

R58. Agriculture and Food, Animal Industry.

R58-20. Elk Ranches.

R58-20-1. Authority and Purpose.

Promulgated under the authority of Section 4-39-106 this rule establishes procedures for applying for and renewing licenses, health requirements, and standards for operating an elk ranch.

R58-20-2. Definitions.

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

- (1) "Division" means the Division of Animal Industry, in the Utah Department of Agriculture and Food.
- (2) "Elk ranch" means a facility where domesticated elk are harvested through normal or typical hunting methods.

R58-20-3. Application and Licensing Process.

- (1) Each applicant for a license to operate an elk ranch shall submit a signed, complete, accurate, and legible application on a department issued form.
- (2) In addition to the application, a general plot plan should be submitted showing the location of the proposed elk ranch in conjunction with roads, town, and other points of interest in the immediate area.
- (3) A premises identification number shall be assigned to an elk ranch when a finished application is received by the department.
- (4) A complete facility inspection and approval shall be conducted before issuing a license or entry of elk to any facility. This inspection shall be made by an approved department employee and a Division of Wildlife Resources employee. It shall be the applicant's responsibility to request this inspection at least three business days in advance.
- (5) Upon receipt of an application, inspection of the facility, completion of the facility approval form, and receipt of the license fee, a license shall be issued.
- (6) Each license expires on July 1 in the year following the year of issuance.
- (7) Elk may enter the facility only after the department issues a license.

R58-20-4. License Renewal.

- (1) Each elk ranch shall apply for license renewal to the department no later than April 30th, indicating its desire to continue as an elk ranch. The required fee shall accompany this application. Any license renewal application received after April 30th will have a late fee assessed.
- (2) Any facility that does not apply for renewal before July 1st is delinquent.
- (3) If the application and fee for renewal are not received on or before July 1, the license shall not be renewed, and a new license shall be required.
- (4) Any animals on the premises shall be quarantined until a new license is acquired or due process of law has occurred.
- (5) An operator of an elk ranch that has had their license expire or had their license revoked shall remove any elk from the facility within 30 calendar days by:
 - (a) sending elk to an inspected facility for slaughter; or
 - (b) selling elk to another facility.
- (6) Any elk remaining on the facility at the end of 30 days shall be sold by the department during a special sale conducted for that purpose.
- (7) A department employee shall inspect the facility before license renewal.
- (8) The employee shall inspect the facility and document that each fencing and facility requirement in Sections 4-39-201 and R58-18-5 is met.
- (9) This inspection shall be held within 60 days of license renewal.
- (10) The applicant is responsible for arranging an appointment with the department for inspection and giving the department reasonable time to respond to a request.
- (11) The employee shall determine if any domesticated elk remain on the elk ranch.
- (12) The department shall reconcile records received from the elk facility with those maintained by the department. Records obtained from the facility include death reports, harvest permits, and brand inspections.
- (13) Inventory records provided by the facility and records maintained by the department shall have at least a 95% match.
- (14) Failure to meet the 95% match may result in the revocation of the license.
- (15) Failure to meet the 95% match for two consecutive years shall result in the revocation of the license.
- (16) The facility shall meet chronic wasting disease (CWD) testing requirements described in Section R58-20-15.

R58-20-5. Facilities.

- (1) No cervids other than domesticated elk are allowed to enter and be kept on any elk ranch.
- (2) Each perimeter fence and gate shall meet the minimum standard defined in Section 4-39-201. The perimeter fences and gates shall be constructed to prevent the movement of cervids, both captive and wild, into or out of the facility.
- (3) An elk ranch may be no smaller than 600 fenced contiguous acres, with sufficient trees, rocks, hills, and natural habitat, to provide cover for the animals. Elk ranch owners intending to operate facilities larger than 5,000 acres shall obtain

written approval from the Elk Advisory Council, following studies, reviews, or assessments, which the Council may consider necessary to undertake, to make an informed decision.

(4) The elk ranch owner shall provide sufficient signage around the facility indicating that it is a domesticated elk facility, so the public is notified that the animals are not wild elk.

(5) Each location of a licensed facility with separate perimeter fences shall have a separate loading facility.

(6) To be licensed, the elk ranch shall include a handling facility that can be accessed and operated with reasonable ease for identification and disease control purposes. An exception to this section may be granted in cases where there is a licensed farm owned by the same individual within 50 miles of the elk ranch that can be accessed in a reasonably short period.

(7) Each requirement in Section 4-39-401 concerning the escape of domesticated elk applies to elk ranches.

(8) An elk ranch owner shall remove any wild big game animals before enclosing the elk ranch. If wild big game animals are found within the elk ranch after it has been licensed, the owner shall notify the department and Division of Wildlife Resources within 48 hours. The parties involved may design a cooperative removal program to remove the animals.

