

RAC AGENDA – MAY 2017



1. Welcome, RAC Introductions and RAC Procedure
- RAC Chair
2. Approval of Agenda and Minutes
- RAC Chair
3. Wildlife Board Meeting Update
- RAC Chair **INFORMATIONAL**
4. Regional Update
- DWR Regional Supervisor **INFORMATIONAL**
5. Upland Game and Turkey Hunt Table Recommendations
- Jason Robinson, Upland Game Coordinator **ACTION**
6. Falconry Rule Amendments
- Russ Norvell, Avian Conservation Program Coordinator **ACTION**

Region Specific Items – to be presented in the specified region only.

CR , NR Timpie Springs Habitat Management Plan **INFORMATIONAL**
- Pam Kramer, NR Habitat Manager

CR RAC – May 2nd 6:30 PM
Springville Civic Center
110 S. Main Street, Springville

SER RAC – May 10th 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River

NR RAC – May 3rd 6:00 PM
Brigham City Community Center
24 N. 300 W. Brigham City

NER RAC – May 11th 6:30 PM
Wildlife Resources NER Office
318 North Vernal Ave, Vernal

SR RAC – May 9th 7:00 PM
Hurricane Community Center
63 S. 100 W., Hurricane

Board Meeting – June 1st 9:00 AM
DNR, Boardroom
1594 W. North Temple, SLC



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY SHEEHAN
Division Director

April 14, 2017

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Jason D. Robinson
Upland Game Program Coordinator

SUBJECT: 2017 to 2019 Upland Game and Wild Turkey Season Recommendations

The Utah Division of Wildlife Resources is recommending the following changes and season dates for the Upland Game and Wild Turkey Guidebook, for a 3-year cycle:

Summary of Recommended Changes:

- A single ring-necked pheasant season, opened statewide for 4 weeks
- Uintah County sandhill crane hunts to occur in October
- Clarify baiting language in rules
- Close the Annabella and Pahvant WMAs to the general public on 2nd Saturday in November for sponsored youth pheasant hunts
- Any fixed dated hunts that are schedule to open on a Sunday, will open on the Monday following (e.g. Sunday September 1, 2019 will open on Monday September 2, 2019)

Species Recommendations:

California & Gambel's Quail: Area: Statewide
Youth hunt: Saturday to Monday closest to the 13th of October
General hunt: 1st Saturday in November to December 31 (fixed date)
Bag limit: 5
Possession limit: 15

Scaled Quail: CLOSED TO HUNTING

Ring-Necked Pheasant: Area: Statewide
Youth hunt: Saturday to Monday closest to the 13th of October
General hunt: 1st Saturday in November to 1st Sunday in December
Bag limit: 2 males
Possession limit: 6 males



- Cottontail (mountain/desert): Area: Statewide
Season: September 1 to February 28 (fixed dates)
Bag limit: 10
Possession limit: 30
- Snowshoe Hare: Area: Statewide
Season: September 1 to March 15 (fixed dates)
Bag limit: 5
Possession limit: 15
- Wild Turkey (Spring): Requires special permit obtained in a drawing in addition to hunting license
Area: Limited Entry = UDWR Region
General Season = Statewide
Seasons:
Hunters w/ Disabilities (COR required): 1st Saturday in April to following Monday
LE hunt: 2nd Saturday to last Thursday in April
Youth hunt: Last Friday in April to following Sunday
General hunt: Monday following youth hunt to May 31 (fixed date)
Bag limit: 1 bearded turkey
Possession limit: 1 bearded turkey
- Wild Turkey (Fall): Requires special permit in addition to hunting license
Area: Open areas within a UDWR Region
General hunt: Maximum dates of November 1 to February 28 (region determines within these dates)
Bag limit: 1 wild turkey (either sex)
Possession limit: 1 wild turkey
- Falconry: Area: Statewide
Season: September 1 to February 28 (fixed dates)
Bag limit¹: same for all hunters
Possession limit: same for all hunters

¹ Falconers may take either sex ring-necked pheasants; may not release on spring turkeys

MIGRATORY UPLAND GAME

Sandhill Crane: Requires special permit obtained in a drawing in addition to hunting license
Area: East Box Elder, Rich County, Cache County
Season: 1st Saturday in September to 2nd Sunday in September
Area: Uintah County
3 Seasons: opens Saturday closest to October 1, closes 30 days later (three 10-day seasons)
Example: September 30 to October 9, 2017 (early)
October 10 to 19, 2017 (middle)
October 20 to 29, 2017 (late)
Bag limit: 1 per year
Possession limit: 1 per year
Closed to Falconry

Mourning and White-winged Dove: Area: Statewide
Season: September 1 to October 30 (fixed dates)
Bag limit: 15
Possession limit: 45
Falconry: Season: September 1 to December 16 (fixed dates)
Bag limit: 3
Possession limit: 9

American Crow²: Area: Statewide
Season: September 1 to 30; December 1 to February 28 (fixed dates)
Bag limit: 10
Possession limit: 30

Band-tailed Pigeon: Requires a free permit in addition to hunting license
Area: Statewide
Permit only hunt: September 1 to 14 (fixed dates)
Falconry Dates: September 1 to December 16 (fixed dates)
Bag limit: 2
Possession limit: 6

² Includes falconry

The UDWR requests your consideration to the following changes to R657-6, Taking Upland Game, including:

1. Additions/Corrections to baiting language for consistency with R657-9 and R657-54.
2. Minor editorial corrections.

Page 5
April 17, 2017
Subject: Upland Game Recommendations

The UDWR requests your consideration to the following changes to R657-54, Taking Wild Turkey, including:

1. Additions/Corrections to baiting language for consistency with R657-9 and R657-6.
2. Minor editorial corrections.

Upland Game Youth Hunts 2016

Region	Species	Date(s)	Location	Description
SR	RN Pheasant	12-Nov-16	Pahvant WMA	SFW sponsored youth hunt 2nd Saturday in Nov. DWR helps with event
SR	RN Pheasant	12-Nov-16	Annabella WMA	SFW sponsored youth hunt 2nd Saturday in Nov. DWR helps with event
SR	RN Pheasant	5-Nov-16	Beaver	Special SFW hunt, DWR assisted
SR	RN Pheasant	5-Nov-16	New Harmony	Special SFW hunt, DWR assisted
SR	RN Pheasant	5-Nov-16	Parowan	Special SFW hunt, DWR assisted
SR	RN Pheasant	5-Nov-16	Cedar Valley	Special SFW hunt, DWR assisted
SR	RN Pheasant	11/19/2016	Richfield WMA Desert Lake	5 kids- hunt with a game warden opportunity
SER	RN Pheasant	15-Oct-16	WMA Huntington	DWR sponsored youth hunt. DWR provides guides and dogs and birds on WMA d
SER	RN Pheasant	15-Oct-16	WMA	DWR LE personnel sponsored youth hunt. DWR provides guides and dogs and birds on WMA
SER	RN Pheasant	15-Oct-16	Hatt Ranch	Hatt Ranch provides a free guided youth hunt on the property. DWR helps with the event
SER	Chukar Greater sage- grouse	24-Sep-16	Hatt Ranch	Hatt Ranch provides a free guided youth hunt on the property. DWR helps with the event
STATEWIDE	Sharp-tailed grouse	Sept 24-Oct 16	Open Units	15% of permits set aside for youth
STATEWIDE	Wild Turkey	Nov 1- Jan 31	open areas	15% of permits set aside for youth
STATEWIDE	Wild Turkey	April 8-27	Open Units	15% of permits set aside for youth
STATEWIDE	Wild Turkey	April 28-30	Statewide	Youth only hunt for all youth with a valid turkey permit, includes unfilled LE permit
STATEWIDE	Wild Turkey	May 1-30	Statewide	all youth with a valid turkey permit, includes unfilled LE permit
STATEWIDE	Chukar gray partridge	Sept 17-19	Statewide	youth only hunt dates
STATEWIDE	(huns)	Sept 17-19	Statewide	youth only hunt dates
STATEWIDE	RN Pheasant	Oct 15-17	Statewide	youth only hunt dates
STATEWIDE	Quail (Cali & Gambel's)	Oct 15-17	Statewide	youth only hunt dates
STATEWIDE	Sandhill Crane	Sept 3-25	Open Units	15% of permits set aside for youth

R657. Natural Resources, Wildlife Resources.

R657-6. Taking Upland Game.

R657-6-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking upland game.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-6-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices ~~birds~~ upland game.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for upland game to, on, or over any areas where hunters are attempting to take them.

(c) "CFR" means the Code of Federal Regulations.

(e)d "Falconry" means the sport of taking quarry by means of a trained raptor.

(e)e "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property.

(e)f "Migratory game bird" means, for the purposes of this rule, American crow, mourning dove, white-winged dove, band-tailed pigeon, and Sandhill crane.

~~(f)~~ g "Transport" means to ship, carry, export, import, receive or deliver for shipment, conveyance, carriage, exportation or importation.

~~(g)~~ h "Upland game" means pheasant, quail, chukar partridge, gray partridge, greater sage-grouse, ruffed grouse, dusky grouse, sharp-tailed grouse, cottontail rabbit, snowshoe hare, white-tailed ptarmigan, and the following migratory game birds: American crow, mourning dove, white-winged dove, band-tailed pigeon, and Sandhill crane.

R657-6-13. Baiting.

(1) A person may not hunt upland game by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days after bait is removed, or 10 days after bait in an area is eaten. This section does not prohibit:

(a) the taking of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) standing crops or flooded standing crops (including aquatics), standing, flooded or manipulated natural vegetation, flooded harvested croplands, or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) from a blind or other place of concealment camouflaged with natural vegetation;

(iii) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys or retrieving downed birds.

(b) The taking of any upland game, except Sandhill crane, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown or solely as the result of a normal agricultural operation.

R657-6-15. Possession of Live Protected Wildlife.

~~[A]It is unlawful for any~~ person ~~[may not possess live,]~~to hold in captivity at any time any protected wildlife, except as provided by Title 23, Wildlife Resources Code or any rules and regulations of the Wildlife Board. Protected wildlife that is wounded must be immediately killed and shall be included in the hunter's bag limit.

R657-6-16. Tagging Requirements.

(1) The carcass of a Sandhill crane, ~~[Greater]greater~~ sage grouse, or ~~[Sharp]sharp~~-tailed grouse must be tagged in accordance with Section 23-20-30.

(2) A person may not hunt or pursue Sandhill crane, ~~[Greater]greater~~ sage grouse, or ~~[Sharp]sharp~~-tailed grouse after any of the notches have been removed from the tag or the tag has been detached from the permit.

R657-6-20. Use of Dogs.

An individual may not use or permit a dog to harass, pursue, or ~~[take protected]~~take protected wildlife unless otherwise allowed for in the Wildlife Code, administrative rules issued under Wildlife Code, or a guidebook of the Wildlife Board.

(2) Dogs may be used to locate and retrieve upland game during open upland game hunting seasons.

(3) Dogs are generally allowed on state wildlife management and waterfowl management areas, subject to the following conditions.

(a) dogs are not allowed on the following state wildlife management areas and waterfowl management areas between March 10 and August 31 annually or as posted by the Division:

- (i) Annabella;
- (ii) Bear River Trenton Property Parcel;
- (iii) Bicknell Bottoms;
- (iv) Blue Lake;
- (v) Browns Park;
- (vi) Bud Phelps;
- (vii) Clear Lake;

- (viii) Desert Lake;
- (ix) Farmington Bay;
- (x) Harold S. Crane;
- (xi) Hatt's Ranch
- (xii) Howard Slough;
- (xiii) Huntington;
- (xiv) James Walter Fitzgerald;
- (xv) Kevin Conway;
- (xvi) Locomotive Springs;
- (xvii) Manti Meadows;
- (xviii) Mills Meadows;
- (xix) Montes Creek;
- (xx) Nephi;
- (xxi) Ogden Bay;
- (xxii) Pahvant;
- (xxiv) Public Shooting Grounds;
- (xxv) Redmond Marsh;
- (xxvi) Richfield;
- (xxvii) Roosevelt;
- (xxviii) Salt Creek;
- (xxix) Scott M. Matheson Wetland Preserve;
- (xxx) Steward Lake;
- (xxxi) Timpie Springs;
- (xxxii) Topaz Slough;
- (xxxiii) Vernal; and
- (xxxiv) Willard Bay.

(b) The Division may establish special restrictions for Division-managed properties, such as on-leash requirements and temporary or locational closures for dogs, and post them at specific Division properties and at Regional offices;

(c) Organized events or group gatherings of twenty-five (25) or more individuals that involve the use of dogs, such as dog training or trials, that occur on Division properties may require a special use permit as described in R657-28; and

(d) Dog training may be allowed in designated areas on Lee Kay Center and Willard Bay WMA by the Division without a special use permit.

R657-6-21. Closed Areas.

A person may not hunt upland game in any area posted closed by the Division or any of the following areas:

- (1) Salt Lake International Airport boundaries as posted.
- (2) Incorporated municipalities: Many incorporated municipalities prohibit the discharge of firearms and other weapons. Check with the respective city officials for specific boundaries and limitations.
- (3) Wildlife Management Areas:
 - (a) Waterfowl management areas are open for hunting upland game only during designated waterfowl hunting seasons or as authorized by the Division, including: Blue

Lake, Clear Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Manti Meadows, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Scott M. Matheson Wetland Preserve, Stewart Lake, and Timpie Springs.

(b) [~~Fish Springs~~]All National Wildlife [~~Refuge is closed to upland game hunting~~]Refuges unless declared open by the managing authority.

(c) Goshen Warm Springs is closed to upland game hunting.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing.

KEY: wildlife, birds, rabbits, game laws

Date of Enactment or Last Substantive Change: November 10, 2015

Notice of Continuation: June 8, 2015

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

Draft

R657. Natural Resources, Wildlife Resources.

R657-54. Taking Wild Turkey.

R657-54-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2003 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking wild turkey.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-54-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices ~~birds~~ wild turkey.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for upland game to, on, or over any areas where hunters are attempting to take them.

~~(c)~~(c) "CFR" means the Code of Federal Regulations.

~~(d)~~(d) "Falconry" means the sport of taking quarry by means of a trained raptor.

R657-54-8. Live Decoys and Electronic Calls.

A person may not take a wild turkey by the use or aid of live decoys, ~~records or tapes of~~ recorded turkey calls or sounds, or electronically amplified imitations of turkey calls.

KEY: wildlife, wild turkey, game laws

Date of Enactment or Last Substantive Amendment: August 11, 2014

Notice of Continuation: August 18, 2014

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-1



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY SHEEHAN
Division Director

April 17, 2017

TO: Utah Wildlife Board / Regional Advisory Council Members
FROM: Russ Norvell
Avian Conservation Program Coordinator
SUBJECT: 2017 Falconry Rule Revision (Rule R657-20)

The falconry rule has not been revised in several years and will benefit from a thorough revision. The proposed changes are intended simplify the rule by shortening it, clarifying language and intent, and so making it easier to comply with, to enforce, and to administer. As is obvious from the red-line copy of the rule, the revisions are numerous, but fall into two categories: editorial and substantive changes.

There are over 75 largely editorial changes to correct typographical errors, clarify intent, update citations, re-order confusing sentence, and re-structure sections to strengthen and simplify the rule. These changes have had the effect of also shortening the rule considerably.

The most substantial proposed change is to incorporate the authorized list of falconry raptors into rule and to expand this list from 14 to over 54. Language has also been added to clarify the process for adding or removing species from the list, and to clarify lines of authority. Many of the changes are at the request of, or in consultation with, the Utah Falconers Association, such as adding a season for the capture of adult ('haggard') American Kestrels for General and Master Class falconers.

All substantial changes are detailed below by section.

Section 1 - Purpose and Authority

- No significant changes

Section 2 – Definitions

- “Hybrid” definition changed to conform with Federal rule
- “Trial” definition changed to include Eurasian Collared Dove
- “Upland Game” definition changed to align with Upland Game Rule
- “Wild” definition changed to distinguish between wild, imprinted, and captive bred birds

Section 3. Minimum Age Requirement

- No significant changes

Section 4. Falconry COR, Permits, and Licenses

- (8) Eurasian Collared Dove added
- (9) CFR Part 21.45 removed from citation as it reserved and there is no depredation order related to it

Section 5. Application for a Falconry COR

- (2.f.i) COR processing time changed to 30 business days

April 18, 2017

Subject: Letter of Notification of Proposed Rule Changes to R657-20 (Falconry)

- (3.a.iii) Clarified that a COR is required for each raptor
- (7.a) New language to address potential 'grandfather' issues raised by changing status (e.g., due to changes in taxonomy or conservation status such as ESA listing) granting falconers a 6 month grace period to allow for COR applications under the new status.
- (7.b) New language to clarify that after 6 months, continued possession would be unlawful.

Section 6. Care and Facilities Requirements

- (3.j) Language added to relieve the need for mandatory re-inspection if suitable facilities are already approved
- (4.a.iv) Updated citation
- (4.b.i) Clarified language
- (4.c.ii.B) Section was substantially re-structured to group like items and improve interpretably.

Section 7. Temporary Care of Falconry Raptors

- (2.b.iv) Clarified the line of decision authority
- (3.b) Clarified the non-falconer needs the falconer's signed and dated statement and the 3-186
- (3.e) Clarified the line of decision authority

Section 8. Equipment

- No significant changes

Section 9. Apprentice Class Falconer

- (1.f.iii) Clarified that passing exam results are good for one year
- (2.a.iv) Aligned citation to Service's new Birds of Conservation Concern citation
- (2.b) Incorporated previously externalized table of authorized falconry raptors into rule body; updated geographic restrictions due to updates in the Service's Birds of Conservation Concern citation; clarified language and intent by reordering section structure

Section 10. Apprentice Class Sponsor

- No significant changes

Section 11. General Class Falconer

- (1.d) Clarified language to improve interpretation of Federal standards
- (2.a.iii) Clarified Service's Birds of Conservation Concern citation
- (2.a.iv) Clarified approval process for non-authorized raptors
- (2.b) Incorporated previously externalized table of authorized falconry raptors into rule body; updated geographic restrictions due to updates in the Service's Birds of Conservation Concern citation; clarified language and intent by reordering section structure

April 18, 2017

Subject: Letter of Notification of Proposed Rule Changes to R657-20 (Falconry)

- (2.c) Added section to allow General Class falconers to legally possess a number of exotic eagle species if they have documented large bird experience, aka the 'eagle endorsement'

Section 12. Master Class Falconer

- (1.a) Clarified required experience as per Federal standards
- (2.a.iii) Clarified Service's Birds of Conservation Concern citation

Section 13. Acquiring Raptors for Falconry

- (2.a) Clarified where notice of any limitations will be posted
- (2.d) Clarified waiting period duration
- (2.e) Clarified how application order will be established
- (3.a) Established a new season for take of haggard American Kestrel for General and Master Class falconers
- (10) Removed language limiting general take of eyas to specific numbers of days specific to Peregrine Falcon.
- (12.f) Clarified that banded Peregrine Falcon must be released and reported; corrected federal reporting contact information
- (12.f.iii) Clarified reporting period to 10 days
- (14.c) Corrected federal reporting contact information
- (15.b.ii) Inserted clarifying language received directly from the Service; corrected process; corrected CFR citation

Section 14. Raptors Injured Due to Falconer Trapping Efforts

- No significant changes

Section 15. Recapture of Falconry Raptors

- No significant changes

Section 16. Flying a Hybrid Raptor in Falconry

- No significant changes

Section 17. Hacking of Falconry Raptors and other Training Techniques

- (3) Aligned rule to Federal standards in that hybrid raptors may not be released

Section 18. Permission to Conduct Falconry Activities on Public or Private Lands

- (5) New language to align rule with Federal standards in that falconers must first get permission to practice falconry on National Wildlife Refuges

Section 19. Practicing Falconry in the Vicinity of a Federally Listed Threatened or Endangered Animal Species

- No significant changes

Section 20. Releasing a Falconry Raptor to the Wild

- (3.a) Deleted extraneous language

April 18, 2017

Subject: Letter of Notification of Proposed Rule Changes to R657-20 (Falconry)

Section 21. Reporting Requirements

- (3.a) Corrected title

Section 22. Unintentional Take of Protected Wildlife by a Falconry Raptor

- No significant changes

Section 23. Banding or Tagging Raptors Used in Falconry

- No significant changes

Section 24. Importation Requirements for Residents and Nonresidents

- (1) Added language to clarify raptors need to be on the approved list for of the appropriate class falconer
- (3) Added language to conform to Utah Department of Agriculture rules

Section 25. Falconry Meets or Trials

- (5.a) Corrected an error
- (5.c) Added language to specify a process by which falconers may apply for temporary use of non-authorized raptors at a Meet or Trial

Section 26. Use of Pen-Reared Game Birds for Meets, Trials and Training

- (3.c) Clarified Upland rule citation

Section 27. Use of Feathers and Carcasses

- (2.a) Corrected address

Section 28. Other Uses of Raptors

- No significant changes

R657. Natural Resources, Wildlife Resources.

R657-20. Falconry.

R657-20-1. Purpose and Authority.

(1) Under authority of Section 23-17-7 and in accordance with 50 CFR 21 and 22, which is incorporated by reference, the Wildlife Board has established this rule for the practice of falconry in the state of Utah.

(2) Take and or possession of any raptor species for the practice of falconry must be in compliance with these regulations.

(3) Raptor species possessed under the authority of this rule must be trained in the pursuit of wild game and used in hunting, unless specifically noted otherwise in special provisions granted under this rule.

(4) A federal falconry permit is no longer required for practicing the sport of falconry in the state of Utah.

(5) The Federal Migratory Bird Treaty Act prohibits any person from taking, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell, among other things, raptors listed in [§]Section 10.13 of 50 CFR 21, unless the activities are allowed under provisions of this rule, or are permitted by other applicable state or Federal regulations.

(a) This rule covers all avian species in the Order Accipitriformes (i.e., vultures, California Condor, kites, eagles and hawks), Order Falconiformes (i.e., caracaras, and falcons) and Order Strigiformes (i.e., owls), and hybrids thereof, and applies to any person who possesses one (1) or more wild-caught, captive-bred, or hybrid raptors to use in falconry.

(b) The Bald and Golden Eagle Protection Act in 16 U.S.C. 668-668d and 54 Stat. 250~~[;]~~ provides for the taking of golden eagles from the wild to use in falconry, and specifies that the only golden eagles that may be used for falconry are those that would be taken because of depredations on livestock or wildlife (16 U.S.C. 668a).

(6) Specific season dates, possession limits, open and closed areas, number of permits or CORs for birds available for take in a given season, and other administrative ~~[regulations for]~~matters pertaining to the practicing of falconry are ~~[published in the Utah falconry Guidebook which is available by contacting the Division of Wildlife Resources office in Salt Lake City or]~~available online at <http://wildlife.utah.gov> .

(7) Possession of any raptor, raptor egg, shell fragment, semen, or any raptor part without a valid and applicable state COR or Federal permit is ~~[prima facie evidence]~~probable cause that the raptor, raptor egg, shell fragment, semen, or any raptor part was illegally taken and is illegally held in possession.

(8) (a) Pursuant to Utah Code [§]Section 23-19-9, the Division has the authority to suspend or revoke any or all of the privileges granted under this rule.

~~[(a)b]~~ ~~[-Upon request, a]~~A permittee whose falconry COR has been suspended may reapply for a ~~[falconry]~~COR, pursuant to the application procedures in this rule~~[-]~~ at the end of the suspension period.

