

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

### **R657-69. Turkey Depredation.**

#### **R657-69-1. Purpose and Authority.**

- (1) Under authority of Section 23-17-5.1, 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.

#### **R657-69-4. 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 [and according to the Wildlife Board approved mitigation plan](#);
  - (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 R657-37;
    - (v) schedule and hold a depredation hunt pursuant to R657-69-5;
    - (vi) issue control permits pursuant to R657-69-6; or
    - (vii) issue control permit vouchers pursuant to 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) 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) 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) 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) 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 the Wildlife Code, including, but not limited to, the hazing, capturing, and transplanting of turkeys.

**KEY: wildlife, turkey, depredation**

**Date of Enactment or Last Substantive Amendment: August 9, 2018**

**Notice of Continuation: October 22, 2019**

**Authorizing, and Implemented or Interpreted Law: 23-17-5.1; 23-17-5.2**