R58-20-6. Records.

(1) Licensed elk ranches shall maintain accurate and legible office records showing the inventory of each elk on the facility.

(2) The record of each animal shall include the following:

(a) name and address of the agent that the elk was bought from;

(b) official RFID tag number;

(c) visual tag number, "ranch" or "dangle" tag;

(d) age;

(e) sex;

(f) date of purchase;

(g) date and method of death;

(h) Certificate of Veterinary Inspection if bought out of state; and

(i) laboratory results.

(3) A death record of elk 12 months of age and over that die, are harvested, slaughtered, killed, or destroyed shall be submitted to the department within 30 days of discovering the animal's death. A harvest permit may serve as the death record.

R58-20-7. Genetic Purity.

(1) Elk entering Utah, except those going directly to an official slaughter facility, shall have written evidence of genetic purity.

(2) Written evidence of genetic purity shall include:

(a) test charts from an approved lab that has completed;

(i) a blood genetic purity test; or

(ii) a DNA genetic purity test;

(b) registration papers from the North American Elk Breeders Association; or

(c) herd purity certification papers issued by another state agency.

(3) Genetic purity records shall be kept on file and presented to the department upon request.

(4) Any elk identified as having red deer genetic factor shall be destroyed or immediately removed from the state.

R58-20-8. Identification.

(1) Each elk shall have two forms of identification that includes:

(a) a tamper-resistant RFID tag; and

(i) The RFID tag shall be placed in the right ear.

(ii) Purchased elk must have an RFID tag applied before arrival at the premises.

(iii) Replacement RFID tags and the visual tag number shall be reported to the department within seven days of application.

(b) a visible dangle ear tag before arriving at the premises.

R58-20-9. Inspections.

(1) Elk shall be removed from elk ranches by harvest or recapture by December 31 of each year.

(2) Any recaptured live domesticated elk going to different premises shall be reported to the department before leaving the elk ranch.

(3) Only US-raised elk may be recaptured and moved. Elk imported from international herds must be harvested within the same season they are imported.

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

(5) The licensee is responsible for arranging any inspection with the domesticated elk program manager.

(6) A 48 hours notice shall be given to the inspector.

(7) Elk to be inspected shall be contained in facilities adequate to inspect each animal properly.

(8) Each elk shall have its RFID tag and visual dangle tag recorded on its brand inspection.

(9) Pursuant to Section 4-39-207, the department may, at any reasonable time during regular business hours, have free and unimpeded access to inspect any facilities, animals, and records where domesticated elk are kept.

R58-20-10. Health Rules.

(1) Before the importation of elk, whether by live animals, gametes, eggs, sperm, or other genetic material into Utah, the importing party shall obtain an import permit from the state veterinarian.

(2) An import permit number shall be issued only if the destination herd is a licensed elk facility or an official slaughter facility.

(3) The import permit number shall be obtained from the department by the veterinarian conducting the official health inspection.

(4) Each elk imported into Utah shall be examined by an accredited veterinarian before importation and shall be accompanied by a valid Certificate of Veterinary Inspection that meets the disease testing requirements listed in this rule.

(5) Disease testing results and health statements shall be included on the Certificate of Veterinary Inspection. Testing requirements may be waived on elk traveling directly to an official slaughter facility.

(6) Elk imported from a US herd shall test negative for tuberculosis within 90 days before entry unless enrolled in a tuberculosis herd monitoring accreditation program.

(7) Elk imported from Canada shall test negative for tuberculosis within 90 days before entry and brucellosis within 30 days before entry.

(8) Elk imported from a brucellosis Designated Surveillance Area shall participate in their state's brucellosis surveillance program or test negative for brucellosis within 30 days before entry. Herds participating in their state's surveillance program shall provide a letter from their state veterinarian or designee stating their participation and their last herd test date.

(9) The Certificate of Veterinary Inspection shall include the signed statement: "To the best of my knowledge, the elk listed herein are not infected with Johne's Disease (Paratuberculosis), CWD, or Malignant Catarrhal Fever and have never been east of the 100th meridian."

(10) The Certificate of Veterinary Inspection shall also contain the shipper's and receiver's name and address and the number, sex, age, and any individual identification on each animal.

(11) Domesticated elk being imported from an international herd shall be:

(a) male;

(b) imported to an elk ranch for use in the elk ranch;

(c) harvested in the same season in which the domesticated elk enter the state; and

(d) an exception to this rule if approved by the state veterinarian which may require quarantine.

(12) Additional disease testing or quarantine may be required at the discretion of the state veterinarian when there is reason to believe other diseases, parasites, or other health concerns are present.

(13) Treatment of each elk for internal and external parasites is required within 30 days before entry, except for elk going directly to an official slaughter facility.