(9) Nothing in this rule shall be construed as to allow the intentional taking of protected wildlife in violation of federal or state laws, rules, regulations, or guidebooks.

R657-20-2. Definitions.

(1) Terms used in this rule are defined in [Utah Code](#) Section 23-13-2 and R657-6-2.

(2) In addition:

(a) "Abatement activities" means use of trained raptors to flush, haze or take birds (or other wildlife where allowed) to mitigate depredation problems, including threats to human health and safety.

(b) "Aerie" refers to the nest of any raptor.

(c) "Bate" refers to a hawk or falcon that attempts to fly while being tethered to the falconer's fist, a block or other form of perch, whether from wildness, or for exercise, or in an attempt to chase.

(d) "Business Day" refers to any day the Division is open for business

(e) "Captive-bred" refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

(f) "CFR" means the Code of Federal Regulations.

(g) "COR" for purposes of this rule means a Certificate of Registration (permit) issued by the Division authorizing an individual to participate in the sport of falconry.

(h) "Eyas" means a young raptor not yet capable of sustained flight such as a nestling or fledgling.

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

(j) "Falconry" means, for the purposes of this rule, caring for and training raptors for pursuit of wild game, and hunting wild game with raptors. Falconry includes the taking of raptors from the wild to use in the sport of falconry; and caring for, training, and transporting raptors held for falconry.

(k) "Fledged" means the stage in a young raptor's life when the feathers and wing muscles are sufficiently developed for flight. A young raptor that has recently fledged but is still dependent upon parental care and feeding is called a fledgling.

(l) "Form 3-186A" means the [federal](#) Migratory Bird Acquisition and Disposition Report form.

(m) "Hacking" means the temporary or permanent release of a raptor held for falconry to the wild so that it may survive on its own.

(n) "Haggard" means a wild adult raptor.

(o) "Humane treatment" for purposes of this rule means to maintain raptors in accordance with accepted standards for practicing falconry, including care and treatment of a raptor so that it is physically healthy and maintaining raptors under conditions that are known to prevent predictable illness or injury.

(p) "Hybrid" means offspring of birds listed as two [\(2\)](#) or more distinct species [~~including but not limited to those listed in § 10.13 of Subchapter B of 50 CFR 21, or offspring of birds recognized by ornithological authorities as two or more distinct species including but not limited to those listed in § 10.13 of Subchapter B of 50 CFR 21.~~].

(q) "Imping" means to graft new or additional feathers to existing feather shafts on a raptor's wing(s) or tail to repair damage or to increase flying capacity.

(r) "Imprint", for the purposes of falconry, means a bird that is hand-raised in isolation from the sight of other raptors from [two \(2\)](#) weeks of age until it has fully feathered. An imprinted bird is considered to be so for its entire lifetime.

(s) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or

whose name appears as the purchaser on a contract for sale of eligible property, or who is a lessee of the property.

(t) "Livestock depredation area" means a specific geographic location in which depredation on livestock by ~~golden eagles~~ Golden Eagles (*Aquila chrysaetos*) has been recognized.

(u) "Marker or band" means a numbered band issued by the Service which, when affixed to a raptor's leg, identifies an individual raptor~~[-]~~ and its source under the following requirements:

[4] (i) a permanent, nonreusable (plastic, zip-tie) black-colored numbered leg bands identify an individual raptor that has been taken from the wild;

[2] (ii) a seamless (metal) yellow-colored numbered leg bands identify an individual raptor that has been captive-bred; or

(~~a~~) [iii] a permanent, nonreusable (plastic, zip-tie) yellow-colored numbered leg bands are used when a seamless band needs to be replaced .

(v) "Meet" means, for purposes of this rule, an organized falconry event where protected wildlife may be taken and for which a five (5) day non-resident meet hunting license is approved by the ~~Wildlife Board.~~ Division Director or designee.

(w) "Mews" refers to a protected indoor facility (a residence or non-residence) where raptors are kept for falconry purposes.

(x) "Migratory game bird" means, for the purposes of this rule, ~~ducks, geese, swans, snipe, coot, Mourning Dove, White-winged Dove, Band-tailed Pigeon, and Sandhill Crane.~~ those species listed in R657-6 and R657-9.

(y) "Nest" refers to the structure or place where a raptor lays eggs and shelters its young.

(z) "Passage raptor" means a first-year raptor capable of sustained flight that is no longer dependent upon parental care and/or feeding

(aa) "Raptor" means any bird of the Order Accipitriformes, Order Falconiformes ~~(falcons and caracaras)~~ or the Order Strigiformes ~~(owls)~~ and hybrids thereof unless defined otherwise in this rule.

(bb) "Reasonable time of day" for inspections~~[-]~~ or other business~~[-]~~ at a falconers facilities refers to hours the Division is open for business, or some other prearranged time between the falconer and the Division representative.

(cc) "Service" means the U.S. Fish and Wildlife Service.

(dd) "Take" means to~~[-]~~ hunt, pursue, harass, catch, capture, possess, angle, seine, trap or kill any protected wildlife~~[-]~~, or attempt any such action.

(ee) "Transport" means to ship, carry, export, import, receive or deliver for shipment, conveyance, carriage, exportation or importation.

(ff) "Trial" means, for purposes of this rule, an organized falconry event where European Starling (*Sturnella neglecta*), House Sparrow (*Passer domesticus*), Rock Dove/feral pigeon (*Columba livia*)~~[-]~~, Eurasian Collared-Dove (*Streptopelia decaocto*), pen-reared game birds, and lawfully possessed, domestic birds may be taken.

(gg) "Upland game" means, for purposes of this rule, ~~pheasant, quail, Chukar Partridge, Hungarian Partridge, Sage-grouse, Ruffed Grouse, Dusky ("Blue") Grouse, Sharp-tailed Grouse, cottontail rabbit, snowshoe hare, and White-tailed Ptarmigan.~~ those species defined by R657-6 and R657-9.

(hh) "Weathering Area" [~~refers to~~ means] a protected outdoor facility where raptors are kept for falconry purposes [~~-~~] that meet the requirements established in R657-20-6.

(ii) "Wild" refers to an animal in its original natural state of existence [~~-not~~]. Animals that are domesticated [~~not~~] or cultivated are not considered wild.

(jj) "Year" refers to a normal calendar year of January 1 to December 31, unless defined otherwise in this rule.

R657-20-3. Minimum Age Requirement.

(1) A person who wishes to practice the sport of falconry in Utah must be at least 12 years of age.

R657-20-4. Falconry COR, Permits, and Licenses.

(1) The division may deny issuing a COR or permit to any applicant, if:

(a) The applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of practicing the sport of falconry bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(c) holding raptors at the proposed location violates federal, state, or local laws.

(2) A COR is not transferrable.

(3) CORs do not provide the holder with any rights of succession.

(4) Any COR issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(5) (a) A resident must possess a valid COR issued by the Division to take, possess, hunt with, or transport raptors for the purpose of [~~practicing the sport of~~] falconry in Utah.

(a) (b) A falconry COR requires up to a 30-business day processing time from the date an application is received.

(b) (c) A falconry COR is valid at the Apprentice Class level for a three (3)-year period from date of issuance.

(e) (d) A falconry COR is valid at the General and Master Class level for a five (5)-year period from date of issuance.

(6) The falconer must have a falconry COR or a legible copy of it in their immediate possession when not at the location of their falconry facilities and is trapping, transporting, working with, or flying raptors in falconry.

(7) (a) A falconer must obtain a Raptor Capture Permit prior to capturing or attempting to capture any raptor from the wild in Utah.

(i) (b) A valid falconry COR is required for a Utah resident in order to obtain a Raptor Capture Permit.

(i) (c) Nonresident falconers are not required to purchase a Utah falconry COR in order to purchase a Nonresident Raptor Capture Permit.

(8) ~~The~~An individual possessing a valid falconry COR ~~allows a resident falconer to~~may use a raptor for unrestricted take of unprotected wildlife including coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, and European Starling, House Sparrow, Eurasian Collared Dove, and ~~rock dove~~Rock Dove or feral pigeon~~[-no]~~, consistent with the following provisions:

(a) A resident falconer is not required to possess any other license or permit ~~is required other than the falconry COR for take of~~take these species~~[-]~~;

~~(a)~~(b) A non-resident falconer is required to have a current falconry license or permit from his/her state of residence and a valid federal falconry permit, if applicable.

(9) ~~With a falconry bird, a~~A falconer may take any species with a falconry bird for which a ~~federal~~Federal Depredation Order is in place under parts 21.43, 44, ~~45,~~ or 46 of 50 CFR 21, at any time in accordance with the conditions of the applicable depredation order, as long as the falconer is not paid for doing so.

(10) A falconer releasing a raptor for the purpose of hunting protected wildlife~~[-]~~not identified in R657-20-4(8) that are not held in private ownership~~[-]~~ must first obtain the appropriate licenses, permits, tags, CORs and stamps as provided in the applicable rules and guide books of the Wildlife Board~~[-]~~, consistent with the following provisions:

(a) The hunting of upland game shall be done in accordance with the rule and guide book of the Wildlife Board for taking upland game species~~[-]~~; and

(b) The hunting of migratory game birds shall be done in accordance with the rule and guide book of the Wildlife Board for taking migratory game species.

~~(e)~~11(a) A hunting license is not required to take pen-reared game birds with a trained raptor if the game birds are lawfully possessed and banded with a permanent leg band purchased from the Division or other permanent marking.

(b) Pen-reared game birds used in falconry must comply with all requirements in R657-4 and all requirements established by the Utah Department of Agriculture and Food.

R657-20-5. Application for a Falconry COR.

(1) To obtain a falconry COR, applicants must have either an indoor mews or an outdoor weathering area, or both pursuant to Section R657-20-~~6-~~6.

(2) Resident Applications .

(a) A resident applying for or renewing a falconry COR shall:

(i) ~~Submit~~submit a completed falconry application to the Division; and

(ii) ~~Include~~include the appropriate COR fee .

(b) As a condition to obtaining a falconry COR, the falconer agrees to reasonable administrative inspections of falconry raptors, facilities, equipment, CORs, and related documents.

(c) Falconry raptors, facilities, equipment, and documents may be inspected by the Division only in the presence of the permittee at a reasonable time of day.

(d) At the time of renewal, the current falconry COR number must be included on the falconry COR renewal application.

(e) A falconer claiming residency in Utah may not claim residency in, or possess a resident falconry license or falconry permit from, another state.

(f) (i) Resident falconers wishing to renew a valid falconry COR must submit a completed falconry COR renewal form to the Division upon or before the expiration date specified on the current falconry COR.

(i) Falconry COR ~~Renewals~~ renewals require up to a 30 business-day processing time for completion.

(g) Residents who do not hold a valid falconry COR or do not submit a COR renewal form by the date their current COR lapses and who maintain raptors in possession are in violation of unlawful captivity of protected wildlife under Sections 23-13-4 and 23-20-3.

(h) Failure to submit required records and timely, accurate, or valid reports may result in administrative action by the Division~~[-]~~, including:

(i)~~[-Administrative action that may be taken by the Division includes:-]~~~~(A)~~ Issuance of a probationary COR with restrictions on activities allowed; or

~~(B)~~ Non-renewal of a COR until the required records and reports are completed.

(j) (i) A falconry COR is considered to be lapsed if the falconer has not applied for renewal within 30 calendar days of the expiration of their current COR.

~~(i)~~ Disposition of raptors held under a lapsed falconry COR is at the discretion of the Division.

~~(ii)~~ Raptors held under a lapsed falconry COR are subject to seizure by the Division.

(k) A falconer who has allowed their COR to lapse may apply for a new COR.

(i) If a falconry COR has lapsed for fewer than five (5) years, it will be reinstated at the level held previously if:

(i) proof of certification at that level is provided ~~[and]~~ to the Division;

(ii) the applicant has ~~[appropriate]~~ facilities and equipment that meet the requirements in R657-20-6; and

(iii) the applicant is otherwise qualified ~~[under]~~ to obtain a COR pursuant to R657-20-4.

~~(m)~~ If a falconry COR or Permit has lapsed for five (5) years or longer, an applicant must correctly answer at least 80 percent of the questions on an examination administered by the Division as required in Section R657-20-9(1)(b).

~~(A)~~ If the applicant passes the examination, a falconry COR will be reinstated at the level previously held.

~~(B)~~ The applicant's facilities and equipment must also pass inspection by a Division representative before possessing a raptor for falconry as required in Sections R657-20-6.

(3) Falconers Wishing to Establish Residency in Utah.

(a) A falconer entering Utah to establish residency must possess the following:

(i) A copy of the previous state's valid falconry license indicating class designation~~[-]~~;

(ii) a current federal falconry permit number, if applicable~~[-]~~;

(iii) a valid health certificate~~[-]~~ for each raptor in possession;

(iv) the number and species of raptors with the band ~~[number]~~ numbers (if banded) ~~[of]~~ for each raptor held in possession~~[-, and an entry permit number obtained from:]~~; and

_____ (v) any additional documentation required by the Utah Department of Agriculture[~~must be presented to the Division within 5 business days after entering Utah~~].

(b) A six (6)-month domicile period is required for a falconer entering Utah to establish residency.

(c) A falconer entering Utah to establish residency may possess legally obtained raptors that were acquired prior to entering Utah[~~---~~] if the following requirements are satisfied:

~~[(i) If the raptor(s) is to be used for falconry during the six-month domicile period,]~~ _____ (i) documentation satisfying import requirements for the Utah Department of Agriculture for each falconry bird must be presented to the Division within five (5) business days after entering Utah;

_____ (ii) the falconer must purchase all applicable Utah non-resident hunting licenses and/or permits[~~---~~][(d) A falconer wishing] if the raptor(s) is to be used for falconry during the six (6)-month period necessary to establish residency;

_____ (iii) the falconer must maintain proper facilities and equipment [(see Section]as required in Sections R657-20-6, [R657-20-]7, and [R657-20-8).]8; and

_____ (iv) possession of the raptor is allowed under the provisions of this rule.

~~[(e)d]~~ At the conclusion of the six (6)-month domicile period, a new resident applying for a falconry COR must submit the following to the Division:

(i) ~~[-A]a~~ completed falconry application indicating class designation;

(ii) ~~[-A]a~~ copy of a valid falconry license from the former state of residency indicating class designation;

(iii) ~~[-A]a~~ valid federal falconry permit number, if applicable; and

(iv) ~~[-The]the~~ appropriate COR fee.

~~[(f)e]~~ A falconer that holds raptors in possession and fails to apply for a falconry COR within 30 days of qualifying for residency [~~will be]is~~ in violation [~~of the law for unlawful captivity of protected wildlife under]Utah Code Sections 23-13-4 and 23-20-[3 and]3, may be denied a falconry COR, and any raptors in their possession may be subject to seizure.~~

(7)(a) If a raptor species is removed from the authorized species list for a given falconry class, a falconer lawfully possessing such a raptor may receive a COR from the Division for the continued possession of that individual animal, provided that an application for a COR is submitted to the Division within six (6) months of the reclassification.

_____ (b) If an application for a COR for continued possession of the raptor is not submitted within six (6) months of reclassification, continued possession thereafter shall be considered unlawful.

R657-20-6. Care and Facilities Requirements.

(1) A person may not possess a raptor without first providing adequate facilities and equipment to humanely house and care for the raptor.

(2) Care Requirements.

(a) The [~~Falconer]falconer is responsible for the maintenance and security of raptors held in his or her care.~~

(b) All raptors held under a falconry COR must be kept in humane and healthy conditions.

(~~(i)c~~)[~~-~~] The Division may impose additional requirements ~~[to insure]~~ regarding the safe and humane handling and care of raptors ~~[when]~~ that are necessary to ensure the birds are maintained in ~~[inhumane or unhealthy conditions.]~~ a healthy condition.

(3) Facilities Requirements and Inspections.

(a) The primary consideration for raptor housing facilities, whether an indoor mews or outdoor weathering area, is protection of the raptor from unauthorized human access and disturbance, the environment, predators ~~[-(to include),~~ including domestic as well as wild animals~~],~~ inhumane treatment, and other undue disturbances.

(b) Request for a facilities inspection must be made by ~~[calling]~~ contacting the Regional Division office where the facilities are located.

(c) Once a request is received, a facilities inspection will be completed by the Division within 30 business days of the date the request is received.

(d) (i) Before a person may obtain a falconry COR, the raptor housing facilities and equipment shall be inspected and approved by a Division representative.

(~~(i)ii~~) Inspections must be conducted in the presence of the ~~[permittee.]~~ applicant.

(~~(i)iii~~) In the course of this inspection, the Division representative may collect ~~[a-~~ photograph] photographs of the facilities to keep on file with the falconer's ~~[other state-~~] records.

(e) Detailed photos and a description of facilities and equipment, including measurements of mews or weathering areas, shall constitute a temporary inspection for purposes of issuing ~~[COR's]~~ CORs if the Division has not physically inspected within 30 business days.

(f) The COR may be revoked if significant changes to facilities are made without prior notification to the Division or if the photos and descriptions of facilities and equipment do not match the facilities in place. ~~[-Any significant changes to facilities require notification to the Division.-]~~

(~~(f)g~~) Facilities must be adequate to house the number of raptors in possession.

(~~(f)h~~) Only inspected and approved indoor mews and weathering areas may be used for housing raptors for falconry.

(~~(g)i~~)[~~-~~] In ~~[conjunction with]~~ addition to inspected and approved facilities, raptors may also be housed inside a place of residence as provided in Section R657-20-6(4)(~~(g)c~~).

(~~(i)j~~)[~~-~~] A new facilities inspection will be required when a permittee changes address~~[-or]~~, increases the number of raptors in their possession beyond capacity of the existing inspected facilities, or changes class of their falconry COR.

(~~(h)k~~) The Utah Falconry Program Coordinator must be notified within five (5) business days of a change in the location of an individual's falconry facilities~~[-]~~ by submitting notice to falconry@utah.gov.

(~~(i)l~~) Facilities requirements for non-resident falconers wishing to establish residency in Utah.

(~~(A)l~~) A raptor may be housed in a temporary facility for no more than six (6) months, provided the temporary facility has been inspected and has a suitable perch for the raptor and adequately protects it from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(ii) Following establishment of residency, the falconer must have facilities re-inspected to ensure compliance with the facilities requirements of this rule.

(m) Falconry facilities may be on property owned by another person, provided the falconer submits a signed and dated statement by the falconer and the property owner agreeing that the falconry facilities, equipment, and raptors may be inspected without advance notice by the Division at any reasonable time of day.

(4) The Mews.

~~(a) The mews must have a suitable perch for each raptor, at least one opening for sunlight, and must provide for a healthy environment for each raptor inside.~~ ~~[(b)]~~ A mews ~~[must]~~ shall:

(i) be large enough to allow easy access for the care and feeding of raptors kept inside[-];

~~[(c) Untethered raptors may be housed together in the mews if they are compatible with each other.]~~

~~[(i) If untethered raptors housed in an indoor mews that is not a place of residence, then the mews must be fully enclosed;]~~

(ii) provide for a healthy environment for each raptor inside;

~~[(ii) Walls]~~ have walls and ceiling ~~[of the mews]~~ that may be solid, ~~[or]~~ barred, or covered with heavy duty netting[-]; ~~[(iii) If bars, or heavy duty netting, or mesh are used,]~~ so long as any openings ~~[must be]~~ are narrower than the width of the body of the smallest raptor ~~[housed in the mews.]~~ kept inside;

(iv) have a suitable perch for each raptor and at least one (1) opening for sunlight, or adequate lighting if mews is in a residence.

~~[(d) Each mews must]~~ v be large enough to allow each raptor the opportunity to fly if it is untethered or, if tethered, to fully extend its wings or bate without damaging its feathers[-]; and

~~[(e) Each raptor shall have]~~ vi include a pan of clean water large enough for each raptor housed in the mews to bathe in it that remains available to ~~[(#)]~~ the housed raptors at all times ~~[-while in a mews]~~, unless weather conditions, perch type used, or some other factor makes it inadvisable to have water available next to the raptor.

(b) Indoor facilities as a mews.

(i) Indoor mews used to house untethered raptors must be fully enclosed, unless the indoor mews are a place of residence.

~~[(f)]~~ ii Acceptable indoor facilities may include shelf perch enclosures where raptors are tethered side by side. ~~[(Other innovative)]~~

(iii) At the discretion of the Division, other housing systems [are acceptable] may be approved if they provide the enclosed raptors with ~~[(protection and)]~~ comparable facilities characteristics to those listed in R657-20-6(4) and the opportunity to maintain undamaged feathers.

~~[(g)]~~ c A place of residence ~~[(used for housing falconry raptors indoors is considered a mews provided each raptor is tethered to a suitable perch)]~~ as a mews.

~~[(i)]~~ A raptor may be untethered inside a place of residence when being handled. ~~[(iii)]~~ If a raptor is housed inside a place of residence, the residence must satisfy all of the general requirements of a mews identified in R657-20-6(4), except there is no need to modify windows or other openings in the residence.

~~[(iii) A raptor may be housed untethered inside a flight chamber constructed within a place of residence with the following provisions]~~ ii Falconry raptors housed in a place of

residence may satisfy the mews requirement, provided each raptor is tethered to a suitable perch, except when being handled or when flown within a flight chamber.

(iii) Areas within a residence that may be used as a flight chamber must satisfy the following conditions:

(A) the flight chamber must have a source of light;

(B) ~~The~~the flight chamber must be fully enclosed;

(C) ~~Walls~~walls and ceiling of the flight chamber may be solid, ~~or~~ barred, or covered with heavy duty netting; and

(D) ~~If~~if bars, or heavy duty netting, or mesh are used, openings must be narrower than the width of the body of the smallest raptor housed in the flight chamber.

(d) Untethered raptors may be housed together in any mews if they are compatible with each other.

(5) Weathering Area .

(a) The weathering area must be:

~~(i) totally enclosed, and can be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other;~~

(ii) constructed of any suitable material capable of preventing the raptor's escape and excluding predators and other animals capable of causing harm to the raptor~~[-];~~

~~(b) The weathering area must be~~iii covered and have at least one (1) covered perch to protect a raptor from predators and weather~~[-];~~

~~(c) Adequate perches must be provided within the weathering area to ensure the health, safety and protection of the raptor.-]~~

~~(d) Raptors must be tethered while inside the weathering area.]~~

~~(e) The weathering area must be~~iv large enough to insure that the raptor(s) cannot strike the enclosure when bating from the perch~~[-];~~

(v) include a pan of clean water large enough for each raptor housed in the mews to bathe in it;

(vi) provide a water source that that remains available to the housed raptors at all times, unless weather conditions, perch type used, or some other factor makes it inadvisable to have water available next to the raptor.

(b) Raptors must be tethered while inside the weathering area.

~~(f)c~~ Raptors may be perched next to a solid or fully opaque wall in the weathering area provided the proximity of the wall to the perch will not cause injury to the raptor or feather damage.

~~(g). Each raptor should have a pan of clean water available.—]~~

~~(i) At the discretion of the permittee, this requirement is waived if weather conditions, the perch type used, or some other factor makes it inadvisable to have water available to the raptor.-]~~

~~(h)d~~~~[-]~~ New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements of this chapter and are approved by the Division.

~~(i)6~~~~[-]~~ Falconry raptors may be kept outside in the open at any location if they are under watch by an individual familiar with the handling of raptors.

