, division regional supervisor approval is required;

- (b) the group releasing pen-reared gamebirds is less than or equal to ~~ten~~10 persons;
- (c) the person or group is releasing legally acquired pen-reared gamebirds for training 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 R657-54a and use of falconry birds complies with Rule 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 and may not be recaptured or taken except:

- (a) as specified in Section R657-4-6; or
  - (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 and R657-4-~~13~~11; and
  - (b) be healthy, capable of flight, free of disease and suitable for human consumption.

**R657-4-~~18~~16. 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 in the same area on ~~5~~five or fewer days within a 365 day period;

(b) release of greater than ~~ten~~10 pen-reared gamebirds per day in the same area on ~~5~~five 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 approved pen-reared gamebirds on a commercial hunting area without obtaining a Wildlife Document.

(3)(a) Up to 1,000 pen-reared gamebirds may be in possession for up to ~~ten~~10 days under a High Volume Pen-reared Gamebird Release Wildlife Document.

(b) Possession of pen-reared gamebirds must comply with Section R657-4-10, R657-4-11 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) The marking is not required for approved 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; and
- (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; and
  - (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 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 and R657-4-11; and
  - (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 stop pursuit;
  - (c) only during the dates of the field trial event as specified in the certificate of registration; and
  - (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.
- (12) Division of Wildlife designated dog training areas are exempt from High Volume Pen-reared Gamebird Release requirements for activities authorized by the area manager.

**R657-4-~~1917~~. Application for a High Volume Pen-reared Gamebird Release (Field Trial) Wildlife Document.**

- (1)(a) Applications for High Volume Pen-reared Gamebird Release Wildlife Documents must be submitted to the appropriate regional Division office where the field trial is being held.
- (b) Applications for High Volume Pen-reared Gamebird Release Wildlife Documents must be received at least 60 days before 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) operator's name, address and telephone number;
  - (b) detailed maps depicting boundaries of release areas and ownership of all parcels within the release area;
  - (c) large scale maps depicting the location of the release area relative to the nearest city or town;
  - (d) planned number and species of pen-reared gamebirds to be released;
  - (e) planned number of participants;
  - (f) outline of events;
  - (g) dates of events;
  - (h) written permission from landowner or land management agency, or evidence of ownership from the operator; and
  - (i) documentation that pen-reared gamebirds being used for the event meet requirements specified in Section R657-4-10, Section R657-4-11 and 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-~~2018~~. Commercial Hunting Area Pen-reared Gamebird Release.**

- (1) A Commercial Hunting Area Pen-reared Gamebird Release Wildlife Document is required for:
  - (a) release of greater than ~~ten~~10 pen-reared gamebirds per day in the same area on more than ~~five~~five days within a 365 day period; or
  - (b) groups of any size releasing pen-reared gamebirds in the same area on more than ~~five~~five days within a 365 day period ~~—groups or individuals releasing birds under provisions in Section R657-4-17 on less than 5 consecutive days are exempt from Commercial Hunting Area requirements.~~
- (2) The Wildlife Document for CHA Pen-reared Gamebird Release is valid for three years from the date of issuance.
- ~~(3) The Wildlife Document for CHA Gamebird Release is void if annual report and annual fee are not received by the Division.~~
- ~~(4)~~

(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) An operator may conduct a field trial using approved 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.

~~(54)~~ CHA certificates of registration are effective from the date issued through June 30 of the third consecutive year, but are void if annual report and annual fee are not received by the Division.

~~(65)~~ The operator must have an invoice or bill of sale available for inspection showing lawful personal possession or ownership of such birds.

~~(76)~~ Pen-reared gamebirds may be released without a durable marking within designated commercial hunting area boundaries.

~~(87)~~ Pen-reared gamebirds may be released and subsequently taken only:

(a) on the property specified in the Wildlife Document; and

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

~~(9) After release, pen-reared gamebirds may be taken:~~

~~(a) on the property specified in the Wildlife Document; and~~

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

~~(10)~~ (8) Pen-reared gamebirds that leave the designated commercial hunting area boundaries shall become the property of the state 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.

~~(119)~~ Pen-reared gamebirds released must:

(a) meet requirements specified in Section R657-4-10 and Rule R657-11; and

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

~~(1210)~~ (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.

~~(1311)~~ The Division may include more restrictive conditions on approval of CHAs to protect wildlife and wildlife populations.

~~(1412)~~ Division of Wildlife designated dog training areas are exempt from Commercial Hunting Area Pen-reared Gamebird Release requirements for activities authorized by the area manager.

#### **R657-4-~~24~~19. Commercial Hunting Area Application.**

(1)(a) Commercial Hunting Area 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 may not approve an application for an area where the release of pen-reared gamebirds and related activities may interfere with wildlife, wildlife habitat or wildlife nesting periods.

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

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

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

(c) large scale, digital 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; and

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

(4) If an applicant is not the owner of the property, in lieu of Subsection (2)(e), the applicant may provide a lease agreement showing the applicant is the lessee of the hunting or shooting rights for the property described for the period of the CHA Wildlife Document that includes the name, address, and telephone number of the lessor.

(5)(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.

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

(7) 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.



- (8) 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; or
  - (b) if the applicant or operator, or any of its agents or employees:
    - (i) violated 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.
- (9) If an application is denied, the Division shall state the reasons in writing.

#### **R657-4-~~2220~~. 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~~disease test results for birds in possession and certificates of veterinary inspection for all pen-reared gamebirds purchased from outside the state;
  - (c) the number, species and season the pen-reared gamebirds are released;
  - (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;
  - (c) the number of pen-reared gamebirds by species held in possession for carryover breeding stock at the close of the season; and
  - (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 wildlife documents.

#### **R657-4-~~2321~~. 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 by the operator.
- (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, rights-of-way, inholdings, or easements within the CHA, including corner crossing to contiguous parcels of publicly owned lands.

#### **R657-4-~~2422~~. 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 ten miles in diameter.
- (c) The maximum acreage accepted for a CHA is 5,760 acres.
- (2)(a) 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.

(b) a [newrenewal](#) application for the same area may be reapproved at the end of a three year Wildlife Document term without reauthorization by the Wildlife Board.

**R657-4-~~25~~23. 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-~~26~~24. 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 23A-12-202.

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

**Date of Last Change: ~~October 8, 2024~~**

**Notice of Continuation: April 4, 2022**

**Authorizing, and Implemented or Interpreted Law: 23A-5-302; 23A-2-305; 23A-2-304**