

**R58. Agriculture and Food, Animal Industry.**

**R58-20. Domesticated Elk Hunting Parks.**

**R58-20-1. Authority and Purpose.**

In accordance with the Domesticated Elk Act, and the provisions of Section 4-39-106, Utah Code, this rule specifies:

- (a) procedures for obtaining domesticated elk facility licenses,
- (b) requirements for operating those facilities,
- (c) standards for disposal/removal of animals within those facilities,
- (d) health standards and requirements in such facilities;
- (e) issuance of domesticated elk hunting permits;
- (f) exchange of domesticated elk hunting permits; and
- (g) refund of domesticated elk hunting permits.

**R58-20-2. Definitions.**

In addition to terms used in Section 4-39-102, and R58-18-2:

(1) "Division" means the Division of Animal Industry, in the Utah Department of Agriculture and Food.

(2) "Domestic elk" means any elk which is born inside of, and has spent its entire life in captivity, and is the offspring of domestic elk.

(3) "Elk farm" means a place where domestic elk are raised, bred and sold within the practice of normal or typical ranching operations.

(4) "Hunting Park" means a place where domestic elk are harvested through normal or typical hunting methods.

(5) "Isolation Facility" means a confined area where selected elk can be secured, contained and isolated from all other elk or livestock.

(6) "Secure Enclosure" means a perimeter fence or barrier that is constructed and maintained in accordance with Section 4-39-201 and will prevent domestic elk from escaping into the wild or the ingress of big game wildlife into the facility.

**R58-20-3. Application and Licensing Process.**

(1) Pursuant to Section 4-39-203, Utah Code, the owner of each facility that is involved in the hunting of domestic elk must first fill out and complete a separate elk hunting park application which shall be submitted to the Division for approval.

(2) In addition to the application, a general plot plan should be submitted showing the location of the proposed hunting park in conjunction with roads, town, etc. in the immediate area.

(3) A facility number shall be assigned to an elk hunting park at the time a completed application is received at the Department of Agriculture and Food building.

(4) A complete facility inspection and approval shall be

conducted prior to the issuing of a license or entry of elk to any facility. This inspection shall be made by an approved Department of Agriculture and Food employee and Division of Wildlife Resources employee. It shall be the responsibility of the applicant to request this inspection at least 72 hours in advance.

(5) Upon receipt of an application, inspection and approval of the facility, completion of the facility approval form, and receipt of the license fee, a license will be issued.

(6) All licenses for hunting parks expire on July 1 in the year following the year of issuance.

(7) No domestic elk shall be allowed to enter a hunting park until a license is issued by the division and received by the applicant.

#### **R58-20-4. License Renewal.**

(1) All laws found in Section 4-39-205 and rules found in R58-18-4 pursuant to the renewal of elk farms are applicable to elk hunting parks.

#### **R58-20-5. Facilities.**

(1) Fencing requirements established by Section 4-39-201 of the Utah Code are applicable to both domestic elk farms and hunting parks.

(2) A hunting park for domesticated elk may be no smaller than 600 fenced contiguous acres, with sufficient trees, rocks, hills and natural habitat, etc. to provide cover for the animals. Hunting park owners intending to operate facilities larger than 5,000 acres must obtain prior written approval of the Elk Advisory Council, following studies, reviews or assessments, etc., which the Council may deem necessary to undertake, in order to make an informed decision.

(3) There shall be notices posted on the outside fence and spaced a minimum of every 100 yards, to notify the public that the land area is a private hunting park.

(4) Each location of a licensed facility with separate perimeter fences must have its own separate loading facility.

(5) To be licensed, the park must include a handling and isolation facility which can be accessed and operated with reasonable ease for identification and disease control purposes. An exception to this rule may be granted in cases where there is a licensed farm owned by the same individual within 50 miles of the hunting park which can be accessed in a reasonably short period of time.

#### **R58-20-6. Records.**

(1) All laws and rules set forth in Sections 4-39-206 and R58-18-6 apply to hunting parks.

**R58-20-7. Genetic Purity.**

(1) All laws and rules found in Sections 4-39-301 and R58-18-7 pursuant to genetic purity are applicable to hunting parks.

**R58-20-8. Acquisition of Elk.**

(1) All laws and rules found in Sections 4-39-302, 4-39-303, R58-18-8 and R58-18-11 pursuant to importation or acquisition of domestic elk are applicable to hunting parks.

**R58-20-9. Identification.**

(1) All laws and regulations provided in Sections 4-39-304 and R58-18-9 governing individual animal identification are applicable in hunting parks.