~~(j) Approved falconry facilities may be on property owned by another person, provided the falconer submits a signed and dated statement by the falconer and the property owner agreeing that the falconry facilities, equipment, and raptors may be inspected without advance notice by the Division at any reasonable time of day.] [(k) 7]~~ Raptors in transit must be provided with an adequate perch and protected from extreme temperatures, wind, and

excessive disturbance to ensure the health, safety and protection of any raptor being transported.

R657-20-7. Temporary Care of Falconry Raptors.

(1) Short-term handling of a raptor by a person other than the permitted falconer, such as allowing a person to handle or practice flying a permittee's raptor, is not considered temporary possession for the purposes of this rule, provided the permittee is present and supervising the individual that is handling the raptor.

(2) Temporary care of raptors by another falconry permittee .

(a) Another falconry permittee may care for a falconer's raptors for up to 120 consecutive calendar days.

(b) The temporary care permittee must have a signed and dated statement from the falconer authorizing the temporary possession, in addition to a copy of the FWS Form 3-186A for that raptor.

(i)[~~-~~] The signed and dated statement must identify the time period for which the temporary permittee will keep the raptors and what activities are allowed to be carried out with the raptors.

(ii)[~~-~~] Falconry raptors in temporary care will remain on the original falconer's COR and will not be counted against the possession limit of the person providing the temporary care for the raptors.

(iii)[~~-~~] If the permittee providing temporary care for the raptors holds the appropriate level falconry permit, then the temporary permittee may fly the raptors in whatever way authorized by the falconer, including hunting.

(iv) Temporary care of raptors may be extended by the Division [Director or designee](#) in extenuating circumstances such as, illness, military duty, and family emergency. The Division [Director or designee](#) will consider extenuating circumstances on a case-by-case basis.

(3) Temporary care of raptors by a non-falconer.

(a) A non-falconer may care for a falconer's raptors for up to 45 consecutive calendar days.

(i)[~~b~~] The raptors will remain on the original falconer's COR.

(ii)[~~c~~] The raptors must remain at the original falconer's facilities.

(iii)[~~d~~] Temporary care of raptors by non-falconers may be extended by the Division [Director or designee](#) in extenuating circumstances such as illness, military duty, or family emergency. The Division [Director or designee](#) will consider extenuating circumstances on a case-by-case basis.

(iv)[~~e~~] A non-~~falconers~~[falconer](#) caring for a falconer's raptors may not fly them for any reason.

(4) Transfer of falconry raptors when a permittee dies.

(a) A surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any raptor(s) held by the deceased permittee to another authorized permittee within 90 calendar days of the death of the original falconry permittee.

(b) After ~~45~~[90](#) calendar days from the death of the falconry permittee, disposition of raptors held under the permit is at the discretion of the Division.

R657-20-8. Equipment.

(1) Prior to the facilities inspection and issuance of a falconry COR, the applicant shall possess the following items for each raptor in possession or for each raptor proposed for future capture:

(a) ~~(i) at~~ (i) at least one (1) pair of Aylmeri jesses, or similar type, made from pliable, high quality leather or suitable synthetic material; ~~[(b) The], or the~~ materials and equipment necessary to make Aylmeri jesses or other material to be used when any raptor is flown free[-]; and

~~(i) Traditional~~ (ii) traditional one (1)-piece jesses may be used on raptors when not being flown[-];

~~(e)b~~ (b) ~~at~~ at least one (1) flexible, weather-resistant leash[-];

~~(e)c~~ (c) ~~at~~ at least one (1) swivel of acceptable falconry design[-];

~~(e)d~~ (d) ~~at~~ at least one (1) suitable container, two (2) to six (6) inches deep and wider than the length of the raptor, to hold drinking and bathing water for each raptor[-];

~~(f)e~~ (e) ~~at~~ at least one (1) perch of an acceptable design will be provided for use for each raptor[-];

~~(g)f~~ (f) ~~A~~ a reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than one (1)-half ounce or less[-]; and

~~(h)g~~ (g) ~~For~~ for small raptors, such as kestrels, merlins, and sharp-shinned hawks, the scale must weight in increments of at least one (1) gram.

R657-20-9. Apprentice Class Falconer

(1) Apprentice class falconer requirements .

(a) Applicants for an Apprentice Class falconry COR must be at least 12 years of age[-].

~~(i)b~~ (b) Applicants for an Apprentice Class falconry COR who are under 18 years of age must have a parent or legal guardian sign their application[-].

~~(ii)c~~ (c) The parents or legal guardian of a minor Apprentice Class falconer under the age of 18 are legally responsible for the activities of their child.

~~(d) An individual may not take the falconry exam earlier than two (2) months prior to their 12th birthday.~~

~~(b)e~~ (e) Applicants for an Apprentice Class falconry COR must correctly answer at least 80 percent of the questions on an examination administered by a Division representative.

~~[(i) An individual may not take the falconry exam earlier than two months prior to their 12th birthday.]~~

~~(iii)f~~ (f) The examination questions will cover basic care and handling of falconry raptors, state and Federal laws and regulations relevant to falconry, raptor biology, diseases and health issues, raptor identification, trapping~~[-and]~~, training methods, and other appropriate subject matter.

~~(iiii)i~~ (i) An individual may contact any Division office for information about taking the examination.

~~(iv)jii~~ (jii) Falconry examinations are administered at any Division office by appointment only during business hours.

~~(v)kiii~~ (kiii) An individual that fails to correctly answer at least 80 percent of the questions on the exam may retake the exam after a minimum 14-day period.

(vi) An individual that correctly answers at least 80 percent of the questions on the exam has up to 1 year from the exam date to submit application for a falconry COR.

(vii) An individual may only attempt the falconry exam three times in a calendar year.

(e)g) An applicant's facilities and equipment must pass inspection by the Division under R657-20-6 before a falconry COR can be issued.

(2) Possession of Raptors at the Apprentice Class

~~(a) [An Apprentice Class falconer may take or possess for falconry]~~

~~[(i) Any wild-caught passage age raptor or captive-bred, or hybrid raptor species of the Order Accipitriformes, Falconiformes or Strigiformes with the following exceptions:]~~

~~[(3) The hybrid raptor cannot be the result of a cross involving any species listed in § 10.13 of 50 CFR 21 (Federal Migratory Bird Treaty Act)] [(i).] An Apprentice Class falconer may not take or possess:~~

(i) any raptor taken from the wild as an eyas;

(ii) any federally listed threatened or endangered species;

(iii) any wild caught, captive-bred, or hybrid eagles;

~~[(ii) An Apprentice Class falconer may not take or possess federally listed threatened or endangered species;]~~

~~[(iii) An Apprentice Class falconer may not take or possess]~~ iv) any wild-caught species taken by an Apprentice in Utah when that bird is listed as a [national Species] Bird of Conservation Concern ("BCC") by the Service for the Bird Conservation Region ("BCR") area where it is taken, as depicted on the Division's website at utah.falconry.gov;

(v) any hybrid raptor;

(vi) any imprinted raptor; or

(vii) any raptor not specifically authorized in R657-20-9(2)(b) without the Director's prior written approval.

(b) If not otherwise prohibited by R657-20-9(2)(a), an Apprentice Class falconer may take or possess any passage age raptor that is wild-caught, captive-bred, or acquired through legal transfer listed below:

(i) Northern Harrier (*Circus cyaneus*);

(ii) Sharp-shinned Hawk (*Accipiter striatus*);

(iii) Cooper's Hawk (*Accipiter cooperii*);

(iv) Northern Goshawk (*Accipiter gentilis*);

(v) Harris's Hawk (*Parabuteo unicinctus*);

(vi) Common Black-Hawk (*Buteogallus anthracinus*);

(vii) Red-tailed Hawk (*Buteo jamaicensis*);

(viii) Rough-legged Hawk (*Buteo lagopus*);

(ix) Ferruginous Hawk (*Buteo regalis*);

(x) American Kestrel (*Falco sparverius*);

(xi) Merlin (*Falco columbarius*);

~~(b)~~ xii) Prairie Falcon (*Falco mexicanus*);

(xiii) Gyrfalcon (*Falco rusticolus*);

(xiv) Peregrine Falcon (*Falco peregrines*), except an Apprentice may only possess non-imprint Peregrine Falcons; and

(xv) Great Horned Owl (*Bubo virginianus*).

(c) An Apprentice Class falconer may possess no more than one (1) [~~wild-caught passage-age raptor or captive-bred~~] raptor for use in falconry [~~regardless of the number of state, tribal, or territorial falconry CORs or permits that the Apprentice has been issued.~~].

(~~e~~d) Another falconry permittee may capture a wild raptor in compliance with R657-20-13 and transfer the raptor to an Apprentice Class falconer [~~as provided in R657-20-15.~~]

[~~(d) An Apprentice Class falconer may not take or possess a raptor taken from the wild as an eyas.~~](~~e~~) An if the Apprentice Class falconer may [~~not~~]lawfully possess [~~an imprint~~]that raptor.

R657-20-10. Apprentice Class Sponsor

(1) Applicants for an Apprentice Class falconry COR must have a sponsor to mentor and assist the Apprentice Class falconer [~~, as necessary,~~] in the following activities:

(a) [~~Husbandry~~]husbandry and training of raptors held for falconry;

(b) [~~Relevant~~]relevant wildlife laws and regulations[~~;~~]; and

(c) [~~Determining~~]determining what species of raptor is appropriate for the Apprentice to possess.

(2) The person applying for an Apprentice Class falconry COR must provide the Division with a letter from their chosen sponsor stating that sponsor's willingness to serve as a sponsor for the Apprentice Class falconer.

(3) Requirements of an Apprentice Class Sponsor.

(a) Any person sponsoring an [~~apprentice~~]Apprentice under the age of 18, other than the minor's parent or legal guardian, must be approved in writing by the minor's parent or legal guardian and submitted to the Division before being designated as the minor's sponsor; and

(b)[~~A~~](i) a sponsor must be a Master Class Falconer who holds a valid Utah Falconry COR[~~;~~]; or

(i)ii) [~~Be~~]be a General Class Falconer who is at least 18 years of age, has no less than two (2) years experience at the General Class falconer level, and who holds a valid Utah falconry COR.

(4) Unless approved in writing by the Division [~~in writing~~]director or designee, the sponsor cannot reside :

(a) [~~Greater~~]greater than a 100 mile distance from the Apprentice; or

(b) [~~Outside~~]outside of Utah[~~;~~]. so long as the falconer has a valid falconry permit at the General or Master Class level.

(5)(a) Apprentice Class falconers that change or terminate sponsors must notify the Division in writing and provide a letter from the new sponsor showing compliance with the requirements listed in R657-20-10(3) and (4).

(a)b) In the event sponsorship is terminated, the holder of an Apprentice Class falconry COR must notify the Division and obtain a new sponsor within 30 calendar days of termination.

R657-20-11. General Class Falconer.

(1) General Class falconer requirements .

(a) Applicants for a General Class falconry COR must be at least 16 years of age[;-].

(~~(i)~~~~(b)~~[;-]) Applicants for a General Class falconry COR who are under 18 years of age must have a parent or legal guardian sign their application[;-].

(~~(ii)~~~~(c)~~) The parents or legal guardian of a minor General Class falconer under the age of 18 are legally responsible for the activities of their child.

(~~(b)~~~~(d)~~) New General Class applicants must submit a request for class upgrade to the Division in writing or via email at falconry@utah.gov, and include a document from their [~~General Class or Master Class~~]sponsor stating that the General Class applicant has practiced falconry at the Apprentice Class [~~Falconer~~]falconer level or equivalent for at least two (2) years, including maintaining, training, flying, and hunting raptors for at least four (4) months in each separate 12-consecutive month period.

(i) For purposes of this Subsection, two (2) years means two (2) separate 12-consecutive month periods, beginning when the COR is issued.

(ii) A General Class applicant may not substitute any falconry school program or education to shorten the minimum period of two (2) years at the Apprentice level.

(iii) Evidence that a General Class applicant has had a valid General Class level falconry license or permit in another state for at least two (2) years may be substituted for the Apprentice Class falconry COR requirement.

(2) Possession of raptors at the General Class .
[~~(a) A General Class falconer may take or possess any eyas or passage age wild-caught raptor,-~~] (a) A General Class falconer may not take or possess:

(i) any federally listed threatened or endangered species, unless otherwise authorized by a federal take permit;

(ii) any wild caught, captive-bred, or hybrid Bald or Golden Eagles; or

(iii) any raptor species not specifically authorized at the General Class level as provided in R657-20-11(2)(b), without Director's prior written approval.

(b) A General Class falconer may take or possess any eyas or passage age raptor that is wild-caught, captive-bred, or acquired through legal transfer as listed below:

~~(b)~~-]

(i) any species authorized for possession at the Apprentice level as provided in R657-20-9(2), without any BCR geographical limitations that are imposed on Apprentice level falconers;

(ii) a hybrid raptor where at least one of the species contributing to the raptor's composition is authorized for possession at the General Class level;

(iii) Eurasian Sparrowhawk (*Accipiter nisus*);

(iv) Swainson's Hawk (*Buteo swainsoni*);

(v) Zone-tailed Hawk (*Buteo albonotatus*);

(vi) Augur Buzzard (*Buteo augur*);

(vii) Common Buzzard (*Buteo buteo*);

(viii) Red-shouldered Hawk (*Buteo lineatus*);

(ix) Grey-lined Hawk (*Buteo plagiatus*);

(x) Broad-winged Hawk (*Buteo platypterus*);

(xi) Shikra (*Accipiter badius*);

(xii) Levant Sparrowhawk (*Accipiter brevipes*);

(xiii) Japanese Sparrowhawk (*Accipiter gularis*);

(xiv) Black Sparrowhawk or Black Goshawk (*Accipiter melanoleucus*);
(xv) Bicolored Hawk (*Accipiter bicolor*);
(xvi) Jackal Buzzard (*Buteo rufofuscus*);
(xvii) Great Black Hawk (*Buteogallus urubitinga*);
(xviii) Aplomado Falcon (*Falco femoralis*), except a falconer may not possess any
wild-caught bird;

(xix) Lanner Falcon (*Falco biarmicus*);
(xx) Saker Falcon (*Falco cherrug*);
(xxi) Taita Falcon (*Falco fasciinucha*);
(xxii) Barbary Falcon (*Falco pelegrinoides*);
(xxiii) Red-Headed Falcon (*Falco chicquera*);
(xxiv) Orange-Breasted Falcon (*Falco deiroleucu*);
(xxv) Laggar Falcon (*Falco jugger*);
(xxvi) New Zealand Falcon (*Falco novaeseelandiae*);
(xxvii) Bat Falcon (*Falco ruficularis*);
(xxviii) Eurasian Hobby (*Falco subbuteo*);
(xxix) European Kestrel (*Falco tinnunculus*); and
(xxx) American Kestrel (*Falco sparverius*), including haggard-aged birds as
authorized in R657-20-13(7).

(c) A General Class falconer may ~~[possess captive-bred, or hybrid raptor species of the Order Accipitriformes, Falconiformes or Strigiformes with the following exceptions:]~~

~~[(i) A General Class falconer may not take or possess eagles;]~~

~~[(ii) A General Class falconer may take or possess any wild-caught species listed as a national Species of Conservation Concern by the Service—]~~obtain an authorization from the Division to possess the following raptors by providing the information required in R657-20-12(2)(d)(i) and (ii):

(i) Bonelli's Eagle (*Aquila fasciata*);

(ii) Steppe Eagle (*Aquila nipalensis*);

(iii) Tawny Eagle (*Aquila rapax*);

(iv) African Hawk-Eagle (*Aquila spilogaster*);

(v) Verreaux's Eagle (*Aquila verreauxii*);

(vi) Crested Hawk-Eagle (*Nisaetus cirrhatus*);

(vii) Mountain Hawk-Eagle (*Niseatus nipalensis*);

(viii) Martial Eagle (*Polemaetus bellicosus*);

(ix) Harpy Eagle (*Harpia harpyja*); and

(x) Eurasian Eagle-Owl (*Bubo bubo*).

([e]d) A General Class falconer may possess no more than three (3) wild-caught eyas~~[-or]~~, passage, or haggard age raptors, captive-bred raptors, or hybrid raptors, or any combination thereof~~[-, for use in falconry regardless of the number of state, tribal, or territorial falconry CORs or permits that the General Class falconer has been issued-].~~

R657-20-12. Master Class Falconer.

(1) Master Class falconer requirements .

(a) Applicants for a Master Class falconry COR must have five (5) years of experience practicing falconry with raptor(s) held under their own state, tribal, or territorial falconry COR or permits at the General Class ~~Falconer~~ level.

(i) For the purposes of this Subsection, ~~["five (5) years of experience"]~~ means maintaining, training, flying, and hunting the raptor(s) for at least four (4) months in each of five (5) separate 12-month periods, beginning when the COR is issued.

(ii) Evidence that the applicant has had a valid General Class level falconry license or permit in another state for at least five (5) years may be substituted for the General Class falconry COR requirement.

(iii) If an applicant has held falconry raptor(s) on an extended temporary basis, that experience may qualify for purposes of these requirements.

(2) Possession of Raptors at the Master Class

(a) A Master Class falconer may not take or possess:

(i) any federally listed threatened or endangered species, unless otherwise authorized by a federal take permit;

(ii) any wild[-] caught[-~~eyas or passage age~~], captive-bred[-~~raptor~~], or hybrid [~~raptor-species of the Order Accipitriformes, Falconiformes or Strigiformes with the following exceptions:~~]Bald Eagles; or

~~[(i) A Master Class falconer may not take or possess a bald eagle (*Haliaeetus leucocephalus*)]~~

~~[(ii) A Master Class falconer may take or possess any wild-caught species listed as a national Species of Conservation Concern by the U. S. Fish and Wildlife Service]~~

~~[(b) A Master Class falconer may take and possess a golden eagle only if the qualifications set forth parting Subsection (2)(d) below are met.]~~

(iii) any raptor not specifically authorized in R657-20-12(2)(b) without Director's prior written approval.

(b) A Master Class falconer may take or possess any eyas or passage age raptor that is wild-caught, captive-bred, or acquired through legal transfer as listed below:

(i) any species authorized for possession at the Apprentice level as provided in R657-20-9(2), without any BCR geographical limitations that are imposed on Apprentice level falconers;

(ii) any species authorized for possession at the General Class level as provided in R657-20-11(2); and

(iii) Golden Eagle (*Aquila chrysaetos*), if:

(A) the bird is obtained through legal transfer or is wild-caught from a livestock or wildlife depredation area described in R657-20-13(15); and

(B) the falconer satisfies the conditions found R657-20-12(d).

(c) (i) A Master Class falconer may possess no more than 5 wild-caught [~~eyas or passage age~~]raptors for use in falconry[~~, including golden eagles, regardless of the number of state, tribal, or territorial falconry CORs or permits that the Master Class falconer has been issued~~].

~~[(i)ii] A Master Class falconer may possess any number of captive-bred raptors, provided :~~

~~(A) [~~Approved~~]approved facilities are available for the number of birds possessed;~~
and

~~(B) [~~The~~]all captive-bred raptors [~~must be~~]in possession are trained and used in the [~~pursuit of wild game and used for hunting...~~]sport of falconry.~~

(d) A Master Class falconer [~~must~~may] obtain an authorization from the Division to possess [~~an eagle for use in falconry pursuant to R657-20-13;~~][(i).—Approval for a Master Class falconer to take or possess an eagle for use in falconry shall not be granted unless the following documentation is provided:]a Golden Eagle or other species listed in R657-20-11(2)(c) by providing the following:

([A]i)[~~—A~~] a written statement documenting the experience of the Master Class falconer in handling large raptors, including information about the species handled and the type and duration of activities in which the experience was obtained[~~—~~]; and

([B].—At]ii) at least two (2) letters of reference from individuals with experience in handling or flying large raptors such as eagles, [~~ferruginous hawks (*Buteo regalis*), Northern goshawks, or great horned owls (*Bubo virginianus*).~~]Ferruginous Hawks, Northern Goshawks, or Great Horned Owls addressing:

([I].—Each reference letter must contain]A) a concise history of the author's experience with large raptors, which can include but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors[~~—~~]; and

([II].—Each reference letter must also assess]B) the Master Class [~~Falconer~~falconer]'s ability to care for [~~eagles~~]the species listed in R657-20-11(2)(c) and fly them in falconry.

R657-20-13. Acquiring Raptors for Falconry

(1) Licensed falconers wishing to take raptors from the wild for falconry must purchase a Raptor Capture Permit from the Division.

([a]2) A Raptor Capture Permit is valid for one (1) wild raptor authorized for possession in accordance with the restrictions and limitations of this rule.

(3) A licensed falconer may not take more than two (2) raptors from the wild each calendar year for falconry purposes.

([b]4) Raptor Capture Permits are non-transferable and non-assignable and can only be used by the person specified on the permit[~~—However~~], except another person can assist the permit holder pursuant to Section R657-20-15.

([e]5) The Raptor Capture Permit and falconry COR (or legible copies thereof) must be in the possession of the permittee while pursuing, capturing or attempting to capture a wild raptor.

([2]6) (a) On an annual basis, the [~~falconry~~Falconry] Program Coordinator shall determine the available take of peregrine [~~falconers~~falcons] and [~~raptors~~raptor species] listed on the most recent edition of the Utah [~~sensitive species list.—~~]Sensitive Species List.

([a]b) Notice of any limitations on the take of Peregrine Falcons and sensitive [~~raptors~~raptor species] shall be available by February 1 of each year and posted on the Division's website.

(c) The application period for take of Peregrine Falcons and sensitive raptor species is the first business day in February though the last business day in March.

([b]d) If the number of applications received exceeds the available take, then the Division will conduct a drawing for each species.

[~~(c) An individual may only draw once every 2 years to take peregrine falcons, sensitive raptor species, and nonresident legal raptors.—~~]

~~[(i) If the number of applications received is less than the available take, then the 2 year restriction is waived, and the remaining take will be made available to resident and nonresident falconers of the appropriate class on a first come first served basis...]~~

~~[(3) A licensed falconer may not take more than 2 raptors from the wild each calendar year for falconry purposes.]~~

(e) Individuals who draw a capture permit for a given species are placed on a one (1) year waiting period.

(f) Individuals on a waiting period may still apply in a drawing, be placed in the drawing order, and receive a capture permit if all applicants not on a waiting period have been given the opportunity to accept an available capture permit.

[(a)7] Haggard age raptors may not be taken from the wild for falconry, with the exception that General and Master Class falconers may take a haggard American Kestrel from the wild between August 15th and February 15th annually.

[(b)8] Any raptor taken from the wild for falconry is considered a “wild” raptor for the balance of the raptor’s life, regardless of the length of captivity or the raptor’s transfer to another permittee or permit type.

[(e)9] A licensed falconer who wishes to take a raptor from the wild must meet all state and tribal requirements in this rule for capture of wild raptors for falconry.

[(e)10] A permittee may not purchase, sell, trade, or barter a wild raptor.

~~[(4) Resident Take of Wild Raptors]~~

[(a)11] While trapping, falconers shall not retain and transport more than one (1) captured wild raptor per capture permit.

[(5)12] Taking of wild raptors is prohibited within the boundaries of all National and State Parks in Utah ~~[(6)-]~~.