(14) Each elk imported into Utah shall originate from a state or province that requires that any CWD-suspect domesticated elk or CWD-positive domesticated elk be reported to the state veterinarian or regulatory authority. The state or province of origin shall have the authority to quarantine source herds and herds affected with or exposed to CWD.

(15) Each elk imported into Utah shall originate from a state or province implementing a CWD Herd Certification Program.

(16) Each elk imported to Utah shall originate from herds participating in a verified CWD surveillance program for at least five years and are considered "certified" in that program.

(17) Animals will be accepted for movement only if epidemiology based on vertical and horizontal transmission is in place.

(18) No elk originating from a CWD-positive herd or involved in a trace for CWD may be imported to Utah.

(19) Elk semen, eggs, or gametes require a Certificate of Veterinary Inspection verifying the source animal has genetic purity and certifying that it has never resided on premises where CWD has been identified or traced. An import permit obtained by the issuing veterinarian shall be listed on the Certificate of Veterinary Inspection.

R58-20-11. Meat.

(1) The selling of domesticated elk meat obtained from a licensed elk ranch is not allowed. The meat may be:

(a) consumed by either the hunter or ranch owner or their immediate family members, employees or guests; or

(b) donated as a charitable food item in compliance with Section 4-34-103.

R58-20-12. Dissolution of an Elk Ranch.

(1) Before an elk ranch can be dissolved, any elk shall be removed from the premises.

(2) Any abandoned elk will be removed by the department or Division of Wildlife Resources 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.

(b) Costs for the removal of abandoned elk shall be charged to the owner of the elk ranch.

R58-20-13. Liability.

In accordance with Section 63G-7-101, the granting of an elk ranch license or the imposing of a requirement to gain an owner's permission does not attach any liability to the department for any accident, mishap, or injury that occurs on, adjacent to, or in connection with the elk ranch.

R58-20-14. Domesticated Elk Harvest Permits.

- (1) Harvest season for domesticated elk begins August 1 and ends December 31.
- (2) Hunting hours shall be from 1/2 hour before sunrise to 1/2 hour after sunset.
- (3) No persons may hunt elk in an approved elk ranch without first being issued a Domestic Elk Harvest Permit from the owner. The permit shall be in the hunter's possession during hunting times.
- (4) The elk ranch owner shall fill out a Domestic Elk Harvest Permit at the time of harvest.
- (5) One copy of the permit shall be sent to the department, one copy shall go to the hunter, and one copy shall be kept on file at the facility.
- (6) Validated tags shall be attached to the carcass and the antlers before leaving the park and remain affixed during transportation to a residence, meat processor, taxidermist, or the destination.
- (7) Permits shall be sent to the department within 30 days of harvest.
- (8) An owner of a licensed elk ranch may purchase domesticated elk harvest permits from the department. Payment for harvest permits shall be received before issuance of any harvest permits.
- (9) An owner of a licensed elk ranch may exchange a harvest permit issued to a hunter for a new permit without paying an additional fee if the owner provides to the department:
 - (a) an affidavit by the owner of the elk ranch stating that the person listed on the permit did not harvest a domesticated elk; and
 - (b) any unused harvest permits.
- (10) A refund for an unused domesticated elk harvest permit may be issued to the owner of an elk ranch if the owner of the facility returns the unused harvest permit to the department.

R58-20-15. CWD Surveillance and Investigation.

- (1) Any person or laboratory who suspects or diagnoses CWD in a domesticated elk in Utah shall notify the state veterinarian immediately.
- (2) The state veterinarian shall promptly investigate any animals reported as CWD-positive domesticated elk or CWD-suspect domesticated elk.
- (3) The state veterinarian may:
 - (a) conduct an epidemiologic investigation of CWD-positive, CWD-exposed, and CWD-suspect herds that includes the designation of suspect domesticated elk and exposed domesticated elk and that identifies animals to be traced;
 - (b) conduct tracebacks of CWD-positive animals and trace outs of CWD-exposed animals and report any out of state traces to the appropriate state promptly after receipt of notification of a CWD-positive animal; and
 - (c) conduct tracebacks based on slaughter or another sampling promptly after receipt of notification of a CWD-positive animal at slaughter.
- (4) Within 30 days of the date a suspect domesticated elk or positive domesticated elk is reported to the department, the state veterinarian shall provide written notice to an owner of a domesticated elk facility of:
 - (a) the status of the animal disease traceability investigation, including any findings; and
 - (b) the owner's right to appeal.
- (5) With the approval of the commissioner, the state veterinarian may place an elk facility under quarantine if a domesticated elk at the elk facility has, within the previous 60 months:
 - (a) tested positive for CWD; or
 - (b) commingled with a CWD-positive elk in a quarantined domesticated elk facility.
- (6) The state veterinarian may not place an elk facility under quarantine if no CWD-positive, CWD-suspect, or commingled domesticated elk resided at the domesticated elk facility.
- (7) Each licensed elk ranch shall be required to submit both the obex portion of the brainstem and medial retropharyngeal lymph nodes of any elk over 12 months of age that die or are otherwise harvested or destroyed for testing for CWD by an official test at an approved laboratory.
- (8) The samples shall be collected by an approved laboratory or a person authorized by the state veterinarian. Approved personnel shall have training on collecting, storing, handling, shipping, and identifying specimens for submission.
- (9) At least 90% of the elk shall have at least one sample be testable by the laboratory.
- (10) Samples designated as "location," "unsuitable," or "insufficient follicles" and missing samples are considered untestable.
- (11) Individuals with less than 90% testable samples may lose their approval to collect samples and may be required to undergo additional training before being re-approved.
- (12) The department may deny, revoke, or suspend a domestic elk ranch license if the ranch fails to submit at least one testable sample for 90% of elk.
- (13) The CWD surveillance samples from elk residing on elk ranches shall be collected and preserved in formalin within 48 hours following the animal's death and submitted within 30 days to a laboratory approved by the state veterinarian.

