

R58. Agriculture and Food, Animal Industry.

R58-15. Collection of Annual Fees for the Wildlife Damage Prevention Act.

R58-15-1. Authority.

- A. This rule is promulgated under authority of Subsection 4-2-2(1)(j) and Section 4-23-7.
- B. This rule defines the policies by which the board shall implement the collection and non-collection exemption of annual fees assessed under the Wildlife Damage Prevention Act, Section 4-23-7.
- C. This rule provides a uniform and fair method for the collection of wildlife damage fees as provided in Section 4-23-7.

R58-15-2. Exempt Owners.

The Utah State Department of Agriculture and Food may exempt owners from payment of imposed fees when the Commissioner determines that:

- A. Livestock as defined in the Agricultural and Wildlife Damage Prevention Act are permanently confined within pens or corrals within incorporated city limits where animal damage control activity by state or federal agencies is prohibited or severely restricted.
- B. Cattle which originate in Utah and leave to another state on commuter permits are exempt.
- C. Annual fees which do not exceed \$30.00, may be allowed when the commissioner finds enough extenuating circumstances to show that the livestock owner may not receive sufficient benefits from the predator control program, or
- D. Owners may file an exemption for the portion of the fee that is used for predator control, but would still be required to pay the sheep promotion portion of the fee. All sheep owners would be required to file for the exemption annually. Proceeds collected from wool sales or brand inspections from exempt animals for predator control will be refunded to the owner provided an exemption request is filed with the department prior to December 31 of the calendar year corresponding to the exemption, and the exemption request is approved by the commissioner. Forms for submitting the exemption request can be obtained from the department.

R58-15-3. Fees Collection.

The department will adhere to the following procedures to avoid collecting multiple fees on cattle by brand inspection.

- A. (1) Cattle that have been fee brand inspected and have a certificate indicating collection of predator control will not require further fee collection after consignment to feedlots within the state.
 - (2) When cattle are produced in state, and ownership is retained by that producer at a feedlot, a predator-control fee will normally be assessed when such cattle are marketed in this state.
 - (3) If conditions in R58-15-3-A(2) apply, but the cattle are shipped interstate, predator control fees shall be paid on the fee brand inspection prior to shipment interstate.
 - (4) Cattle which originate in another state and are brought in-state for grazing will be charged a predator fee on the brand inspection certificate when exiting the state.
- B. Dairy cattle are subject to the predator control fee when those animals are consigned to a slaughter facility or auction barn. Special designated dairy replacement sales or dairy replacement auctions are exempt.
- C. Pursuant to a memorandum of understanding between the Department of Agriculture and Food and wool marketing agencies or dealers, titled "Wool Fee Collection" is available at the Predator Fee Collection, Utah Department of Agriculture and Food, P.O. Box 146500, 350 N. Redwood Road, Salt Lake City, UT 84114-6500, the collection of wool fees is hereby established. On forms provided by the department, the marketing agency will record the following information:
 - name of company
 - year and quarter
 - the name and address of the producer
 - pounds of wool
 - number of sheep
 - amount deductedRecords and fee payments will be furnished to the department no later than April 30, July 30, October 30, and January 30 of each year. These dates correspond to a 30-day period following a quarterly collection of fees. (January to March; April to June; July to September; and October to December.)
- D. Movement of sheep from out of state producers into Utah will be subject to fees imposed for predator control. These fees will be collected commensurate with forms delivered to such producers prior to January 1 of each calendar year, which are returned to the department no later than April 1 of each year.
- E. Movement of livestock from in-state producers to other states to graze, and in cases where cattle are marketed out of state, or sheep that are shorn of wool that is marketed in other states, and which products are not subject to the collection methods described in Title 4, Chapter 23, the producers will be required to submit to the department on forms provided by the department such fees as are applicable, prior to April 1 of each calendar year.

R58-15-4. Imposed Fees.

The commissioner may determine the following fees after an owner's failure to file completed reporting forms and prior-fees owed and citations may be issued to persons found not in compliance, based on the following provisions:

- A. A minimum fee of \$25.00 for failure of owner to file the completed report as required under Section 4-23-6;
- B. A fee calculated at a rate of one percent per month (twelve percent APR) applied to the unpaid balance of the amount due that is not paid as required under Title 4, Chapter 23.

C. A fee to compensate for costs of collection: including court costs, reasonable attorney's fees, and applicable administrative costs.

R58-15-5. Predator Control Services.

In accordance with the "Utah Animal Damage Control Program", the State Department of Agriculture and Food may elect to provide various degrees of predator control services to individual landowners, lessors, or administrators, as per separately negotiated agreements. Those who fail to pay annual fees as required under Section 4-23-7 may only receive minimal levels of service.

KEY: administrative procedure, enforcement

Date of Enactment or Last Substantive Amendment: August 14, 1995

Notice of Continuation: July 21, 2020

Authorizing, and Implemented or Interpreted Law: 4-2-2(1)(j); 4-23-7