(13)(a) A raptor ~~[may]~~must be taken from the wild ~~[by]~~using traps or nets that minimize the potential of physical injury and unnecessary stress to the raptor~~[-]~~~~[(a)- Examples of acceptable devices are the]~~, including, but not limited to bal-chatri, dho-gazza, harness-type, phi trap, bow net traps, or other trapping devices that are humane and acceptable as commonly used in falconry trapping procedures.

(b) Trapping devices must be constantly attended while in use.

[(7)14] A raptor taken from the wild may be transferred to another permittee under the following conditions:

(a) The captured raptor will count as one (1) of the raptors allowed for take from the wild in the calendar year it was taken by the capturing falconer; and

(b) The transferred wild raptor will not count as a capture by the recipient.

[(8)15] (a) A permittee may not intentionally capture wild raptor species for falconry that their classification as a falconer does not allow them to possess.

[(a)b] If a permittee captures a wild raptor he or she is not allowed to possess, it must be released immediately. ~~[(9)-]~~

(16) A General or Master Class falconer may take no more than one (1) raptor from the wild each year which belongs to a species listed as threatened or endangered under the federal Endangered Species Act if allowed under 50C CFR part 17, and only if a federal endangered species permit is obtained before taking the bird.

(17)(a) ~~[(40)-]~~A General or Master Class falconer may take eyas raptors from a nest or aerie only during the seasons specified for taking eyas raptors in Subsection ~~[(12)19]~~.

(~~a~~)~~b~~)~~[-]~~ At least one (1) young must be left in any nest or aerie from which an eyas is taken.

(~~b~~)~~c~~) Removal of young is prohibited from a nest or aerie that contains only one ~~eyas.~~ (~~c~~) ~~An eyas may not be removed from its aerie prior to 10 days of age.~~ 1) eyas.

~~(d) Aeries may not be entered when young are 28 days or more of age.~~

(~~14~~)18) An Apprentice, General or Master Class falconer may take passage age raptors from the wild only during the seasons specified for taking passage age raptors in Subsection (~~12~~)19).

(~~12~~)19) Periods for Allowable Take ~~Of~~of Raptors From the Wild .

(a) Eyas or passage age raptors of any allowable Strigiform species may be taken from March 1 through November 30.

(b) Eyas or passage age raptors of any allowable Accipitriform and Falconiform species, except ~~peregrine falcon (Falco peregrinus) and golden eagle (Aquila chrysaetos)~~ Peregrine Falcon and Golden Eagle, may be taken January 1 through December 31.

~~(i) The peregrine falcon take season begins annually on May 1st and ends on August 31st.~~

(~~iii~~)~~c~~)~~[-]~~ Notwithstanding Subsection (~~12~~)19(b):

(~~A~~)i) Passage age raptors that fledged from the prior year may not be taken after March 1st; and

(~~B~~)ii) Passage age ~~gyrfalcons (Falco rusticolus)~~ Gyrfalcons may be taken at any time.

(d) The Peregrine Falcon take season begins annually on May 1st and ends on August 31st.

(i) A Peregrine Falcon eyas may not be removed from its aerie prior to 10 days of age.

(ii) Peregrine Falcon aeries may not be entered when young are 28 days or more of age.

(~~e~~)e) Licensed falconers may take any raptor from the wild ~~that~~if take is authorized under this rule ~~for take~~and possession is authorized for their class level.

(f)(i)~~[-]~~ A wild caught raptor, except Peregrine Falcon, that is banded with a Federal Bird Banding Laboratory aluminum band may be taken, provided the Federal Bird Banding Laboratory is notified of the removal of the banded raptor from the wild~~[-]~~. Banded Peregrine Falcons must be promptly released and reported to the Federal Bird Banding Laboratory at www.reportband.gov.

(ii) The Federal Bird Banding Laboratory aluminum band may be removed if the raptor is to be retained, after notifying the Federal Bird Banding Laboratory.

(iii)~~[-]~~ Capture of any raptor that is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird must be reported to the Division no more than 5 business days after the capture.

(iv)~~[-]~~ Capture of any raptor that is marked with any other band, research marking, or ~~attached~~ research transmitter attached to it must be promptly reported to the Federal Bird Banding Laboratory at www.reportband.gov or 1-800-327-2263.

(~~13~~)20) Nonresident Take of Wild Raptors.

(a) A nonresident falconer may not take any raptor from the wild without first obtaining a Nonresident Raptor Capture Permit from the Division.

(b) Nonresidents must show proof of a valid federal falconry permit or falconry license issued by their state of residency to purchase a Nonresident Raptor Capture Permit.

(c) Nonresident take of raptors is subject to all other applicable regulations set forth in this rule.

(~~14~~21) Special provisions for take of wild peregrine falcons.

(a) Only General and Master Class falconers ~~only~~ may take wild eyas or passage age peregrine falcons as provided in this rule.

(~~b~~e) The areas open for taking eyas and passage age peregrine falcons will be designated annually by the ~~Falconry Program Coordinator~~ Division Director or designee.

(~~c~~f) ~~A peregrine falcon~~ A Peregrine Falcon that is marked with a with a Federal Bird Banding Laboratory aluminum band and/or a research band such as a colored band with alphanumeric codes or some other research marking attached must be immediately released ~~and~~ ~~(i) Research band numbers and location and date of capture must be reported to the Division and~~ and reported within five (5) business days to the Federal Bird Banding Laboratory ~~(1-800-327-2263) within 5 business days of the date of capture.~~ at www.reportband.gov.

(~~15~~22) Special provisions for take of wild ~~golden eagles~~ Golden Eagles.

(a) A Master Class falconer with a COR to take ~~golden eagles~~ Golden Eagles may take no more than three (3) from the wild, subject to the requirements in ~~federal statute~~ 50 CFR 21 and Section R657-20-~~12(2)(c)~~ 12.

(~~b~~i) ~~(i)~~ A Master Class Falconer that is authorized to take ~~golden eagles~~ Golden Eagles may take no more than two ~~golden eagles~~ (2) Golden Eagles from the wild in any calendar year and only in a livestock or wildlife depredation area during the time the depredation area declaration is in effect.

(~~A~~ii) The establishment, boundaries, and duration of a livestock or wildlife depredation area in Utah are ~~declared~~ as determined by U.S.D.A. Wildlife Services and the U. S. Fish and Wildlife Service in Lakewood, CO, or on request by the Governor to the Director of the Service (50 CFR 22.31).

(~~iii~~iii) ~~(i)~~ A Master Class falconer authorized to take ~~golden eagles~~ Golden Eagles for use in falconry may capture an immature or subadult ~~golden eagle~~ Golden Eagle only in a livestock or wildlife depredation area during the time the depredation area is in effect in Utah.

(~~A~~iv) A Master Class Falconer may capture a nesting adult ~~golden eagle~~ Golden Eagle, or take an eyas from its nest, in a livestock or wildlife depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the parent adult eagle is preying on livestock or wildlife.

(~~B~~v) A government employee who has trapped a ~~golden eagle~~ Golden Eagle under Federal, State, or tribal permit may transfer the eagle to a Master Class falconer that is authorized to possess ~~golden eagles~~ Golden Eagles if the eagle cannot be released in an appropriate location.

(~~iii~~vi) A Master Class Falconer authorized to take a ~~golden eagle~~ Golden Eagle for falconry must contact USDA, Wildlife Services or the U. S. Fish and Wildlife Service in Lakewood, CO to determine the establishment and location of a livestock or wildlife depredation area in Utah .

(~~A~~vii) The Division does not provide livestock or wildlife depredation area information.

(~~B~~viii) The Master Class falconer must have permission from the private landowner to capture a ~~golden eagle~~ Golden Eagle on private lands.

(~~16~~) (23) Other special provisions for obtaining raptors for falconry

(a) A permittee may receive assistance from another individual in capturing a wild raptor, but the permittee must be present at the capture site .

(b) Regardless of the assistance of another person in capturing a wild raptor:

(i) The permittee is always considered to be the individual who removes the bird from the wild; and

(ii) ~~the~~ The permittee is legally responsible for complying with the reporting requirements for capturing a raptor from the wild, as provided in Subsection (1).

(c) (i) A permittee with a long-term or permanent physical impairment that prevents their attendance at the capture of a raptor for use in falconry, or is otherwise unable to be present at the immediate location where the raptor is taken from the wild, may contact a General or Master Class falconer only to capture a raptor on their behalf.

(~~ii~~) (i) The impaired permittee is legally responsible for complying with the reporting requirements for capturing a raptor from the wild, as provided in Subsection (1).~~[-]~~

(~~iii~~) (i) The raptor will count against the take of wild raptors that the impaired permittee is allowed in any year.

(~~iii~~) (iv) The raptor will not count as one (1) of the two ~~replacement~~ (2) raptors the General or Master Class falconer who offers assistance is allowed to capture in any year.

(~~iv~~) (v) The raptor will not count as being taken from the wild by the permittee acting on behalf of the impaired permittee.

(d) Individuals authorized to do so may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands to other permittees who are legally authorized to possess the raptor.

(e) A permittee may transfer a wild-caught raptor to another permittee who is legally authorized to possess the raptor, provided there is no pecuniary consideration for the transfer.

(~~ii~~) (f) The number of wild caught or captive-bred raptors transferred to a permittee may not exceed the established possession limit for each permit class.

(~~ii~~) (g) (i) A licensed falconer may acquire directly from a rehabilitator a raptor of any age or species that the falconer is permitted to possess.

(~~ii~~) (ii) A wild raptor acquired for falconry from a rehabilitator will count as one (1) of the raptors the falconer is allowed to take from the wild that calendar year.

R657-20-14. Raptors Injured Due to Falconer Trapping Efforts.

(1) Falconers that injure a raptor during trapping efforts are responsible for the costs of care and rehabilitation of the injured raptor.

(~~a~~) (2) An injured raptor retained by the permittee must be placed on the permittee's falconry permit.

(~~b~~) (3) The injured raptor must be treated by a veterinarian or a permitted wildlife rehabilitator.

(~~e~~)4 The injured raptor must be immediately transported to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee.

(~~e~~)5 The injured raptor will not count against the permittee's allowed take or the permittee's possession limit.

R657-20-15. Recapture of Falconry Raptors.

(1) A falconry raptor that has been lost may be recaptured at any time without the need to purchase a Raptor Capture Permit.

(2)~~(i)~~ Recapture of [~~a lost or~~an] escaped [~~"wild"~~]raptor is not considered to be the taking of a raptor from the wild.

(3) A raptor wearing falconry equipment or a lost or escaped captive-bred raptor may be recaptured at any time by any other permitted falconer~~(i)~~, even if the permittee performing the recapture is not allowed to possess the species.

(4)~~(i)~~(a) A recaptured raptor will not count against a permitted falconer's possession limit, nor will its recapture from the wild count against the permitted falconer's replacement limit.

(~~a~~)b~~(i)~~ A recaptured falconry raptor must be returned to the permittee who lost it if that individual may legally take possession.

(~~i~~)c~~(i)~~ Disposition of a recaptured falconry raptor where the permittee's legal authority to possess the bird is in question will be determined by the Division Director or designee.

(~~i~~)~~(i)~~d A recaptured falconry raptor temporarily held for return to the permittee who lost it will not count against the possession or replacement limit on take of raptors from the wild if the individual temporarily holding the raptor has reported the recapture to the Division.

R657-20-16. Flying a Hybrid Raptor in Falconry.

(1) When flown free, a hybrid raptor must have at least two (2) attached radio transmitters for tracking.

R657-20-17. Hacking of Falconry Raptors and other Training Techniques.

(1) [~~A~~]Only a General or Master Class Falconer [~~only~~] may hack a falconry raptor or raptors.

(2) Raptors at hack count against possession limits and must be a species authorized for possession.

(3) Hybrid raptors at hack must have two (2) attached and functioning radio transmitters.

(4)(a) Raptors [~~are~~]may not to be released [~~at~~]to hack near the nesting area of a federally threatened or endangered bird species or in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the raptor at hack.

~~[(a) The Division must be notified prior to hacking a falconry raptor.]~~

(b) Information on federally-listed species can be obtained from the Service.

(5) The Division must be notified prior to hacking a falconry raptor.

(6) Use of other falconry training or conditioning techniques.

(a) Other acceptable falconry practices may be used, such as the use of tethered flying, lures, balloons, or kites in training or conditioning raptors for falconry.

(b) Falconry raptors may be flown at pen-raised animals or at bird species not protected under this rule or the Migratory Bird Treaty Act, so long as those activities otherwise comply with Titles 4 and 23 of Utah Code.

R657-20-18. Permission to Conduct Falconry Activities on Public or Private ~~[lands.]~~Lands.

(1) A falconer must comply with all applicable Federal, State, local, or tribal laws regarding falconry activities, including hunting, on private, public, and tribal lands.

(a) All falconry activities shall be conducted consistent with the trespass requirements in Section 23-20-14.

(b) A person may not engage in any falconry activity on Tribal trust lands without authorization.

(2) Raptor training is not allowed on state waterfowl and wildlife management areas without authorization.

(3) Practicing the sport of falconry without permission is prohibited on all National Parks in Utah

(4) Practicing the sport of falconry without permission is prohibited on all Utah ~~[state]~~State Parks.

(5) Unless specifically authorized by the U.S. Fish and Wildlife Service, practicing the sport of falconry on National Wildlife Refuges is prohibited.

R657-20-19. Practicing Falconry in the Vicinity of a Federally Listed Threatened or Endangered Animal Species.

(1) Individuals practicing falconry must ensure that such activities do not result in the take of federally listed threatened or endangered wildlife.

(2) Under the ~~[federal]~~Federal Endangered Species Act:

(a) "Take" means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct".

(b) "Harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering; and

(c) "Harm" means an act that actually kills or injures wildlife .

(3) Information about threatened or endangered species that may occur in Utah is available by contacting the Service or the Division.

R657-20-20. Releasing a Falconry Raptor to the Wild.

(1)~~(a)~~ A raptor that is non-native to the State of Utah or that is a hybrid of any kind~~[.]~~ may not be permanently released into the wild.

~~(a)~~~~(b)~~ A raptor that is non-native to the State of Utah or that is a hybrid of any kind~~[.]~~ may be transferred to another falconry permittee authorized for possession.

(2)~~(a)~~ A raptor that is native to the State of Utah and captive-bred may not be permanently released into the wild without prior authorization from the Division.

~~(a)~~~~(b)~~ Once authorization for release of a captive-bred native raptor is received, the raptor must be hacked ~~[(allow it to adjust)]~~to the wild at an appropriate time of year and at an appropriate location~~[-as determined by the falconer.-]~~.

~~(b)~~~~(c)~~ The falconry or captive-bred band must be removed and release of the bird reported to the Division in accordance with Section R657-20-21.

(3)(a) If the species to be released is native to the State of Utah and was taken from the wild, the raptor may be released only at an appropriate time of year and at an appropriate location~~[-as determined by the falconer-]~~.

(a)b) If the raptor is banded, the band must be removed and release of the bird reported to the Division in accordance with Section R657-20-21.

R657-20-21. Reporting Requirements

(1) All activities, including wild take, acquisition, transfer, exchange, band~~[/]~~ or reband or microchip implant, loss ~~[(of bird if not recovered within 30 days)]~~, recapture, injuries, and theft of any falconry raptor must be reported to the Division within 10 business days of the date of the event, as follows:

(a) Submit to the Division a completed paper Form 3-186a by mail or email at falconry@utah.gov; and

(b) Enter the required information in the electronic database located at ~~[\[http://permits.fws.gov/186A\]](http://permits.fws.gov/186A)~~
<http://permits.fws.gov/186A> if it is functional.

(2) A permittee must retain copies of all electronic database submissions documenting take, transfer, loss, rebanding or micro chipping or any other transaction for each falconry raptor for up to five (5) years after the given transaction or event has taken place.

(3) (a) Date of capture, sex of the raptor, and location of the capture in UTM or latitude/longitude must be recorded on the Raptor Capture Permit for all species.

(a)b) Nest locations are held for use by the Division~~['s sensitive species biologists and will not be made available to the public-]~~ and are subject to state records laws.

(4) ~~[All Resident falconers holding a valid falconry COR must submit a completed falconry Annual Report to the Division by January 31 of each year, as follows:][a-]~~ By December 31 of each year, the Division will provide each resident falconer with an annual report form.

~~(b) Each resident falconer must complete the annual report and return the report]~~5) All Resident falconers holding a valid falconry COR must submit a completed falconry Annual Report to the Division by ~~[the following-]~~January [31-]31 of each year.

R657-20-22. Unintentional Take of Protected Wildlife by a Falconry Raptor.

(1) A falconry raptor may be allowed to feed on a prey animal taken unintentionally, provided the prey animal is not taken into the falconer's possession.

(2) Unintentional take of any federally listed threatened or endangered species must be reported to the Division and the U. S. Fish and Wildlife Ecological Services Field Office in Salt Lake City within 48 hours of the take event.

(3) Unintentional take of any Utah protected wildlife must be reported to the Division within 48 hours of the take event.

R657-20-23. Banding or Tagging Raptors Used in Falconry

(1) (a) A falconer who has captured or acquired a wild ~~[northern goshawk]~~Northern Goshawk, wild Harris's hawk~~[-(Parabuteo unicinctus)]~~, wild ~~[peregrine falcon]~~Peregrine Falcon, or wild ~~[gyrfalcon]~~Gyrfalcon must band the raptor with a permanent, nonreusable, black-colored numbered Service leg band.

(a) A falconer must contact the Division for information on obtaining and disposing of bands.

(b) In addition to banding the raptor, a falconer may also purchase and implant an ISO (International Organization for Standardization)-compliant (1234.2 kHz) implantable microchip.

(d) New and replacement band or any required microchip information must be reported to the Division pursuant to Section R657-20-21.

(2) (a) Raptors bred in captivity must be banded with a Service seamless metal band described in 50 CFR 21 § 21.30, or plastic, numbered Service yellow band.

(a) Unbanded raptors, or black, or yellow banded raptors may not be sold, traded or bartered in any way.

(b) In addition to banding the raptor, a falconer may also purchase and implant an ISO (International Organization for Standardization)-compliant (1234.2 kHz) implantable microchip.

(e) Removal or loss of a seamless band must be reported to the Division within 10 business days of the event and a replacement non-reusable band attached to the raptor.

(e) New and replacement band or any required microchip information must be reported to the Division pursuant to Section R657-20-~~24-~~21.

(3) (a) In the event a non-reusable band is removed or lost from a banded raptor, the removal or loss of the band must be reported to the Division pursuant to Section R657-20-21 and a replacement band requested.

(a) Immediately upon rebanding the raptor, the required information must be submitted to the Division pursuant to Section R657-20-~~24-~~21.

(4) A band may not be altered, defaced, or counterfeited.

(5) (a) Exemptions for banding of raptors will be considered on a case-by-case basis ~~, as follows:~~ ~~(a) Documented~~ if there are documented health or injury problems for a raptor that are caused by the band .

(b) A copy of the exemption paperwork must be kept by the permittee when transporting or flying the raptor.

(c) If the raptor is a wild northern goshawk, wild Harris's hawk, wild peregrine falcon, or wild gyrfalcon, the band ~~must~~may be replaced with an ISO-compliant microchip.

(i) ~~d~~ ~~-~~ Substituting a microchip for a band on a wild ~~goshawk~~Goshawk, wild Harris's ~~hawk~~Hawk, wild ~~peregrine falcon~~Peregrine Falcon, or wild ~~gyrfalcon~~Gyrfalcon will not be authorized unless it has been demonstrated that a band causes an injury or a health problem for the raptor.

R657-20-24. Importation Requirements for Residents and Nonresidents.

~~(1) A person~~ (1) If an individual possesses a falconry COR from the State of Utah for the possession of a raptor, that individual is not required to obtain ~~a special~~any other COR from the Division to import a raptor brought into Utah from another state when the raptor is imported and used for falconry purposes ~~-~~ on a permanent basis.

(a) 2 Importation of a raptor used for any purposes other than falconry is governed by Rule R657-3.

(b)3) A raptor imported into Utah is required to ~~have:~~satisfy all import and health
~~(i) A certificate of veterinary inspection from the state, tribe, or territory of origin; and~~
~~(ii) An entry permit number issued through~~requirements of the Utah Department of
Agriculture and Food, Animal Health Office~~[pursuant to R58-1-4.]~~.
(2)4) Any raptor brought into the state on a permanent basis must be reported to
the Division pursuant to Section R657-20-~~24~~21.

R657-20-25. Falconry Meets or Trials.

- (1) Falconers participating in falconry meets or trials must possess a valid falconry license and federal falconry permit, if applicable.
- (2) A falconry meet license is not required for participation in a falconry trial.
- (3) A falconry meet or trial may not be held on state waterfowl and wildlife management areas from April 1 through August 15, except in those areas approved by the Division Director or designee.
- (4)(a) An organizer of a falconry meet must obtain prior approval from the ~~Wildlife Board~~Division Director or designee for non-residents to ~~[purchase a 5-day non-resident meet license]~~participate in a falconry meet held in Utah.
(b) All participants at a falconry meet or trial must comply with the authorized species requirements established in R657-20-9, 11, and 12.
(c) A meet organizer or individual participant may request approval from the Division Director for use of a species not authorized on the applicable authorized species list by submitting a written request to falconry@utah.gov at least ten (10) business days prior to their entry into the state.
(d) The Division may authorize the temporary importation of a bird into the state for use at a meet or trial if the bird has two electronic transmitters on it at all times when flown free to aid in the recovery of an escaped individual.
- (5) A nonresident entering Utah to participate in the sport of falconry at an organized meet must be 12 years of age or older and must obtain a nonresident falconry meet license or non-resident hunting license, if hunting protected wildlife.
- (6) A non-resident falconry meet license may be obtained by completing an application and submitting the application and appropriate fees to the Division.
- (7) A non-resident falconry meet license is valid only for nonresidents and only for ~~five~~ten (~~5~~10) consecutive calendar days as designated on the license.
- (8) The holder of a nonresident falconry meet license may engage in the sport of falconry on protected wildlife during the specified ~~five~~ten (10) day period in accordance with the ~~[applicable proclamations of the Wildlife Board.]~~provisions of this rule.
- (9) A nonresident participating in an organized meet must ~~[provide a health certificate and an entry permit number obtained from the Utah Department of Agriculture, Animal Health Section, on]~~meet the importation requirements in R657-20-24 for each raptor brought into the state.

R657-20-26. Use of Pen-Reared Game Birds for Meets, Trials and Training.

- (1) Any falconer using pen-reared game birds for meets, trials or training must have an invoice or bill of sale or a copy thereof in their possession showing lawful personal possession or ownership of such birds.

(2) Pen-reared game birds may be held in possession no longer than 60 calendar days unless the person possessing the pen-reared game birds first obtains a private aviculture COR as provided in Rule R657-4.

(3) (a) Each pen-reared game bird must be marked with an aluminum leg band or other permanent marking before being released except as provided in Subsection (e)d).

(a)b Aluminum leg bands may be purchased at any Division office.

(b)c The aluminum leg band or other permanent marking must remain attached to the pen-reared game bird.

(e)d Each pen-reared game bird used on a commercial hunting area, as defined in R657-22, may be released without marking.

(4) Pen-reared game birds used for a meet may be released only on the property specified and only during the dates approved for the falconry meet.

(5) Released pen-reared game birds may be taken using falconry raptors, as follows:

(a) By the individual who released the pen-reared game birds, or by any individual participating in the meet; and

(b) Only during the approved dates of the meet.