**R58-20-10. Inspections.**

(1) All hunting park facilities must be inspected yearly within 60 days before a license or the renewal of an existing license is issued. It is the responsibility of the applicant to arrange for an appointment with the department for such inspection, giving the department ample time to respond to such a request.

(2) All elk must be inspected for inventory purposes within a reasonable timely period before a license renewal can be issued.

(a) All elk must be removed from hunting grounds by harvest or recapture by December 31 of each year to ensure conclusive inventory.

(3) All live domestic elk must be brand inspected prior to entering or leaving the park.

(4) Any elk purchased or brought into the facility from an out-of-state source shall be inspected upon arrival at a licensed hunting park before being released into an area inhabited by other domestic elk.

(5) A Utah Brand Inspection Certificate shall accompany any shipment of live elk into or out of the hunting park including those which move from facility to facility within Utah.

(6) A Domestic Elk Harvest Permit must be filled out by the park owner at the time of harvest. One copy of the permit shall be sent to the division office, one copy shall go to the hunter and one copy shall be kept on file at the facility. Validated tags must be attached to the carcass and the antlers prior to leaving the park and remain affixed during transportation to residence, meat processor, taxidermist, etc.

(7) Pursuant to Section 4-39-207, agricultural inspectors may, at any reasonable time during regular business hours, have free and unimpeded access to inspect all facilities, animals and records where domestic elk are kept.

**R58-20-11. Health Rules.**

(1) All laws and rules found in Sections 4-39-107, R58-18-11 and R58-18-12 pursuant to animal health are applicable to hunting parks.

**R58-20-12. Meat.**

(1) The selling of domestic elk meat obtained from a licensed hunting park will not be allowed and:

(a) Must be consumed by either the hunter or park owner or their immediate family members, regular employees or guests, or the meat shall be:

(b) Donated as a charitable food item in compliance with Section 4-34-103 of the Utah Agriculture Code.

**R58-20-13. Dissolution of an Elk Hunting Park.**

(1) Before an elk hunting park can be dissolved all elk must be removed from the premises.

(2) Any abandoned elk will be removed by the Utah Department of Agriculture and Food using lethal means.

(a) Carcasses will be disposed of by either disposal in an approved landfill, incineration, or donated as a charitable food item in compliance with Section 4-34-103 of the Utah Agriculture Code.

(b) Costs for removal of abandoned elk will be charged to the owner of the elk hunting park.

**R58-20-14. Liability.**

(1) All laws found in Section 4-39-401 concerning the escape of domesticated elk are applicable to hunting parks.

(2) A hunting park owner shall remove all wild big game animals prior to enclosing the park. If wild big game animals are found within the park after it has been licensed, the owner shall notify the Division of Wildlife Resources within 48 hours. A cooperative removal program may be designed by the parties involved to remove the animals.

(3) No person(s) may hunt domestic elk in an approved park without first being issued written permission to do so from the owner. The approval document shall be in the hunter's possession during hunting times. Hunting hours will be from 1/2 hour before sunrise to 1/2 hour after sunset.

(4) In accordance with the state's governmental immunity act, as found in Section 63G-7-101, et seq., the granting of a hunting park license or the imposing of a requirement to gain an owner's permission does not attach any liability to the state for any accident, mishap or injury that occurs on, adjacent to, or in connection with the hunting park.

**R58-20-15. Obtaining Domesticated Elk Harvest Permits.**

(1) An owner of a licensed domesticated elk hunting park may purchase domesticated elk harvest permits beginning July 1st.

(2) Application for the domesticated elk harvest permits shall be made on forms approved by the Department.

(3) Payment for harvest permits shall be received prior to issuance of any harvest permits.

**R58-20-16. Harvest Permit Terms.**

(1) Harvest season for domesticated elk begins on August 1st and ends December 31st.

(2) Permits are only valid for the hunting season for which they are issued.

**R58-20-17. Exchanges of Harvest Permits.**

(1) An owner of a licensed domesticated hunting park may exchange a harvest permit issued to a hunter without paying an additional fee for a permit provided:

(a) a signed affidavit by the owner of the hunting park stating that a domesticated elk was not harvested by the person listed on the permit; and

(b) all unused copies of the permit are returned to the department before the replacement permit may be issued.

**R58-20-18. Refunds.**

(1) A refund may be issued to the owner of a domesticated elk hunting park if a domesticated elk harvest provided the owner of the facility:

(a) submits an application for refund prior to May 1st; and

(b) the harvest permit is returned unused.

**KEY: elk, hunting permits, hunting parks, inspections**

**Date of Enactment or Last Substantive Amendment: July 22, 2019**

**Notice of Continuation: January 7, 2019**

**Authorizing, and Implemented or Interpreted Law: 4-39-106**