(6) Once released, any pen-reared game birds that leave the property where the meet is held or are not retrieved at the conclusion of the meet become the property of the State of Utah and may not be recaptured or taken, except as prescribed in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(7) Pen-reared game birds used for training raptors[;] or for a trial that escape or are not recovered on the day of the training or trial, or pen-reared game birds that escape, become property of the State of Utah and may not be recaptured or taken, except as prescribed in the Upland Game and Waterfowl proclamations of the Wildlife Board and elsewhere in this rule.

R657-20-27. Use of Feathers and Carcasses.

(1)(a) Feathers that a falconry bird or birds molt may be used for imping.

(a)b Flight feathers for each species of raptor currently in possession or previously held may be kept for imping for as long as needed by a falconer with a valid falconry COR.

(i)c~~[-]~~ Feathers for imping purposes may be received from or provided to other licensed falconers, wildlife rehabilitators, or propagators in the United ~~[states.-]~~ States.

(i)d~~[-]~~ Licensed falconers may not buy, sell, or barter molted raptor feathers.

(b)e Molted feathers from a falconry bird, except ~~[golden-eagle]~~ Golden Eagle feathers, may be donated to any person or institution with a valid permit for possession.

(e)f Except for primary or secondary wing feathers or rectrix (tail) feathers from a ~~[golden-eagle]~~ Golden Eagle, a falconer is not required to gather feathers that are molted or otherwise lost by a falconry bird held under a valid COR.

(i)g~~[-]~~ Molted feathers may be left where they fall, stored for imping, or destroyed.

(i)h~~[-]~~(i) A licensed falconer possessing a ~~[golden-eagle]~~ Golden Eagle must collect any molted flight feathers and rectrices.

(i)h~~[-]~~(ii)~~[-]~~ Collected ~~[golden-eagle]~~ Golden Eagle feathers that are not to be retained for imping must be sent to the National Eagle Repository at U.S. Fish and Wildlife

Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022 (303-287-2110).

(~~e~~j) Once a falconry COR expires and is not renewed or is revoked, the falconer must donate molted feathers of any species of falconry raptor to any person or institution authorized by permit to acquire and possess the feathers.

(~~i~~k)~~[-]~~ Molted feathers that are not donated must be burned, buried, or otherwise destroyed.

(2) Disposition of carcasses of falconry birds that die.

(a) The entire carcass of a ~~golden-eagle~~Golden Eagle held for falconry that dies, including all feathers, talons, and other parts, must be sent to the National Eagle Repository at U.S. Fish and Wildlife Service, National Eagle Repository, [6550 Gateway Road](#), Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022 (303-287-2110).

(b) The body or feathers of any other species of falconry raptor may be donated to any person or institution authorized by permit to acquire and possess raptor parts or raptor feathers.

(c) A falconry raptor, except a ~~golden-eagle~~Golden Eagle, that was either banded or micro chipped prior to its death may be retained by the licensed falconer.

~~(d)~~(i)~~[-]~~ The body of the raptor may be kept so that the feathers are available for imping, or the body may be mounted by a taxidermist.

(~~A~~ii)~~[-]~~ The mounted raptor may be used in conservation education programs.

(~~B~~iii)~~[-]~~ If the falconry raptor was banded, the band must be left in place on the mounted raptor body.

(~~C~~iv)~~[-]~~ If the falconry raptor has an implanted microchip, the microchip must be left in place on the mounted raptor body.

(~~e~~e) The body and feathers of a deceased falconry raptor that are not donated or retained must be burned, buried, or otherwise destroyed within 10 calendar days of the death of the bird or after final examination by a veterinarian to determine cause of death.

(~~e~~f) A licensed falconer that does not wish to donate or destroy the flight feathers of a deceased raptor or have the body mounted by a taxidermist, may possess the flight feathers for as long as they possess a valid falconry COR, provided:

(i)~~[-The]~~ the feathers are not be bought, sold, or bartered; and

(ii)~~[-The]~~ the paperwork documenting lawful possession of the deceased raptor is retained.

R657-20-28. Other Uses of Raptors.

(1) Transfer of wild raptors captured for falconry to other permitted uses.

(a) A wild-caught falconry raptor may be transferred to a person authorized to possess raptors for propagation purposes only after the raptor has been used in falconry for at least:

(i) 12 months from the date of capture for a ~~sharp~~Sharp-shinned ~~hawk~~Hawk, Cooper's ~~hawk, merlin~~Hawk, Merlin, or American ~~kestrel~~Kestrel; and

(ii) 24 months from the date of capture for all other falconry raptors.

(b) The time periods imposed in Subsection (1)(a) for transferring a wild-caught falconry raptor to a person authorized to possess raptors for propagation purposes may be waived by the Division [Director or designee](#) if the raptor has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no longer be flown for falconry.

(~~(i)~~[c](#)) In order to permanently transfer an injured raptor to a propagation permit, the falconer must provide the Division and the Federal ~~[migratory bird permits office]~~[Migratory Bird Permits Office](#) that administers propagation permits a certification from the treating veterinarian or rehabilitator stating that the raptor is injured and cannot be used in falconry.

(~~(e)~~[d](#)) Upon transfer of a wild raptor to a propagation permit, the falconer must provide a copy of the 3-186A form documenting acquisition of the raptor by the propagator to the Division and the Federal ~~[migratory bird permit office]~~[Migratory Bird Permits Office](#) that administers propagation permits.

(2) Transfer of captive-bred falconry raptors to other permitted uses.

(a) Captive-bred falconry raptors may be transferred to another person if the recipient is authorized for possession .

(3) Use of raptors possessed for falconry in captive propagation .

(a) Raptors possessed for falconry may be bred in captivity if the falconer or the person overseeing the propagation has the necessary permits [and facilities](#).

(b) Formal transfer of a raptor from a falconry permit to a captive propagation permit is required if the raptor is to be permanently used for propagation.

(c) Formal transfer of a raptor from a falconry permit to a captive propagation permit is not required if the raptor is used for propagation less than [eight \(8\)](#) months in a year.

(~~(i)~~[d](#))[~~-~~] The licensed propagator must have a signed and dated statement from the falconer authorizing the temporary possession, plus a copy of the falconer's original FWS Form 3-186A for that raptor.

(4) Use of falconry raptors in conservation education programs.

(a) A General or Master Class falconer may use a falconry raptor in conservation education programs presented in public venues.

(~~(i)~~[b](#)) A Federal education permit is not required to conduct conservation education activities using a falconry raptor held under a Utah falconry COR.

(~~(i)~~[c](#)) In order to permanently transfer an injured raptor to an education permit, the falconer must provide the Division and the Federal migratory bird permits office that administers education permits a certification from the treating veterinarian or rehabilitator stating that the raptor is injured and cannot be used in falconry.

(~~(b)~~[d](#)) Conservation programs may be presented by an Apprentice Falconer who is accompanied by their General or Master Class sponsor.

(~~(e)~~[e](#)) Raptors used to present conservation programs must primarily be used for falconry.

(~~(e)~~[f](#)) A falconer may charge a fee for presentation of a conservation education program[~~-~~](~~(i)~~[-The](#)), [however the](#) fee charged may not exceed the amount required to recoup costs of presenting the conservation education program.

(~~(e)~~[g](#)) When presenting conservation education programs, the falconer must provide information about the biology, ecological roles, and conservation needs of

raptors and other migratory birds, although not all of these topics must be addressed in every presentation.

(f)h (i) A falconer may not give presentations using a falconry raptor that do not address falconry and conservation education.

(g)ii The falconer is responsible for all liability associated with conservation education activities undertaken.

(5) Other educational uses of falconry raptors.

(a) A falconer may allow photography, filming, or other similar uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds.

(f)j[-] A falconer may not be paid or otherwise compensated for such activities.[-]

(b)c A falconer may not use falconry raptors or permit the use of falconry raptors to make movies, commercials, or in other commercial ventures that are not related to the practice of falconry or the biology, ecological roles, and conservation needs of raptors and other migratory birds.[-]

(c) Falconry raptors may not be used for:

(i) Commercial entertainment for advertisements;

(ii) ~~promoting~~Promoting or endorsing any business, company, corporation, or other organization; or

(iii) ~~promoting~~Promoting or endorsing any product, merchandise, good, service, meeting, or fair, except for products related directly to falconry, such as hoods, telemetry equipment, giant hoods, perches, and materials for raptor facilities.

(6) Assisting in rehabilitation of raptors in preparation for release.

(a) A General or Master Class Falconer may assist a permitted migratory bird rehabilitator in conditioning raptors in preparation for their release to the wild.

(i) The falconer may keep the raptor being rehabilitated in their facilities up to 180 calendar days.

(ii) The rehabilitator must provide the falconer with a letter or form that identifies the raptor and explains that the falconer is assisting in the rehabilitation of the raptor to be released.

(iii) Facilities where the raptor will be temporarily housed must adhere to standards outlined in Sections R657-20-6 of this rule.

(iv) The falconer is not required to add any raptor possessed for rehabilitation to their COR; the raptor will remain under the permit of the rehabilitator.

(v) The falconer must permanently release any raptor capable of sustaining itself in the wild or return it to the rehabilitator within the 180-day timeframe in which the rehabilitator is authorized to possess the raptor, unless the Division authorizes the falconer to retain the bird for longer than 180 calendar days.

(7) Using ~~a-~~falconry raptors in abatement activities.

(a) Abatement activities may only be conducted with captive bred raptors.

(b) A Master Class falconer may conduct abatement activities with raptors possessed for falconry and receive compensation for such activities, if the falconer is in possession of a Special Purpose Abatement ~~permit~~Permit issued by the Service.

(c) A General Class falconer may conduct abatement activities only as a subpermittee of a Master Class falconer that possesses an abatement permit.

(d) An Apprentice Class falconer may not conduct abatement activities.

(8) A person who possesses a raptor for any purpose other than falconry, including raptor propagation, educational uses, and rehabilitation, shall obtain the appropriate authorization from the Division as provided in Rule R657-3 and the appropriate authorization from the Service.

KEY: wildlife, birds, falconry

Date of Enactment or Last Substantive Amendment: April 17, 2013

Notice of Continuation: [~~December 6, 2016~~] [January 12, 2012](#)

Authorizing, and Implemented or Interpreted Law: 23-17-7; 50 CFR 21

DRAFT

EXECUTIVE SUMMARY

Timpie Springs Waterfowl Management Area Habitat Management Plan May 2017

Primary Purpose of Timpie Springs Waterfowl Management Area:

The primary purposes of the Timpie Springs Waterfowl Management Area (TSWMA) include: to preserve, restore, and enhance both aquatic and terrestrial habitat for wildlife; increase wildlife populations to meet wildlife management objectives; conserve, protect, and recover sensitive wildlife species and their habitats; protect cultural resources; and provide for recreational opportunities that are compatible with the purposes of upland and wetland ecosystems. These lands also provide opportunities for public viewing of wildlife, and photography.

Acquisition:

TSWMA is located in northeast Tooele County, about 45 miles west of Salt Lake City, Utah. This unique spring fed marsh is situated between Utah's west desert and a highly saline portion of the Great Salt Lake (GSL). The 1,400 acre management unit is one of few fresh water sites available for wildlife on the south arm of Great Salt Lake. Before Utah Division of Wildlife (UDWR) ownership, TSWMA was developed and managed by the Big Spring Gun Club through a lease or agreement with the Utah School and Institutional Trust Lands Administration (SITLA). In an effort to enhance the area the club routed water to fill small to medium sized playas by constructing water delivery canals. The UDWR assisted the Big Springs Gun Club for many years in the development of this waterfowl area. UDWR's subsequent lease of 640 acres in 1957 from SITLA, led to further development of TSWMA. UDWR chose to invest in the property for the purposes of providing waterfowl hunting opportunities to the public, as well as providing suitable habitat for waterfowl and other wetland bird species. The adjoining 760 acres were patented from the BLM to the State of Utah in 1981. On January 9th, 2014, the ownership of the 640 leased acres was transferred through a patent from SITLA to the UDWR.

Wildlife Species:

TSWMA provides crucial year-round habitat for a variety of avian species, but particularly for waterfowl, wading birds and shorebirds. The principle waterfowl species using TSWMA for loafing and feeding include Canada geese and a variety of ducks, such as northern pintail, mallard, cinnamon teal, gadwall, northern shoveler, redhead, and ruddy duck. The principle shorebirds that nest at TSWMA include American avocet, black-necked stilt, and snowy plover. Other birds that commonly nest at TSWMA include eared grebe, Clark's grebe, Western grebe, pied-billed grebe, killdeer, yellow-headed blackbird, red-winged black birds, and marsh wrens. In addition, TSWMA is an important stopover for other migrating waterfowl and shorebirds including: lesser scaup, canvasback, bufflehead, common goldeneye, American green-winged teal, American wigeon, Wilson's phalarope, marbled godwit, long-billed curlew, and willet.

TSWMA is also managed for peregrine falcon restoration, with one hawk tower located on the WMA.

Infrastructure and Habitat Conditions/Concerns:

TSWMA has a water right from Big Spring for 8 cfs of water (certificate # 3026). The management area consists of two impoundments known as the north and south units. There are 3.5 miles of graveled earthen dike, 14 water control structures, and 0.5 miles of canal. An additional 0.5 miles of graveled access road, one parking lot, four foot bridges, 2 information signs, six miles of perimeter fence and numerous boundary signs are contained within the management area.

Timpie Springs is small compared to other state waterfowl management areas, and has limited nesting habitat for waterfowl. The main function of TSWMA for waterfowl and other bird species is as a resting, loafing, and feeding area. In general, there are no major habitat concerns or problems at TSWMA.

Because TSWMA is spring fed, water conditions are considered good to excellent. Extensive algae blooms, due to nutrient loading, that are present at some WMA's along the eastern shore of the GSL, are not present at TSWMA. In addition, TSWMA is not currently hindered by problems with invasive plant and mammal species that are found on other wetlands along the eastern shores of the GSL.

Land use in the surrounding area is largely open space with isolated salt processing plants extending along the shores of the GSL. In addition, the WMA is immediately surrounded on the north and west sides by Cargill Salt's salt evaporation ponds, which are fed from Stansbury Bay of the GSL. These ponds, could pose risks to the WMA in the event of future flooding or dike breaches.

Potential future risks to TSWMA may include: continued development/expansion of surrounding salt ponds and salt processing facilities; pollution or contamination from nearby highways and railroad lines; and reduction of water quantity. For instance, Big Spring, the TSWMA water source, flows under I-80 towards TSWMA. Possible spills or contaminants on I-80 could pose pollution threats to the WMA. Within the last few years, there have also been water right applications filed to acquire ground water near TSWMA. Although these applications were subsequently withdrawn, there is concern that increased demands on sub-surface water near Timpie Spring could affect water availability to this spring fed marsh.

The SITLA owns more than 13,000 acres of wetlands associated with the GSL near TSWMA. These wetlands, including those around TSWMA, are at risk for industrial and commercial development due to the proximity of these wetlands to the railroad and I-80.

During the mid 1980's Utah experienced record amounts of precipitation which caused the GSL to rise approximately 10 feet above its long term average. During this flood event TSWMA was temporally protected because a series of dikes north of the WMA which were used to collect minerals, provided a shield from the rising water. However, on a windy afternoon during the mid

1980's, this network of dikes failed and allowed for subsequent salt water intrusion into the WMA. Only the north unit was affected by flooding, and the water receded in the early 1990's.

The non-native common reed (*Phragmites australis*) could potentially be a future problem at TSWMA. Currently 3 small stands of invasive *Phragmites* exist on the WMA. These 3 stands appear to have not expanded in size over several years time (personal observation; Jason Jones) possibly due to the high salt content of the wetland surrounding soils. Hoary cress (*Cardaria draba*) is the only other known invasive plant species on the WMA. Wildlife disease is a concern at TSWMA with frequent mild outbreaks of Avian Botulism and the presence of mosquitoes carrying the West Nile Virus.

Access Plan:

TSWMA is open to public access on a year-round basis. However, motorized vehicles are prohibited beyond the main entrance gate located on the southwest portion of the WMA. All of the management area is open to public hunting during the prescribed waterfowl season. TSWMA was also designated as a watchable wildlife site in the 1980's, and non-consumptive use is expected and encouraged on the area.

Maintenance Activities:

All fences and gates will be maintained to protect habitat quality. TSWMA's access roads and parking lots will be maintained, including posting appropriate signs to communicate rules and regulations. All water control structures, bridges, and other capital resources will have continual maintenance and will be updated as necessary. Information and regulatory signs will be replaced as needed. Noxious and invasive weeds will be monitored and controlled using herbicide applications as needed. Water will be managed for beneficial use.

Habitat Improvement:

Habitat conditions are evaluated annually, and enhancement, restoration, and/or development activities may be selected for implementation on specific sites. However, habitat conditions at TSWMA are considered good to excellent. Specifically, approximately 260 acres of open water, 490 acres of sheet-flow wetlands, 350 acres of mudflat, and 300 acres of upland make up the 1,400 acre wetland complex. The wetland vegetative community consists largely of saltgrass, with some Alkali bulrush, three square bulrush, and non-native *Phragmites australis* being present. The vegetative community of the upland and mudflat portions consists largely of pickleweed, greasewood, and annual weeds. The dominant submerged aquatic vegetation is wigeon grass, with some muskgrass also present. Water management is the primary method used to maintain appropriate habitat conditions at TSWMA; however, herbicide treatments may be used to remove noxious weeds in the future as necessary. Some fish species are present, but no surveys have been completed. No invasive carp are known to be present. Finally, TSWMA could benefit from the removal of debris from the 1980's flood (i.e., telephone poles and railroad ties).

Additional studies and monitoring are recommended on the WMA. These include: A nesting study centered on waterfowl or nongame species which could detail the importance of the area for avian nesting; waterfowl and non-game population monitoring; surveys and/or research which details the importance of the area to reptile, mammal, fish, mollusk or insect species.

DRAFT
TIMPIE SPRINGS
Waterfowl Management Area

-Habitat Management Plan-

DRAFT

May 2017

Prepared by:

Utah Division of Wildlife Resources

Northern Region

**515 East 5300 South
Ogden, Utah 84405**



Timpie Springs Waterfowl Management Area Habitat Management Plan

**Draft
May 2017**

I. Background Information

Property Description/Location

Timpie Springs Waterfowl Management Area (TSWMA) occurs in Northeast Tooele County, about 44 miles west of Salt Lake City. Specifically, TSWMA is found within T1S, R7W, and in portions of Sections 3, 4, 5, 8, 9, and 10. More specifically, the WMA is located northeast of Rowley Junction on I-80, northwest of Grantsville in unincorporated Tooele County, Utah (Appendix A). TSWMA is situated in a natural gap created by the Stansbury Mountain range on the South, and Stansbury Bay of the Great Salt Lake (GSL) to the north. (See Figure 1). Land ownership in the area is mostly governmental, managed by the United States, Bureau of Land Management (BLM) and the State of Utah, School and Institutional Trust Lands Administration (SITLA). Water originates south of the management area from several springs known collectively as Timpie Springs. Water quantities during normal years vary from 5 to 8 cubic feet per second (cfs). During above average water years (i.e., 1983-1985), flows exceeded 15 cfs.



Figure 1. Timpie Springs Waterfowl Management Area.

The region has an arid climate, with annual precipitation ranging between 8.0 and 9.9 inches. The majority of moisture is received during the spring and winter. Average annual temperature is around 49 degrees Fahrenheit. The area is flat bottomland adjacent to the GSL. The grade from

south to north is less than six feet per mile. Mean elevation is approximately 4,208 feet. Soils are clays and clay loams.

Land Acquisition and Management History

The total traditional boundary acreage of TSWMA is approximately 1,400 acres. The entire property is currently owned by the Utah Division of Wildlife Resources (UDWR). Prior to UDWR ownership, portions of the property were owned by SITLA and the U.S. Bureau of Land Management (BLM), with portions leased by private interests. Prior to infrastructure development, TSWMA was controlled and managed by the Big Spring Gun Club, who leased the SITLA acreage. In an effort to enhance the area, the Club constructed water delivery canals to route water to fill several small to medium sized playas. The UDWR assisted the Big Springs Gun Club for many years in the development of this waterfowl area. Please see Appendix A for an old map of this area.

Historically, the SITLA land within the WMA was owned by the U.S. Government. In Oct. 1911, the State of Utah acquired the lands within TSWMA, along with other lands, “as indemnity for losses in the sections and townships named, which school-land indemnity selections are authorized by the acts of Congress cited”. This was apparently due to a deficit of Utah school trust lands, and this land transfer was to compensate for this loss. (Clear List No. 53)

UDWR’s subsequent lease of 640 acres from SITLA in 1957, (Lease #13782) led to further infrastructure development of TSWMA. Specifically, dikes, water control structures, and roads were created to impound water for waterfowl breeding and staging purposes, and to provide public access for recreation. In 2013-2014, UDWR negotiated with SITLA to acquire 640 acres of SITLA land within the TSWMA. This negotiation was part of a larger land exchange where SITLA desired to acquire UDWR land along 21st South in Salt Lake City (part of the UDWR Lee Kay Center). In lieu of accepting payment for this land, UDWR subsequently identified SITLA parcels located statewide which had high wildlife values, and which approximated the appraised value of the Lee Kay Center land. The intent was to trade these lands for the mutual benefit of both parties. The SITLA parcels within TSWMA were identified for their high wildlife values for waterfowl, wading birds and shorebirds. On January 9th, 2014, the ownership of the 640 acres was transferred to UDWR as part of the land exchange for the UDWR Lee Kay Center (Exchange Patent #20288). Please see Appendix B for the patent document.

Due to the wildlife reversion clause attached to the Lee Kay Center land which identified that the property must be utilized for wildlife purposes, all the subsequent land parcels associated with the land exchange (which includes TSWMA) were also encumbered with the condition that the parcels would be utilized for wildlife purposes. The wildlife reversion clause was then removed from the Lee Kay Center land. Additional information regarding this land exchange can be found in the UDWR Salt Lake office files. Additional encumbrance information can be found in Appendix B.

In 1961, UDWR leased 760 acres of BLM land to manage as part of the WMA (Lease #2608). This lease was for a 20 year term. On Sept. 21, 1981, the BLM issued a patent (Patent #43-81-0025) to the State of Utah, Division of Wildlife Resources to hold the 760 acres in perpetuity.

Please see Appendix B for the patent document. Please see the table below for more information on property acquisition.

TSWMA Land Acquisition Table 1.

Date Acquired	Previous Owners & Deed Reference #	Acquisition Method	Acreage	Legal Description
1957	State of Utah (FFSL) SITLA	Special use Lease	640	Township 1 South, Range 7 West, portions of Sections 3, 4, 5, 8, and 9
1981	Bureau of Land Management; Transfer to UDWR; Patent #43-81-0025	Land Patent	760	Township 1 South, Range 7 West, portions of Sections 3, 4, 5, 8, and 9
2008	SITLA GP22097	Grazing lease	640	Township 1 South, Range 7 West, portions of Sections 3, 4, 5, 8, and 9
2014	SITLA; Transfer to UDWR Patent #20288	Exchange Agreement; Land Patent	640	Township 1 South, Range 7 West, portions of Sections 3, 4, 5, 8, and 9

Encumbrances

- Grazing

Beginning in 1993, SITLA and DWR negotiated an initial livestock grazing lease (lease number GP 22097) in which DWR was the permittee. This permit was for the SITLA lands within the TSWMA area, along with additional lands in other locations in Toole County. This initial grazing permit was for a term of 15 years and expired in April 2008. There is no record of the property ever being grazed by domestic livestock. A subsequent grazing permit was issued, this time for wildlife grazing, with a term from July 2008 to June 2023. The TSWMA lands covered by the grazing lease included the following lands:

T1S, R7W, SLB&M

- Sec. 3: W2SW4 (80 acres)
- Sec. 4: E2SE4, SW4SE4, S2SW4 (200 acres)
- Sec. 9: N2 - (318.74 acres)
- Sec. 10: NW4NW4 (40 acres)

- Water Rights/shares

The water source for operation and management of TSWMA is several desert springs known collectively as Timpie Springs (aka, Big Spring) (See Figure 2). The UDWR has a certified water right from Big Spring for eight cfs of water under certificate number 3026. The springs originate approximately one mile south of the WMA near Timpie Mountain, flowing out at intervals a few feet apart. The water from the springs forms a pond with overflow water traveling northward in a channel into the management area. Currently UDWR is taking all the water that comes from the spring into the waterfowl management area. The flow is from south to north (through private property and under I-80) as the water makes its way to the WMA; there are no diversions as it travels to the WMA. Cargill Salt also has an approved water right from Timpie Spring, but they are currently not using this water. Historically, the UDWR waterfowl maintenance crew has been in

charge of cleaning 0.5 miles of the main feeder canal and small distribution canals when necessary to maintain water flow.



Figure 2. Timpie Springs WMA water source (a.k.a., Big Spring).

Flows from Timpie Spring were measured by UDWR staff during the following years: 1968-1970; 1980-1984; and 1991-1997. During some years Big Spring displayed a wide range of flows. For instance, during the years of 1968-1992, the average flow was 8.7cfs, the maximum flow was 17.0 cfs, and the minimum flow was 4.2 cfs. Measuring flow from TSWMA is not currently part of waterfowl management staff work detail. Management staff may have to resume measuring flows if we feel our ability to maintain the WMA is in question due to other competing interests in water, or any other perceived decline in our ability to maintain water levels.

Due to possible competing uses for water in the area (i.e., livestock operators and chemical companies), UDWR filed for any excess flow (above 8 cfs) from Big Spring. This application (16-807; currently unapproved) was filed to provide for continuous water flow to maintain the water quality required to properly manage Timpie Springs WMA. Big Spring is the only source for the WMA and presently exceeds the accepted and recommended levels of salinity for a WMA.

"When the conductance of the marshwater exceeds 3 mmhos there is a slight reduction in growth in plants. When it exceeds 6 mmhos the growth is noticeable inhibited, and when it exceeds 10 mmhos the reduction is pronounced." (Water Requirements of Waterfowl Management in Northern Utah, Publication No. 69-12, Utah Division of Wildlife Resources, 1970, Page 84.)

Big Spring has been tested and the conductivity is a constant 12 mmhos at the spring source. Any lessening of the flows will diminish the marginal quality of water necessary to maintain a viable wetland habitat conducive for proper waterfowl propagation. The fragile nature of the WMA has only been successfully sustained by proper management of the resource. The timely and planned filling and flushing of the units has been the management practice that best suits Timpie Springs Waterfowl Management Area. Any activity which tends to lessen the quality or quantity of the supply to the WMA would not be in the best interest of the public.

As noted above, the entire flow from Big Springs is critical to the maintenance of the WMA. Both US Magnesium Corporation and Cargill Inc. hold water rights on the outflows of the north pond of TSWMA; Cargill Inc. also holds a water right for 0.05 cfs from Timpie Spring, however they are not currently using their water right.

The following water rights are on the WMA. A map depicting the location of these water rights can be found in Appendix A.

Table 2. Timpie Springs Water Rights.

Water Right # or Certificate Number	Name	Flow (cfs)	Source	Priority
Cert. #: 3026 Water Right # 16-26 a17826	UDWR	8 cfs for the irrigation of 585.2 acres	Big Spring/Timpie Spring	1929
Water Right #16-807; Unapproved	UDWR	5000 acre feet for the irrigation of 415 acres	Big Spring/Timpie Spring	1994
16-160 (Perfected)	US. Magnesium	3600 acre feet	Outflow from the north pond of TSWMA	1965
16-783 (Perfected)	Cargill Inc.	1.0cfs	Outflow from the north pond of TSWMA	1987
16-762 (Perfected)	Cargill Inc.	0.05cfs or 16.8 acre feet	Big Spring/Timpie Spring	1987

- Easements/Rights-of-Way (ROW's)/MOU's:
 - SITLA Exchange Patent #20288 (2014): In 2013-2014, UDWR negotiated with SITLA to acquire 640 acres of SITLA land within the TSWMA. This negotiation was part of a larger land exchange where SITLA desired to acquire UDWR land along 21st South in Salt Lake City (part of the UDWR Lee Kay Center). The SITLA parcels within TSWMA were identified for their high wildlife values for waterfowl, wading birds and shorebirds. SITLA provided UDWR with this patent for the transfer of the SITLA land. See the Land Acquisition section above for more information.

This SITLA Patent came with the following existing rights-of-way and reservations which may affect management of the WMA. The patent document can be found in Appendix C.

- Easement No. 175, issued to PacifiCorp DBA Rocky Mountain Power, for installation of an electrical transmission line, expiring December 31, 2021.
 - Pre-designation No. 766 issued to Tooele County, for roads, for a perpetual term.
 - Right of Way No. 197, issued to American Telephone and Telegraph Company of Wyoming, for a buried cable communication system, for a perpetual term.
 - Right of Way No. 217 issued to Utah Department of Transportation (UDOT), for a road, for a perpetual term.
 - Right of Way No. 540, issued to PacifiCorp DBA Rocky Mountain Power, for an electric transmission line, for a perpetual term.
 - Right of Way No. 1223, issued to PacifiCorp DBA Rocky Mountain Power, for a power line, for a perpetual term.
 - Right of Way No. 1259, issued to Mountain Fuel Supply, for a high pressure gas pipeline, for a perpetual term.
 - Right of Way No. 1282, issued to PacifiCorp DBA Rocky Mountain Power, for a power line for a perpetual term.
 - Right of Way No. 3140, issued to US Telecommunications, Inc., for a buried fiber optic communication cable, for a perpetual term.
 - Special Use Lease Agreement No. 173, issued to Morton International, for an industrial lease, expires June 30, 2017.
 - Special Use Lease Agreement No. 721, issued to Cargill Incorporated, for a salt evaporation operation, expires February 28, 2042.
- BLM Patent # 43-81-0025: On Sept. 21, 1981, the BLM issued a patent to the State of Utah, Division of Wildlife Resources to hold 760 acres in perpetuity. A copy of the patent can be found in Appendix C. This patent came with the following ROW's which reserved these rights to the United States:
- A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 (1970);
 - All minerals in the land above described, with the right to prospect for, mine and remove the same under applicable law and such regulations as the Secretary may prescribe.
 - A right-of-way, Serial No. SL-041251 for a federal Aid Highway granted under the Act of November 9, 1921 (42 Stat. 212, 216; 23 U.S.C. Sec. 18).
 - A right-of-way, Serial No. SL-062680, for a railroad granted under the Act of March 3, 1875 (18 Stat. 482); 43 U.S.C. 934-939.
- PacifiCorp Easement #93-0242 (1992): This 25' wide easement (located in Township 1 South, Range 7 West, Section 8) is for the construction, operation, maintenance and inspection of an overhead power line. It includes a reasonable right of ingress and egress over and upon the above described land of the Granters as required for maintenance of the power line once installed and

constructed. The easement also includes a 10' wide vehicle ROW. Maintenance of said facilities shall not be conducted between March 1 and August 15 of any given year without the express, written consent of the Division.

- Mineral Rights:
Both SITLA and the BLM reserved the mineral rights for the acres of land they each patented to UDWR.

Historic Uses

Prior to the Big Spring Gun Club lease of TSWMA, the historic uses of the property are unknown. Incidental evidence indicates that the spring area was used by native American peoples. Since UDWR ownership and further development of TSWMA, the area has been used by the public for hunting, bird watching and other outdoor recreational activities.

Purpose of Division Ownership

These lands were acquired to establish a state waterfowl management area. The primary purposes of TSWMA include: to preserve, restore, and enhance both aquatic and terrestrial habitat for wildlife; increase wildlife populations to meet wildlife management objectives; conserve, protect, and recover sensitive wildlife species and their habitats; protect cultural resources; and provide for recreational opportunities that are compatible with the purposes of upland and wetland ecosystems. These lands also provide opportunities for public viewing of wildlife, and photography.

Financial support for management area operation, maintenance and development programs comes from two sources: 1) Utah sportsmen and women who purchase hunting and fishing licenses, which is combined with 2) U.S. Federal Aid to Wildlife Restoration monies (Pittman-Robertson or PR funds). These PR funds come from a national tax on firearms and ammunition, with the money placed into an account which is then annually divided proportionally among each of the 50 United States according to how much money was spent on these items.

Key Wildlife Species Occurring on TSWMA

TSWMA provides crucial year round habitat for a variety of waterfowl and shorebirds. The array of avian species present on the WMA in all seasons, ranges from large birds, such as the American white pelican and tundra swan, to small birds such as the least sandpiper. Principle waterfowl that could nest on the WMA include Canada geese and a variety of ducks such as northern pintail, mallard, cinnamon teal, gadwall, northern shoveler, redhead, and ruddy duck.

TSWMA is also managed for peregrine falcon restoration. Specifically, a peregrine hawk tower is located on the northern dike of the north pond. This 30' tower was installed in the early 1980's, with assistance from Utah Power and Light personnel. This release site tower was identified in the USFWS Peregrine Falcon Recovery Plan. In 1983, peregrine falcon chicks from The Peregrine Fund were first placed into the box and were fed for several months before being subsequently released. For several years, falcon chicks were released from this site, with adult peregrines subsequently using the tower to nest. In total, 8 males and 5 females were hatched from the Timpie tower from 1983-1985. The tower is now 35+ years old and is in need of repair.

The principle shorebirds that nest at TSWMA include American avocet, black-necked stilt, and snowy plover. Other birds that commonly nest at TSWMA include eared grebe, Clark's grebe, Western grebe, pied-billed grebe, killdeer, yellow-headed blackbird, red-winged black birds, and marsh wrens. In addition, TSWMA is an important stopover for other migrating waterfowl and shorebirds including: lesser scaup, canvasback, bufflehead, common goldeneye, American green-winged teal, American wigeon, Wilson's phalarope, marbled godwit, long-billed curlew, and willet.

Along with providing important nesting and brooding habitat for waterfowl and shorebirds, the WMA serves as feeding and staging habitat for millions of migratory birds that fly through the GSL ecosystem each year as part of the Pacific and Central flyway migrations. In fact, due to the large abundance of birds (1,000,000 bird-use days occur annually representing over 250 species) that utilize the fresh, mixosaline and saline GSL habitats along their migratory routes, Timpie Springs WMA is considered a critical component to GSL's designation as a "Western Hemispheric Shorebird Reserve Network" site.

Long-term data concerning avian species is fairly non-existent for TSWMA. However, UDWR's 5 year waterbird survey, in combination with citizen science programs (i.e., Ebird), has counted over 103 avian species occurring at TSWMA. Wildlife species, including Utah State Sensitive Species and Species of Greatest Conservation Need (SGCN), known to occur on the WMA are discussed in the "Sensitive Species" section of this plan, with additional wildlife species found on the WMA summarized in Appendix D.

TSWMA is attractive to a variety of water birds and passerine species during both the migration and nesting seasons. In the spring, migrants flock to gather food exposed by the melting ice. Waterfowl are some of the first to arrive in late February, followed by several species of shore and wading birds in March and April. Overall, March through August is a critical time on state WMA's because most birds are either incubating eggs or attending to their young.

During July and August, phalaropes are commonly observed feeding in shallow water to gather energy for their southward migration to Argentina. September marks the beginning of the fall migration for waterfowl, with some waterfowl beginning to fly south for the winter, new waterfowl flying to the GSL from Canada, and tundra swans arriving sometime around the end of October.

By the end of December, most species have moved southward with the exception of hardy northern pintails, American green-winged teal and several waterfowl "diver" species. Winter is a quiet time as the wetlands rest and wait for spring to return.

Mammal species occurring at TSWMA are relatively undocumented with the exception of coyote (*Canis latrans*) and muskrat (*Ondatra zibethicus*). There have been no surveys for amphibian, reptile, fish or mollusk species on the WMA. These surveys have been identified as future needs for the WMA.

Public Recreation Opportunities and Restrictions

Activities on the WMA will be considered according to the UDWR Administrative Lands Rule (R657-28). In general, activities that do not promote or protect the goals and objectives of the WMA will be prohibited, specifically those that disturb or harass wildlife and their habitats.

TSWMA recreational opportunities consist largely of waterfowl hunting and year-long wildlife viewing opportunities. To witness the spring waterfowl migration, visit during March, April and May. The fall migration, which spans August through November, is a good opportunity to observe large concentrations of water birds.

Hunting

At the TSWMA wetland complex, waterfowl hunting is the main hunting activity. Dog training is permitted, however there are no developed dog training areas on the WMA.

Other Recreational Opportunities

In the 1990 Utah Wildlife Viewing Guide, Timpie Springs WMA was designated as a watchable wildlife site. This Utah guidebook was part of a unique, multi-agency nationwide project developed in cooperation with the Defenders of Wildlife organization to identify areas of high wildlife use where the public could see various wildlife species. Anticipated non-consumptive use due to this designation was estimated at 100 man-days per year.

Special use activities and group events consisting of more than 25 people proposed to occur on the WMA, will require a permit. These special use permits must be filed with the UDWR several months in advance to ensure adequate time for processing individual requests (UDWR Administrative Land Rule R657-28). Special uses are defined as “specific, non-depleting land uses, including seismic or land surveys, research sites, organized activity, or physical access on division lands.” Any special use must not compromise the primary objective for original property acquisition.

Additional recreational opportunities include: bird watching and photography for waterfowl, shorebirds and raptors during the spring and fall migration seasons. Visitors can see many different species of waterfowl, passerines, shorebirds, and wading birds.

Special Regulations

- Boating is allowed during the waterfowl season.
- Firearms are allowed only during the waterfowl hunting season.
- Waterfowl hunting is limited to use of shotguns with non-toxic shot and archery equipment.
- No fishing is allowed on TSWMA.
- Motorized vehicles are prohibited behind the main entrance gate.
- The WMA is open yearlong to pedestrian access.

Conservation Partners Involved in Acquisition

The Timpie Springs WMA land was given to UDWR through two patents, one from the Bureau of Land Management and one from the Utah School and Institutional Trust Lands Administration. Due to the SITLA patent exchange situation, the land transferred to UDWR is

now encumbered by a Federal Aid nexus wherein the land must be managed and maintained for wildlife, and additional activities occurring on the property must be approved by the United States Fish and Wildlife Service. See the Land Acquisition section for more information. No federal dollars or other conservation partners were involved with the acquisition.

II. Property Inventory

Existing Capital Improvements

- Roads: There are currently 3.5 miles of graveled dikes, plus .05 mile of gravel access road.
- Entrances: There is 1 entrance into TSWMA. This southern entrance is accessed by exiting at the junction of I-80 and SR-196 (Rowley Dugway exit), and then turning north towards Cargill Salt, and then turning east before entering the plant.
- Channels: 0.5 miles
- Parking lots: 1
- Boat launches: 0
- Water control structures:
 - 13, 4'x4' or 5'x4' aluminum water control structures
 - 1, 5'x4' cement water control structure
- Pedestrian bridges: 4
- Gates: 1 vehicle and 1 pedestrian
- Kiosks: 1
- Interpretive signs: 2
- Fences: TSWMA has over 6 miles of boundary fences.
- Peregrine Hack Tower: 1
- Water Rights: The UDWR currently has 8 cubic feet per second of water available at TSWMA. The water is delivered to TSWMA via Big spring or Timpie spring. See the Water Right section above for more information.

Timpie Springs WMA Capital Facilities at a Glance

ITEM	AS OF 2016
Entrances	1
Fences	6 miles of boundary fence; small internal fence around arrow
Parking Lots	1
Roads and Dikes	3.5 miles of dike + .05 mile of access road
Nesting Islands	0
Trails/Paths	0
Waterfowl Rest Area	0
Water Control Structures	13 aluminum; 1 cement
Gate Openings	1 Pedestrian and 1 Vehicle
Vehicle Bridges	0
Foot Bridges/Channel Crossings	4
Boat Launches	0
Kiosks	1
Channels	0.50 miles
Signs	2 Interpretative
Buildings/Structures <ul style="list-style-type: none"> • Peregrine Hack Tower 	1

Cultural Resources

Timpie Springs WMA has had two linear cultural resource inventories occur that crossed the WMA (U92NP111 & U76BL25) resulting in the identification of no cultural resources. The only known site located within the boundaries of the WMA is a 43 foot long concrete arrow associated with an early transcontinental air mail route. Specifically, in 1923, the [United States Congress](#) funded a sequential lighted airway and ground based directional arrows along the [transcontinental airmail route](#). The lighted airway was proposed by the National Advisory Committee for Aeronautics (the precursor of NASA), deployed by the Department of Commerce and managed by the Bureau of Standards Aeronautical Branch. See Appendix B for pictures of these arrows and additional information.

Two other sites are present beyond the boundaries of TSWMA. These include a Native American rock shelter which points to the use of the WMA property by prehistoric populations and a historic railroad siding. UDWR is responsible for coordinating with the State Historic Preservation Office (SHPO) to ensure proposed management activities comply with State and Federal cultural resource laws.

Species of Greatest Conservation Need/Utah State Sensitive Species

On the WMA, there are several wildlife species considered either a Species of Greatest Conservation Need (SGCN from the 2015 -2025 WAP; Section III of this plan) or a Utah State Sensitive Species (Utah Sensitive Species list, 2011). Some species are found on both lists. These species have been either observed on the WMA, or would be expected to occur given habitats types present on the WMA. Additional species of interest include burrowing owl and little brown myotis.

Species of Greatest Conservation Need	Utah State Sensitive Species
American Bittern	American White Pelican
American White Pelican	Bald Eagle
Bald Eagle	Bobolink
Caspian Tern	Long-billed Curlew
Peregrine Falcon	Preble's Shrew
Snowy Plover	Short-eared Owl
White-faced Ibis	Townsend's Big-eared Bat

Important Fish and Wildlife Habitats

Habitat and Vegetative Communities

A habitat classification completed prior to UDWR ownership of the WMA found the area composition to be 18.2% open water, 36.8% barren ground and 44.8% vegetated land. Of the vegetated land, 81.6% was salt grass, 9.6% alkali bulrush and 8.6% greasewood. Olney's three square was not mentioned in the report. After initial UDWR development, vegetation records are not available.

Currently, the 1400 acre wetland complex at Timpie Springs WMA supports: 280 acres of open water; 360 acres of mudflat; 460 acres of sheet-flow wetlands; and 300 acres of uplands. Water management is the primary method used to maintain appropriate habitat conditions for emergent

vegetation and submersed aquatic vegetation. Water flows north from Timpie Springs, into a canal, then into the south pond of the wetland complex. Water back-fills the south pond as it comes in contact with the northern dike of the south pond, creating 65 acres of open water, and approximately 170 acres of shallow sheet-flow wetlands which are present on the south and east side of the south pond. These wetlands are between 1-5" in depth. The water levels in the south pond are controlled by several water control structures using culverts with stoplogs. Water travels through these culverts to the north pond, and creates another 290 acres of sheet-flow wetlands. Water backfills this north pond, as it comes in contact with the northern dike of the north pond, creating 225 acres of open water. Water levels on the north pond are controlled with several water control structures and stoplogs. Water flows through the northern culverts of the north pond onto what is primarily 390 acres of mudflat habitat of the GSL.

The vegetative community of the emergent marsh consists largely of low growing saltgrass, with some Alkali bulrush, three square bulrush, and 3 small stands of invasive, non-native *Phragmites*. The vegetative community of the upland and mudflat portion consists largely of pickleweed, greasewood, and annual weeds. The dominant submerged aquatic vegetation is Wigeon grass with some Muskgrass also present.

In 1987, the GSL had reached an elevation of 4,211.85 feet above sea level. During this flood event, TSWMA was temporally protected because of a series of dikes used to collect minerals which provided a shield from the rising water. However, on a windy afternoon in the late 1980's, this network of dikes failed and allowed for the subsequent salt water intrusion into the marsh which killed the emergent marsh communities. However only the north unit was affected by flooding, and, by 1991 the flood waters had subsided.

TSWMA is managed primarily to optimize wetland and upland habitat conditions for waterfowl and shorebirds, although it provides important habitat for other wildlife as well. Nesting, brooding, summering and wintering habitats are available for the variety of avian species on the WMA. The GSL and surrounding areas, including the WMA, fall within the pathway of major migration corridors utilized by millions of birds each year (both the Pacific and Central flyways). The WMA provides important feeding, loafing and roosting habitat for these migratory birds.

TSWMA is attractive to numerous migratory and summer resident wildlife species. Over 100 bird species have been documented using the WMA, with many of them observed nesting within the boundaries of the management area.

Utah Wildlife Action Plan

The Utah Wildlife Action Plan (WAP; see additional information in Section III, Management Goals and Objectives), identifies several key aquatic habitats that occur on TSWMA. The WAP includes a statewide threat assessment which identifies threats to each key habitat, and then ranks the impact of that threat (the scope and severity or S&S) according to the number of Species of Greatest Conservation Need that could be affected from that threat. These key aquatic habitats and their priority threats include:

The Utah Wildlife Action Plan (see additional information in this plan, Section III, Management Goals and Objectives), identifies several key aquatic habitats that occur on TSWMA. These include:

- Emergent vegetation habitats: Emergent marsh aquatic key habitats include palustrine (marsh-like) wetlands with emergent vegetation, often associated with groundwater discharge or shallow surface flows. TSWMA is currently managed to create and enhance these key habitats as they provide crucial foraging, nesting and staging habitats for many waterbird species throughout the year. TSWMA supports approximately 460 acres (32.9% of the WMA) of emergent marsh and wet meadow habitats.
 - The priority threats include: Drought Conditions (High S&S) and Water Allocation Policies (High S&S).
- Open water habitats: Open water aquatic key habitats include perennial bodies of standing water, including natural lakes, reservoirs and ponds. The majority of open water habitats on TSWMA have been created through the construction of dikes, which impounds water into large open expanses. These areas provide important areas for foraging, staging and loafing for many waterbird species throughout the year. TSWMA supports approximately 280 acres (20.0% of the WMA) of open water habitats.
 - The priority threats include: Agricultural/Municipal/Industrial Water Usage (Very High S&S); Water Allocation Policies (Very High S&S); and Drought Conditions. (High S&S).

Other important habitats:

- Uplands: Although upland areas are not considered a key habitat by the WAP, they provide important nesting habitats for migrating waterfowl, shorebirds, and passerine species. The vegetative community consists primarily of Greasewood (*Sarcobatus vermiculatus*). TSWMA supports approximately 300 acres (21.4% of the WMA) of upland habitats.
- Mudflat/playa: Although not considered as key habitats by the WAP, mudflats/playas provide important habitats for foraging, staging and loafing areas for many waterbird species throughout the year. The vegetative community consists of primarily Pickleweed (*Salicornia spp.*). TSWMA supports approximately 360 acres (25.7% of the WMA) of mudflat/playa.

Most priority threats are unable to be addressed directly at TSWMA. However, management at TSWMA addresses threats to these key aquatic habitats to the extent possible by managing for a diverse range of habitats in various successional stages which maintain and benefit the wide variety of wildlife species found on the WMA.

Most of the Species of Greatest Conservation Need and Utah State Sensitive Species do not have specific management plans to guide their management. In the future, as species management plans are written and adopted by the Utah Wildlife Board, they may be implemented at TSWMA.

General Condition of Habitats

Plant Community species (See Figures 3 and 4)

- Vegetation in emergent wetland communities is primarily Saltgrass (*Distichlis spicata*); in addition, two bulrush species can be found on the WMA. Alkali bulrush (*Scirpus maritimus*) can be found in the shallowest waters, and Olney's three-square bulrush (*Scirpus americanus*) can be found in semi-permanent water and less saline soils. Other emergent vegetation includes the invasive common reed (*Phragmites australis*).
- Mudflats support red saltwort (*Salicornia rubric*), and Saltgrass (*Distichlis spicata*).
- Aquatic vegetation includes mainly Wigeon grass (*Ruppia maritima*).
- Upland vegetation includes mainly Greasewood (*Sarcobatus vermiculatus*) and annual weeds.



Figure 3. Timpie Springs WMA. Photo taken looking north-east from eastern dike. Antelope Island is in the background, top left.



Figure 4. Timpie Springs WMA, Peregrine falcon hack tower. Photo taken looking north-west from north dike. North pond on left side of photo. Outflow water from north pond into the Great Salt Lake marsh on right side of photo.

Habitat Limitations

Timpie springs is small compared to other state waterfowl management areas, and although no nesting studies have taken place on the WMA, suitable habitat does exist for waterfowl. Specifically, Saltgrass (*Distichlis spicata*) a prevalent vegetative species on the area should provide excellent nesting cover primarily for cinnamon teal (*Anas cyanoptera*) and to a lesser extent for mallard (*Anas platyrhynchos*) and gadwall (*Anas strepera*). However, the main function of TSWMA is as a resting, loafing, and feeding area for waterfowl and other bird species. In general, there are no major habitat concerns or problems at TSWMA.

Because TSWMA is spring fed, water conditions are considered good to excellent. Extensive algae blooms, due to nutrient loading, that are present at some WMA's along the eastern shore of the Great Salt Lake, are not present at TSWMA. In addition, TSWMA is not currently hindered by problems with invasive plant and mammal species that are found on other wetlands along the eastern shores of the GSL.

Land use in the surrounding area is largely open space with isolated salt processing plants extending along the shores of the Great Salt Lake. In addition, the WMA is immediately surrounded on the north and west sides by Cargill Salt's salt evaporation ponds, which are fed from Stansbury Bay of the GSL. These ponds, could pose risks to the WMA in the event of future flooding or dike breaches.

Potential future risks to TSWMA may include: continued development/expansion of surrounding salt ponds and salt processing facilities; pollution or contamination from nearby highways and

railroad lines; and reduction of water quantity. For instance, Big Spring, the TSWMA water source, flows under I-80 towards TSWMA. Possible spills or contaminants on I-80 could pose pollution threats to the WMA. Within the last few years, there have also been water right applications filed to acquire ground water near TSWMA. Although these applications were subsequently withdrawn, there is concern that increased demands on sub-surface water near Timpie Spring could affect water availability to this spring fed marsh.

The Utah School and Institutional Trust Lands Administration (SITLA) owns more than 13,000 acres of wetlands associated with the GSL near TSWMA. These wetlands, including those around TSWMA, are at risk for industrial and commercial development due to the proximity of these wetlands to the railroad and I-80.

During the mid 1980's Utah experienced record amounts of precipitation which caused the GSL to rise approximately 10 feet above its long term average. During this flood event TSWMA was temporally protected because a series of dikes north of the WMA, which were used to collect minerals, provided a shield from the rising water. However, on a windy afternoon in the mid 1980's, this network of dikes failed and allowed for subsequent salt water intrusion into the WMA. Only the north unit was affected by flooding, the flood waters receded in the early 1990's.

Common reed (*Phragmites australis*) could potentially be a future problem at TSWMA. Currently, 3 small stands of non-native, invasive *Phragmites* (*Phragmites australis*) exist on the eastern side of the WMA. Hoary cress (*Cardaria draba*) is the only known invasive plant species. Wildlife disease is a concern at TSWMA with frequent mild outbreaks of Avian Botulism and the presence of mosquitoes carrying the West Nile Virus.

Human Use-Related Problems

Sign and fence vandalism is the main human related problem. Also, littering of shotgun shells and other human trash are common on the area. Spillboards from water control structures have also been removed.

Adjacent Land Uses and Potential Impacts

Adjacent land uses in the area are rural in nature, and agricultural uses dominate the area. TSWMA is surrounded by both vacant open land and industrial salt evaporation operations. The GSL and Stansbury Island are located to the north and east, the Lake Side Mountains and Skull Valley are on the west and the Stansbury Mountains are on the south. All parcels bordering TSWMA are owned by SITLA. Other primary landowners in the vicinity include the Bureau of Land Management, the Warr and Blazzard families, Thiokol Corporation, and Kennecott Corporation. The Cargill Salt Plant is located west of TSWMA, and additional salt evaporation ponds exist north and west of the area.

TSWMA is located in central Tooele County along the south side of the GSL near Stansbury Bay and Stansbury Island. There is minimal development potential here. Access is from a Division of Wildlife Resources road that ends at the TSWMA entrance gate. There is plentiful vacant land and the relatively small population base here limits demand for development.

III. Management Goals and Objectives

Timpie Springs WMA management is based primarily upon goals, objectives, and strategies of various plans, which are summarized below:

Management Goals:

1. Protect the existing resources, wildlife, habitat, public use and capital improvements from deterioration on TSWMA.
2. Maintain, manage and enhance wetland habitat diversity for waterfowl, shorebirds and other wildlife associated with wetland habitats.

Management Objectives:

1. Restore and, when possible, upgrade and improve capital improvements found on TSWMA.
2. Pursue funding for technician time.
3. Capitalize on opportunities to study Ecosystem health. Participate in current studies as appropriate.
4. Maintain capital improvements found on TSWMA.
5. Manage access.
 - a. Manage livestock access if and when appropriate.
 - b. Manage vehicle and pedestrian access.
 - c. Manage year round recreational uses.
 - d. Maintain and insure compliance of established agreements, easements and leases.

UDWR Strategic Plan (2007-2011)

The management of the Timpie Springs WMA has relevance to the following goals and objectives as outlined in the Division's Strategic Plan:

Resource Goal: Expand wildlife populations and conserve sensitive species by protecting and improving wildlife habitat.

Objective R1- Protect existing wildlife habitat and improve 500,000 acres of critical habitats and watersheds throughout the state by 2011.

Objective R2- Increase fish and game populations to meet management plan objectives and expand quality fishing and hunting opportunities.

Objective R3- Conserve sensitive species to prevent them from being listed as threatened or endangered.

Constituency Goal: Achieve broad-based support for Division programs and budgets by demonstrating the value of wildlife to all citizens of Utah.

Objective C1- Increase public awareness of wildlife as a quality of life issue in order to expand our support base and achieve stable funding.

Objective C2- Improve coordination with organizations, public officials, private landowners, industry, and government agencies to obtain support for Division programs.

These goals and objectives will be accomplished by properly managing the water, vegetation, wildlife and human components of the WMA according to those strategies mentioned in the property and habitat management sections below. These section's detail property maintenance and development, wildlife species and habitat management, and access and fire management on the WMA.

Utah Wildlife Action Plan

The 2015-2025 edition of the Utah Wildlife Action Plan (WAP) was created with the express purpose and goal of managing native wildlife species and their habitats to help prevent listings under the Endangered Species Act. To help achieve this goal, the WAP provides a statewide approach for the partnership-based, coordinated planning and implementation of wildlife and habitat conservation practices. The WAP addresses the following elements:

- Conservation targets include; species of greatest conservation need, and those species' key habitats; information about the status and distribution of these species; information about the location and condition of these key habitats.
- Threats and limiting factors facing these species and habitats, and research required to help managers more effectively address these problems. Threats are measured and prioritized on a statewide basis, based on how many targets they impact, and how severely the targets are impacted.
- Conservation actions required to abate the highest-priority threats, and improve the supply of these limiting factors.
- Monitoring the status of these targets, and in particular the effectiveness of these actions.
- Approaches for including the public, partners, and stakeholders, in consideration of the mission and authority of partners.
- Provisions for coordinating the WAP with other natural resource management plans.

The TSWMA HMP process is used to address wildlife species and habitats found on the WMA, by explicitly including their needs in routine, novel, and emergency management activities. This aligns well with the intent of the WAP, which identifies specific management actions that can be taken to reduce priority threats to these species and habitats.

The TSWMA has aquatic habitats of statewide and local concern which include emergent marshes and open water. One of the intents of the WAP in identifying these habitats is that local-area management efforts can better focus actions on those specific habitats where actions can have the most benefit for species of greatest conservation need. Most of the threats to the key aquatic habitats are unable to be addressed directly at TSWMA. However, management at TSWMA attempts to address threats to these habitats to the extent possible, by managing for a diverse range of habitats in various successional stages which maintain and benefit the wide variety of wildlife species found on the WMA. For more information, please see the discussion in Section II, Property Inventory, Wildlife Action Plan.

Great Salt Lake Comprehensive Management Plan and Mineral Leasing Plan

In order to more specifically articulate the Utah Department of Natural Resources (DNR) management objectives for the resources of GSL, and to reconcile the diverse mandates of the

seven divisions within DNR, the Great Salt Lake Planning Project was initiated. The UDWR has authority for managing wildlife in, on and around the Great Salt Lake, and participated in the development of the Great Salt Lake Comprehensive Management Plan and the Mineral Leasing Plan (documents final March 2013). However, the decision has been appealed and is currently moving through the appeal process.

The purposes of the Great Salt Lake Planning project are:

- To establish unifying DNR management objectives and policies for GSL trust resources.
- To coordinate the management, planning, and research activities of DNR divisions on GSL.
- To improve coordination among DNR divisions, establish a decision-making proposal review and appeal process, resolve some issues between divisions, and improve management of the lake and its resources.
- To develop a sovereign land and resource management plan for the lake that balances multiple-uses and sustainability issues.
- To establish processes for plan implementation, monitoring, evaluation, and amendment.

The comprehensive management plan covers a wide range of elements of the Great Salt Lake including information about the hydrology, chemistry, water quality, air quality, biology, ecosystem, land, minerals & hydrocarbons, recreation, tourism & cultural resources, commercial & industrial use, agriculture, transportation, law enforcement, search & rescue, open space, critical lands & visual resource management. It also developed a GSL lake level matrix and lake level management strategies.

The mineral leasing plan identifies the extractive resources found on, in, adjacent to or under the GSL. It further identifies critical wildlife habitat areas where habitat protection is the preferred option. One of the goals of this planning effort is to integrate mineral resource planning with other resources and resource planning efforts.

North American Waterfowl Management Plan, Intermountain West Joint Venture

UDWR is supportive of the North American Waterfowl Management Plan and the state has benefitted from several Intermountain West Joint Venture Projects, although no specific projects have been completed on the WMA.

Federal Aid Plan

The Federal Aid plan is a guiding document that provides guidelines for where federal aid money can be used. UDWR and TSWMA managers diligently follow the Clean Water act and work with the Army Corps of Engineers whenever there may be a wetland impact.

IV. Strategies for Property Management

Development Activities

- **Fence and gate needs:** The boundary fence and gates need to be annually checked and repaired.
- **Sign needs:** The entrance signs have been replaced with new signs with the new UDWR logo. However, the boundary signs still need to be updated.

- **Habitat needs:** Habitat needs are largely met by proper water management on the WMA.

Annual Maintenance Activities

Annual maintenance activities at TSWMA are conducted on an "as needed" basis.

- **Fence maintenance:**
Fence maintenance is as needed along the 6 miles of existing boundary fence.
- **Road and Bridge maintenance/closures:**
Road maintenance occurs as needed. Bridges periodically inspected.
- **Dike/Channel maintenance**
Maintain as needed.
- **Parking areas:**
Routine parking area maintenance as needed.
- **Noxious weed control:**
Noxious weed control has not been conducted on the area hoary cress (*Lepidium latifolium*) that is known to exist on the area.
- **Predator control:**
No predator control is conducted at TSWMA.
- **Sign replacement:**
Maintain boundary, entrance, and regulatory signs to clearly identify ownership, access, vehicle restrictions, and rules and regulations enforced on the WMA. Assure that all signs are clear, legible, and in place prior to hunting season. Rebuild, repaint or replace signs as needed. Update signs as resources become available.
- **Maintenance of water developments:**
Routine maintenance and replacement of water control structures is ongoing. Currently, all water control structures at TSWMA are in good working condition, and will be replaced on an as-needed basis.
- **Habitat Enhancement and Development:**
Habitat conditions on the relatively small (1,400 acre) TSWMA property are considered excellent. Enhancements could occur through noxious weed control on an as-needed basis. Development of additional wetlands adjacent to TSWMA will be unlikely due to water availability, surrounding land uses, and financial constraints.
- **Peregrine Falcon Hack Tower:** The peregrine falcon hack tower and nest box located on the northern dike is 35+ years old and is in need of repair to the ladder structure and nest box. The tower will be evaluated and repairs completed as needed.

Zoning and Land Use Ordinances

There are no known conflicts with existing local government general plans, zoning regulations or land use ordinances. Timpie Springs WMA occurs within unincorporated Tooele County within the County's Manufacturing General (M-G) Zone. This is a heavy industrial zoning district. It is designated to provide areas where heavy industrial processes necessary to the economy may be conducted. Zoning laws are in place to control development throughout the area. There are no public utilities available to TSWMA, and public utilities in the general area are limited to electricity.

V. Strategies for Habitat Management

Unit Management Plans for Wildlife Species

There are no management plans for the individual species which utilize the WMA, so the management strategy is to make the habitat desirable primarily for waterfowl, and secondarily for shorebirds and wading birds.

Strategies for habitat management will be based on a holistic approach that takes into account the wildlife, habitat and human components of the WMA. These include:

- Provide an array of different habitat types in structure, composition, and plant phenology that address the diverse number of species and chronological annual life cycle needs of wildlife that use the area, with a special focus on improving conditions for waterfowl, while minimizing negative impacts to other species that use the area.
- Maintain a diverse plant and wildlife community using the available tools, technology and knowledge.
- Maintain control of undesirable plant species, increase food quality and production, and enhance cover quality.
- Minimize negative impacts to wildlife in the area.

Surveys

The area could benefit from the following activities:

- A nesting study centered on waterfowl or nongame species which could detail the importance of the area for avian nesting.
- Waterfowl and non-game population monitoring.
- Surveys and/or research which details the importance to the area to reptile, mammal, fish, mollusk or insect species.

Habitat Improvement Plan

The management of the area is directed to maintaining, enhancing and developing diversified habitats which support a diverse wildlife species compliment. A highly functional system in a healthy condition benefits the wildlife resources, and the user public, and demonstrates the UDWR is a good land steward. This also provides evidence the public investment (license/permit sales, general fund etc.) is being used effectively to protect wildlife for its intrinsic, scientific, educational and recreational values.

The tools used to manipulate vegetative habitat are mechanical, fire, chemical (natural or synthetic), herbivores (wildlife, domestic animals, or insects) and water regulation.

- Fire can be used to remove residual treated invasive *Phragmites* stands, and overgrown stands of emergent vegetation. Prescribed burns on areas greater than 20 acres are completed under the direction of the Utah Division of Forestry, Fire and State Lands (FFSL) fire management personnel. An MOU is in place between the UDWR and FFSL to facilitate prescribed burning of UDWR lands. Burning is becoming increasingly more difficult each year due to fire restrictions, smoke management and TSWMA's proximity to Toole City and Salt Lake City, and other nearby communities.

- Chemical treatment is directed mainly at noxious and invasive weeds. However, chemicals can be used to open dense stands of wetland plants (cattail, bulrush, etc...) that are difficult to access, or are non-accessible with equipment. Chemicals can also be used when the affects of fire do not provide the desired results or if fire cannot be considered due to other limitations/restrictions.
- The Noxious and Invasive Weeds which are known to occur on TSWMA are: common reed (*Phragmites australis*) and hoary cress (*Lepidium latifolium*). Additional weeds are on a watch list to monitor for expansion of existing populations or establishment of new infestations. These plants include: mosquito fern (*Azolla spp.*); Eurasian watermilfoil (*Myriophyllum spicatum*); and curly leaf pondweed (*Potamogeton crispus*).
- The use of Biological Introduced Agents (BIA) (such as insects, rust, fungi, etc...) to control noxious and invasive weeds are becoming more acceptable and available. When these controls are approved for use they should be evaluated for introduction into the area on a case by case basis.
- Water regulation is the most widely used tool for manipulating habitat in wetlands. Water level management is an ongoing management activity for this area.

Future habitat improvement plans include:

- The possible Removal of 3 stands of non-native, invasive *Phragmites australis*.
- Cleaning-up and removing large items of trash (i.e., telephone poles and railroad ties)

Back in the late 2000's, Cargill Salt Inc. approached UDWR indicating interest in making improvements on TSWMA. Specifically, Cargill, seemed willing to access the area to remove large items (i.e., telephone poles and railroad ties) and even suggested they would install water control structures as needed if provided by UDWR. Several of Cargill's employees also wanted dedicated hunter hours for these proposed projects. Timpie Springs WMA managers worked with our Salt Lake office to develop an MOU. The MOU identified proposed projects, and also indicated that UDWR management staff would not allow access for any project without being first being notified and then providing verbal or written approval for projects. Cargill's plant manger then indicated that Cargill's legal department advised him against signing any agreements. Wetland Management staff didn't hear from Cargill for several years after that time. However, in the Spring of 2014 Cargill contacted management staff again about possible projects at TSWMA. There is currently no signed or approved MOUs between UDWR and Cargill Salt. If Cargill expresses an interest in developing an MOU, TSWMA managers will contact the Salt Lake Office for more information.

Access Management Plan

No access management plan has been developed for the Timpie Springs WMA as the property is open yearlong to pedestrian access with no motorized vehicles allowed. A map is included (Appendix A), which shows authorized roads and parking facilities.

Fire Management Plan

The use of fireworks is prohibited on the WMA (R657-28-4). Open campfires are not allowed. A Fire Management Plan may be developed in the future if fire is determined to provide a benefit to manipulate vegetative communities for wildlife.

VI. Summary Statement of Proposed Uses

The primary purposes of Timpie Springs Waterfowl Management Area are: to preserve, restore, and enhance both aquatic and terrestrial habitat for wildlife; increase wildlife populations to meet wildlife management objectives; conserve, protect, and recover sensitive wildlife species and their habitats; protect cultural resources; and provide for recreational opportunities that are compatible with the purpose of upland and wetland ecosystems. The overall management goals for the area are directed to maintaining, enhancing and developing a diversified habitat which supports a diverse wildlife species compliment. This goal can be accomplished by maintaining a highly functional system in a healthy state to benefit the wildlife resources and the user public. This will also demonstrate that UDWR is a good land and wildlife steward.

VII. Monitoring and Evaluation

Monitoring and evaluation is accomplished through site assessments, surveys (wildlife and public), data collections (species presence and harvest) and analysis, and through observations. The WMA Supervisor is responsible for monitoring projects to ensure they meet all stated goals and objectives. Assistance will be required from other sections, and will be requested as needed.

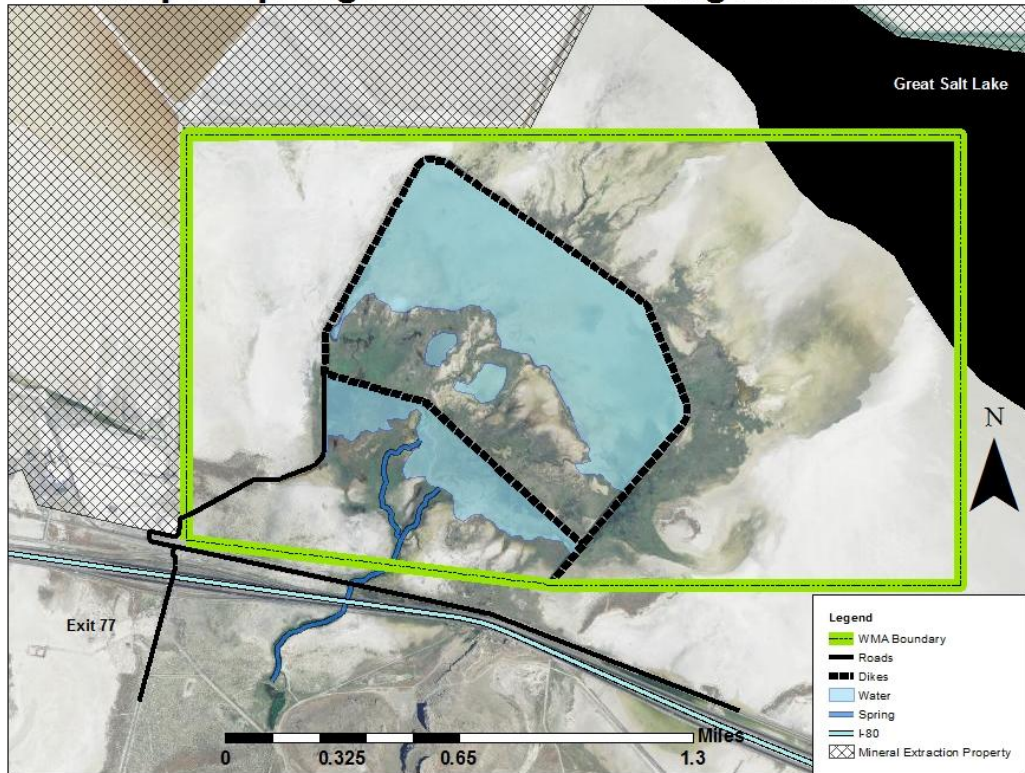
VIII. Appendices

- Appendix A: General Maps
 - General Location (Map 1)
 - Surrounding land ownership (Map 2)
 - Big Springs Gun Club (Map 3)
- Appendix B: Legal Description and Encumbrances, Agreements, Enhancements, and Easements
 - Land Parcels, Legal Information and Encumbrances
 - SITLA Patent
 - BLM Patent
 - Concrete Arrows (pictures and information)
- Appendix C: Wildlife and Weed Information
 - Timpie Springs Bird List and Species of Greatest Conservation Need

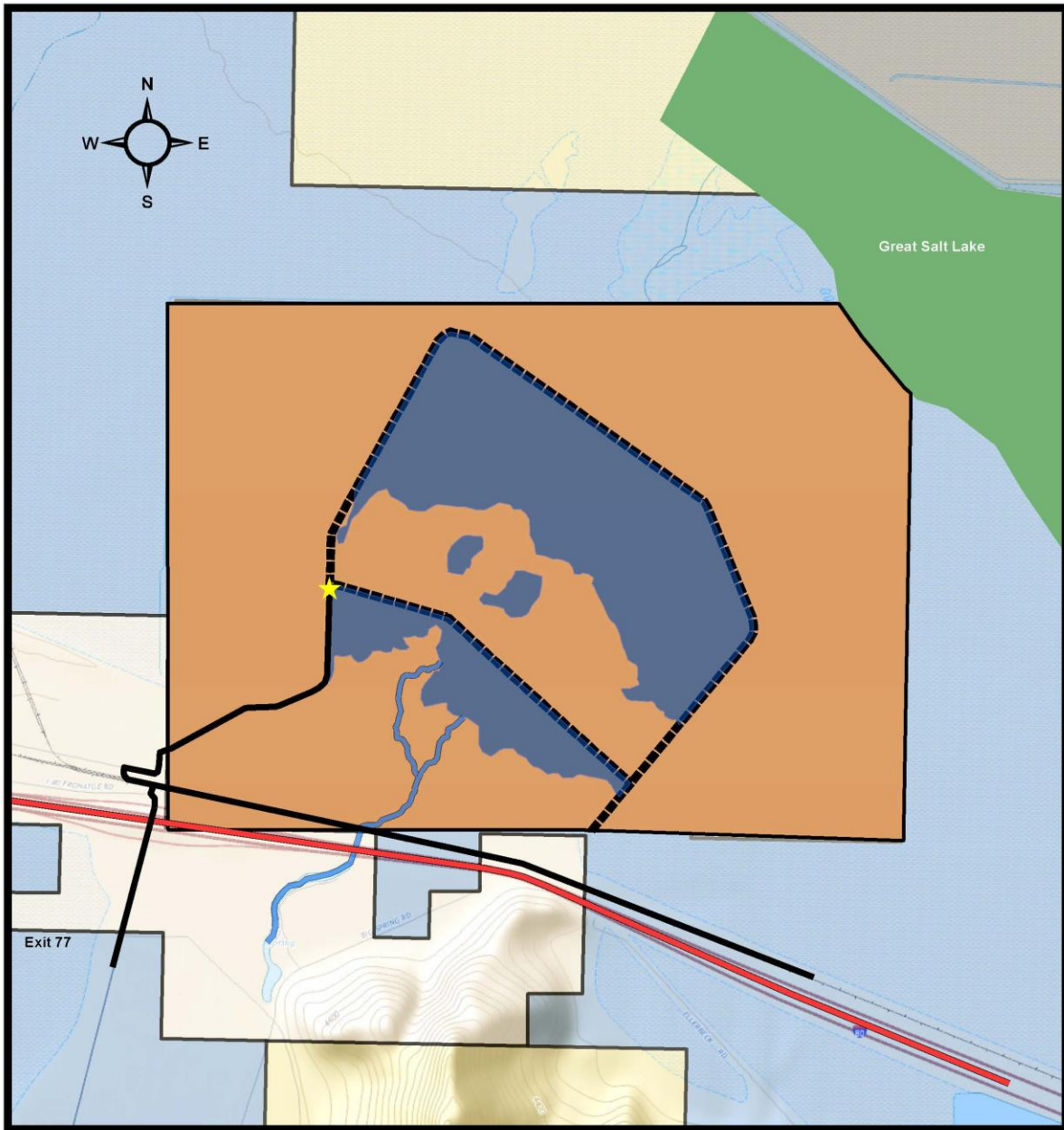
Appendix A

Maps

Timpie Springs Waterfowl Management Area

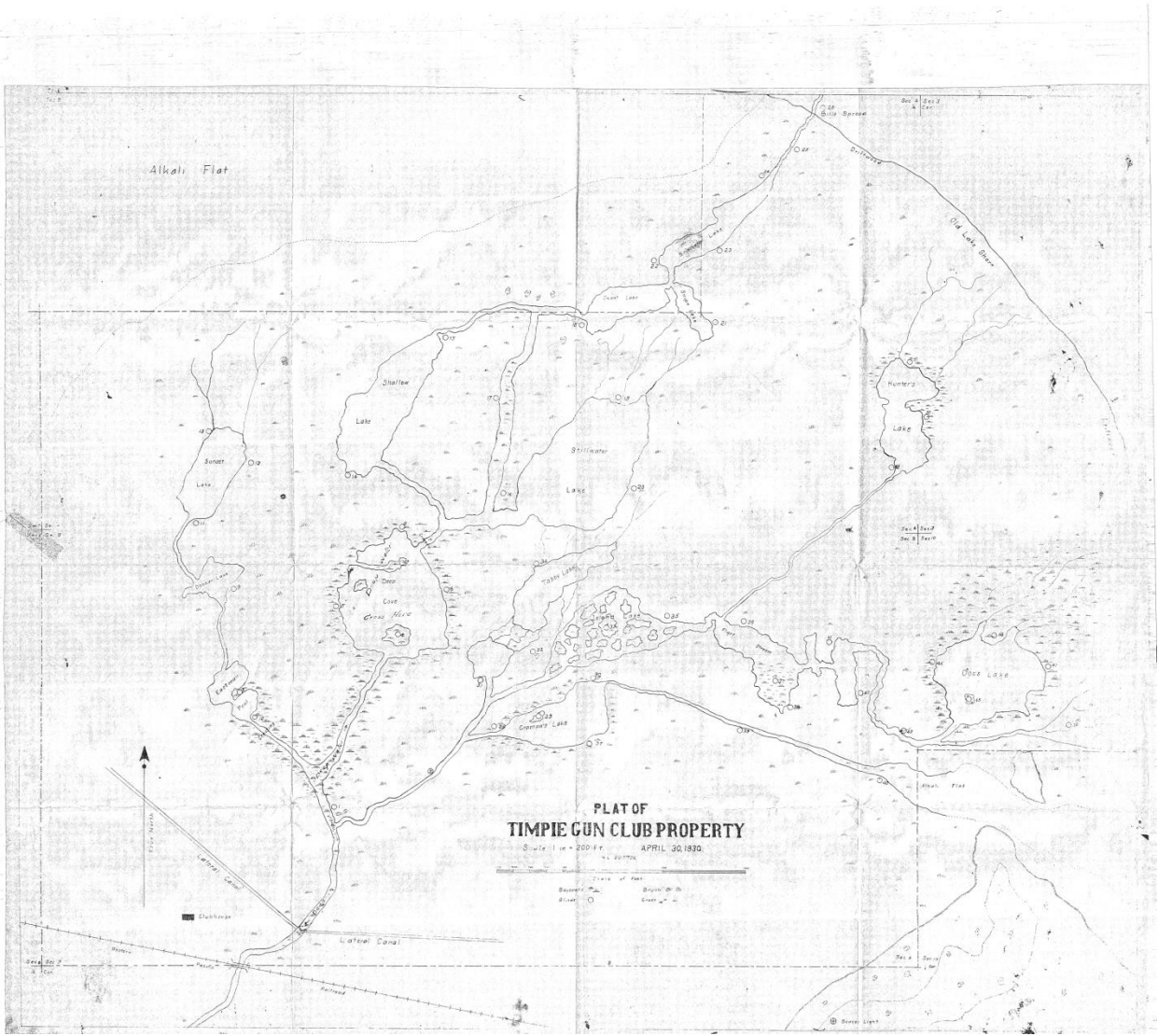


TSWMA Land Ownership



0 0.1 0.2 0.4 0.6 0.8 Miles

- ★ Parking
- Road
- I-80
- Spring
- Ponds
- Dikes
- UDWR Fee Title Land
- GSL
- Private Land
- SITLA lands
- BLM
- State Sovereign Land



Original development map from the Timpie Gun Club property, circa 1930.

Appendix B

Legal Description and Encumbrances, Agreements, Enhancements, and Easements

Timpie Springs Waterfowl Management Area Legal Description and Encumbrances, Agreements, Enhancements, and Easements

Grantor: *Bureau of Land Management*

Patent # 43-81-0025 **County:** Toole **Book:** 197 **Page:** 283-284 **Signed:** 09/21/1981

Recorded: 10/05/1981

Township 1 South, Range 7 West

Section 3: S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 4: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 8: E $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 760 acres

Encumbrances & Limitations:

- A right-of-way, Serial No. SL-062680, for a railroad granted under the Act of March 3, 1875 (18 Stat. 482); 43 U.S.C. 934-939.

Reserving to the United States:

- A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 (1970);
- All minerals in the land, with the right to prospect for, mine and remove the same under applicable law and such regulations as the Secretary may prescribe;
- A right-of-way, Serial No. SL-041251 for a Federal Aid Highway granted under the Act of November 9, 1921 (42 Stat. 212, 216; 23 U.S.C. Sec. 18).

Grantor: *Utah School and Institutional Trust Lands Administration*

Patent # 20288 **Exchange #** 355 **County:** Toole **Book:** 44 **Page:** 188 **Signed:** 1/09/2014

Recorded: 1/14/2014

Township 1 South, Range 7 West

Section 3: W $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 4: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 9: N $\frac{1}{2}$;

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 640 acres, more or less

Encumbrances & Limitations:

- Easement No. 175, issued to PacifiCorp DBA Rocky Mountain Power, for installation of an electrical transmission line, expiring December 31, 2021.
- Pre-designation No. 766 issued to Tooele County, for roads, for a perpetual term.
- Right of Way No. 197, issued to American Telephone and Telegraph Company of Wyoming, for a buried cable communication system, for a perpetual term.
- Right of Way No. 217 issued to Utah Department of Transportation (UDOT), for a road, for a perpetual term.

- Right of Way No. 540, issued to PacifiCorp DBA Rocky Mountain Power, for an electric transmission line, for a perpetual term.
- Right of Way No. 1223, issued to PacifiCorp DBA Rocky Mountain Power, for a power line, for a perpetual term.
- Right of Way No. 1259, issued to Mountain Fuel Supply, for a high pressure gas pipeline, for a perpetual term.
- Right of Way No. 1282, issued to PacifiCorp DBA Rocky Mountain Power, for a power line for a perpetual term
- Right of Way No. 3140, issued to US Telecommunications, Inc., for a buried fiber optic communication cable, for a perpetual term.
- Special Use Lease Agreement No. 173, issued to Morton International, for an industrial lease, expires June 30, 2017.
- Special Use Lease Agreement No. 721, issued to Cargill Incorporated, for a salt evaporation operation, expires February 28, 2042.

**STATE OF UTAH
SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
EXCHANGE PATENT NO. 20288**

WHEREAS, THE STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES, 1594 West North Temple, Suite 2110, P.O. Box 146301, Salt Lake City, Utah 84114 ("UDWR") has agreed with the State of Utah, School and Institutional Trust Lands Administration ("Trust Lands Administration"), by Assembled Land Exchange Agreement dated November 29, 2004 (the "Exchange Agreement"), and by Exchange Agreement No. 355 to exchange certain UDWR lands for the state trust lands hereinafter described;

WHEREAS, the conveyance of the hereinafter described state trust lands ("Property") pursuant to the Exchange Agreement complies with all applicable statutory requirements for exchange;

NOW THEREFORE I, GARY R. HERBERT, Governor, by virtue of the power and authority vested in me by the laws of the State of Utah, do issue this PATENT, in the name and by the authority of the State of Utah, hereby granting and confirming unto the STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES, and to its successors and assigns forever, the following tract or parcel of land, situated in the County of Tooele, State of Utah, to-wit:

Township 1 South, Range 7 West, SLB&M
Section 3: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 4: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 9: N $\frac{1}{2}$
Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Containing 640.00 acres, more or less

(Timpie Springs)

TO HAVE AND TO HOLD the above described and granted premises unto the said STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES, and its successors and assigns forever, subject to the following grants, reservations, exceptions, terms, conditions, restrictions, covenants, and agreements hereinafter set forth:

1. FEDERAL SURFACE USE RESTRICTION FOR WILDLIFE CONSERVATION AND REVERTER

Under and pursuant to the powers and authority contained in the provisions of P.L. 99-587 – October 29, 1986, 100 STAT. 3326, and 16 U.S.C 667b, as amended, and the promulgated rules and regulations associated therewith, the premises herein conveyed are to be used continuously only as and for the conservation of wildlife, other than migratory birds, and are conveyed upon condition that in the event they are no longer used for such purposes, the title thereto shall revert to the UNITED STATES OF AMERICA, and upon which reversion of title of the State of Utah, Department of Natural Resources, Division of Wildlife Resources, thereto shall cease and determine, and the UNITED STATES OF AMERICA shall have the immediate right of possession thereof. (hereafter referred to as the “Conditional Surface Ownership Interest”).

2. TRUST LAND ADMINISTRATION EXCEPTIONS, RESERVATIONS AND SURFACE USE LIMITATIONS

Subject to the terms, conditions, restrictions, covenants and agreements contained in paragraph 2.C., below, the State of Utah, School and Institutional Trust Lands Administration excepts and reserves the following:

A. Excepting and reserving to the Trust Lands Administration, for the benefit of the State and its successors in interest, assigns, permittees, licensees and lessees from time to time, all coal, oil, gas and other hydrocarbons and other mineral deposits, along with the right for the Trust Lands Administration or other authorized persons or entities to prospect for, mine, and remove such deposits, (hereinafter referred to as the “Mineral Estate”). For purposes of the exceptions and reservations in this Patent, the term “mineral deposits” does not include ground or surface water or common varieties of sand, gravel, and cinders.

B. Excepting and reserving to the Trust Lands Administration an access and utility easement across the property for its benefit and its successors in interest, assigns, permittees and lessees, as may be necessary and reasonable to access lands and retained mineral interests administered by the Trust Lands Administration.

C. In keeping with the Conditional Surface Ownership Interest created to the benefit of and enforceability by the UNITED STATES OF AMERICA (the “United States”) established pursuant to the provisions of paragraph 1, above, and UDWR’s surface ownership, the Trust Lands Administration hereby covenants and agrees that the right of the owner, lessee, or assign of the Mineral Estate to use the surface of the property herein conveyed is subject to the following:

(1) Surface use and occupancy is limited to as much as may be needed for all purposes reasonably incident to the exploration, extraction, and production of the Mineral Estate.

(2) Exploration, extraction, and production activities on any of the Mineral Estate shall be performed in a good and workman-like manner in accordance with all applicable rules and statutes.

(3) The Mineral Estate owner, lessee, or assign must act in accordance with the following requirements:

- a. notify the United States and UDWR of any Mineral Estate development plans on the Property prior to undertaking any surface disturbing activities;
- b. provide UDWR, or its successors and assigns, an operations plan prior to any surface disturbing activity on the Property that specifically details the Mineral Estate development proposal, including access and infrastructure locations, sequence and location of development activities, measures to minimize impacts to wildlife and wildlife habitat, and proposed site reclamation;
- c. confer with UDWR, or its successors and assigns, to address concerns it may have regarding the operations plan, which concerns will be reasonably addressed by the holder of the Mineral Estate;
- d. take whatever measures are necessary to comply with all federal and state laws and regulations relative to its operations on the surface estate;
- e. compensate UDWR, or its successors and assigns, for damage to the surface of the Property and any improvements thereon where there is agreement as to the amount of damage; and
- f. reclaim all surface areas of the Property disturbed by Mineral Estate development activities consistent with applicable law and the reclamation requirements in the operations plan accepted by UDWR.

3. EXCEPTIONS TO TITLE

This PATENT is subject to:

A. Any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, subject to exceptions and reservations contained in federal patents and clear lists, and subject also to all rights of way for ditches, tunnels, and telephone transmission lines that have been or may be constructed by the United States as provided by statute; also,

B. Subject to any valid, existing rights-of-way of any kind and any right, interest, reservation or exception appearing of record, including but not limited to:

Easement No. 175, issued to PacifiCorp DBA Rocky Mountain Power, for installation of an electrical transmission line, expiring December 31, 2021; also,

Predesignation No. 766, issued to Tooele County, for roads, for a perpetual term; also,

Right of Way No. 197, issued to American Telephone and Telegraph Company of Wyoming, for a buried cable communication system, for a perpetual term; also,

Right of Way No. 217, issued to Utah Department of Transportation (UDOT), for a road, for a perpetual term; also,

Right of Way No. 540, issued to PacifiCorp DBA Rocky Mountain Power, for an electric transmission line, for a perpetual term; also,

Right of Way No. 1223, issued to PacifiCorp DBA Rocky Mountain Power, for a power line, for a perpetual term; also,

Right of Way No. 1259, issued to Mountain Fuel Supply, for a high pressure gas pipeline, for a perpetual term; also,

Right of Way No. 1282, issued to PacifiCorp DBA Rocky Mountain Power, for a power line for a perpetual term; also,

Right of Way No. 3140, issued to US Telecommunications, Inc., for a buried fiber optic communication cable, for a perpetual term; also,

Special Use Lease Agreement No. 173, issued to Morton International, for an industrial lease, expires June 30, 2017; also,


Special Use Lease Agreement No. 721, issued to Cargill Incorporated, for a salt evaporation operation, expires February 28, 2042.

[Signatures on following page]

IN TESTIMONY WHEREOF, I affix my signature. Done this 9th day of
January, 2014.

By the Governor: 
GARY R. HERBERT
Governor

Attested: 
SPENCER J. COX
Lieutenant Governor


KEVIN S. CARTER, Director
School and Institutional
Trust Lands Administration



APPROVED AS TO FORM
Brian Tarbet
Interim Attorney General

By 
Special Assistant Attorney General

Recorded Patent Book 44, Page 188
Exchange No. 355
Fund: School

Temp. App. on 7B ✓

Serial: Utah 062402

The United States of America
To all to whom these presents shall come, Greeting:

WHEREAS, State of Utah, Division of Wildlife Resources,

is entitled to a Land Patent pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. 869 (1970) and Section 212 of the Act of October 21, 1976, 90 Stat. 2759; 43 U.S.C. 969, for the following described land:

Salt Lake Meridian, Utah
T. 1 S., R. 7 W.,
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ NW $\frac{1}{4}$.

Containing 760 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named State the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto said State forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 (1970);
2. All minerals in the land above described, with the right to prospect for, mine and remove the same under applicable law and such regulations as the Secretary may prescribe.
3. A right-of-way, Serial No. SL-041251 for a Federal Aid Highway granted under the Act of November 9, 1921 (42 Stat. 212, 216; 23 U.S.C. Sec. 18).

SUBJECT TO:

1. A right-of-way, Serial No. SL-062680, for a railroad granted under the Act of March 3, 1875 (18 Stat. 482); 43 U.S.C. 934-939.

Sh. [unclear]
[unclear]

No. **348075**
 RECORDED AT THE REQUEST OF *Division of Wildlife Resources*
 DATE **OCT 5 1981** TIME *1:05 p.m.*
 BOOK *197* OF RECORDS PAGE *283-284* FEE *no fee*
 DONNA S. MCKENDRICK TOCCELE COUNTY RECORDER
 Toocle County Recorder
 DONNA S. MCKENDRICK

Patent Number **43-81-0025**

The grant of the herein described lands is subject to the following reservations, conditions, and limitations:

- (1) The patentee or his (its) successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.
- (2) If the patentee or his (its) successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.
- (3) The patentee, by acceptance of this patent, agrees for himself (itself) or his (its) successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration.
- (4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.
- (5) The patentee or his (its) successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed.
- (6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and his (its) successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.
- (7) The assurances and covenant required by sections (1)-(6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).

284



Patent Number **43-81-0025**

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in SALT LAKE CITY, UTAH
the TWENTY-FIRST day of SEPTEMBER in the year
of our Lord one thousand nine hundred and EIGHTY-ONE
and of the Independence of the United States the two hundred
and SIXTH.

By Dean E. Stephens
Acting State Director
Utah State Office
Bureau of Land Management

Concrete Arrow

From Snopes.com, October 2016:

“In the 1920s, the U.S. Post Office began experimenting with cross-country delivery of mail by air. Before the advent of radio guidance, mail pilots picked their way along from visible landmark to visible landmark, a system that somewhat served where there were recognizable geological or man-made features to be guided by, but not at all in areas such as vast stretches of empty, repetitive desert.

In 1924, in recognition that its pilots needed more help finding their way, the Post Office began erecting combinations of large concrete arrows and lighted beacons along its established airmail routes. Roughly every ten miles along these paths, mail pilots would encounter 50-foot towers topped with rotating lights at whose base were 50' to 70' concrete foundations that from the air looked like arrows. These course lights flashed a code to identify each beacon's number.

In 1926, the Post Office Department turned management of the beacons over to the Department of Commerce. The project was finished in 1929, thereby completing a route from New York to San Francisco.

When visibility wasn't impaired by weather conditions, the light from the next beacon could be seen from the one currently being flown over. Additionally, each arrow pointed to the next arrow, a feature that helped keep pilots on course when bad weather obscured the signal from the next lit beacon.

The arrow-and-beacon system did not long serve the country's aviators. By the early 1930s, technological advances (radio guidance and radar) began to give those flying over featureless terrain far more reliable methods of finding their way.”

Concrete Arrow at Timpie Springs WMA Parking Lot



Appendix C

Bird Information

UDWR 5yr waterbird survey and E-bird (Highlighted species are Species of Greatest Conservation Concern)

- ✓ Species detected on UDWR's 5 year waterbird survey and Ebird
 - Species detected on Ebird only
 - Species detected on UDWR's 5 year waterbird survey only
- | | |
|--|--|
| <ul style="list-style-type: none"> ✓ Canada Goose ✓ Gadwall ✓ American Wigeon ✓ Mallard ✓ Cinnamon Teal ✓ Northern Shoveler ✓ Northern Pintail ✓ Green-winged Teal ✓ Canvasback ✓ Redhead ✓ Lesser Scaup ➤ Blue-wing teal ➤ Greater Scaup ➤ Common merganser ➤ Red-breasted merganser ➤ Ring-neck duck ✓ Bufflehead ✓ Common Goldeneye ✓ Ruddy Duck ✓ American White Pelican ✓ Great Blue Heron ✓ Snowy Egret ✓ Black-crowned Night-Heron ✓ White-faced Ibis • Turkey Vulture • Golden Eagle • Northern Harrier • Bald Eagle • Red-tailed Hawk • Rough-legged Hawk • Virginia Rail ➤ Sora ✓ American Coot ✓ Black-necked Stilt ✓ American Avocet ➤ Black-necked stilt ➤ Double-crested cormorant ➤ Black-bellied plover ➤ Wilson's phalarope ➤ Clark's grebe ➤ Horned grebe ➤ Western Grebe ➤ Eared grebe ➤ Pied-billed grebe ➤ Semipalmated plover ➤ Sand hill crane ➤ Black-bellied plover ➤ Ring Neck Pheasant ➤ Semi-palmated plover ✓ Snowy Plover ✓ Killdeer ✓ Spotted Sandpiper • Solitary Sandpiper | <ul style="list-style-type: none"> ✓ Greater Yellowlegs ✓ Willet ✓ Lesser Yellowlegs ✓ Long-billed Curlew ✓ Marbled Godwit ✓ Least Sandpiper ➤ Baird's sandpiper • Pectoral Sandpiper ✓ Western Sandpiper ✓ Long-billed Dowitcher ✓ Wilson's Snipe ✓ Wilson's Phalarope • Red-necked Phalarope ✓ Franklin's Gull ✓ Ring-billed Gull ✓ California Gull • Herring Gull ✓ Caspian Tern ✓ Forester's Tern • Rock Pigeon • Mourning Dove • Common Nighthawk • Broad-tailed Hummingbird • Peregrine Falcon • Common Raven • Horned Lark • Barn Swallow • Cliff Swallow • Marsh Wren • Northern Mockingbird • European Starling • American Pipit • Common Yellowthroat • Dark-eyed Junco • Savannah Sparrow • Song Sparrow • Red-winged Blackbird • Western Meadowlark • Yellow-headed Blackbird • Brown-headed Cowbird • House Finch • American Goldfinch • House Sparrow |
|--|--|