(14) Laboratory fees and expenses incurred for collecting and shipping samples shall be the responsibility of the participating elk ranch.

(15) The state veterinarian will determine the designation and disposition of CWD-exposed, positive, or suspect domesticated elk or herds in Utah.

R58-20-16. CWD-Positive Herd Management.

(1) Each domesticated elk ranch with an elk that tested positive for CWD or commingled with an elk that tested positive for CWD shall receive a written herd plan developed by the state veterinarian with input from the herd owner, USDA, and other affected parties.

(2) The herd plan identifies the steps to manage CWD in a CWD-positive herd.

(3) A herd plan shall require the following:

(a) specified means of identification for each animal in the herd;

(b) regular examination of animals in the herd by a veterinarian for signs of disease;

(c) reporting to a state or USDA representative of any signs of central nervous system disease in herd animals; and

(d) maintaining records of the acquisition and disposition of any animals entering or leaving the herd, including the date of purchase or removal, name and address of the person from whom the animal was acquired or to whom it was disposed of, and cause of death, if the animal died while in the herd.

(4) A herd plan may also contain additional requirements to prevent or control the possible spread of CWD, depending on the condition of the herd and its premises, including specifying:

(a) the time for which premises shall not contain cervids after CWD-positive, exposed, or suspect animals are removed from the premises;

(b) fencing requirements;

(c) depopulation or selective culling of animals;

(d) restrictions on sharing and movement of possibly contaminated livestock equipment; and

(e) cleaning and disinfection requirements, or other biosecurity requirements.

(5) The state veterinarian shall approve any movement of cervids onto or off the facility.

(6) Movement restriction of cervids shall remain in place until the requirements of the herd plan have been met.

(7) Requirements to move elk from a positive CWD elk ranch to an official slaughter facility are as follows:

(a) comply with Section R58-20-10; and

(b) each elk shall be tested for CWD.

(8) The state veterinarian may review and revise a herd plan at any time in response to changes in the herd or premises or improvements in understanding the nature of CWD epidemiology or techniques to prevent its spread.

R58-20-17. Grounds for Denial, Suspension, or Revocation of Licenses for Domestic Elk Facilities.

(1) The department shall deny, suspend, or revoke a license to operate an elk ranch if the licensee or applicant:

(a) fails, for two consecutive years, to:

(i) meet inventory requirements as required by the department;

(ii) submit at least one testable CWD sample for at least 90% of mortalities over 12 months old; or

(iii) notify the department that there are wild cervids inside an elk ranch;

(b) fails to present animals for identification at the request of the department or allow the department to have access to facility records; or

(c) violates the import requirements of Section 4-39-303.

(2) The department may deny, revoke, or suspend a license to operate an elk ranch if, after delivery of notice and an opportunity to correct, the licensee or applicant:

(a) provides:

(i) an unfinished application or incorrect application information; or

(ii) incorrect records or failure to maintain required records.

(b) fails to:

(i) notify the department of the movement of elk onto or from the facility;

(ii) identify elk as required;

(iii) notify the department concerning an escape of an animal from a domesticated elk facility;

(iv) maintain a perimeter fence that prevents the escape of domesticated elk or ingress of wild cervids into the facility;

(v) participate with the department in a cooperative wild cervid removal program;

(vi) submit at least one testable CWD sample for at least 90% of mortalities over 12 months old; or

(vii) have the minimum proper equipment necessary to safely and humanely handle animals in the facility;

(c) moves imported elk onto a facility without getting a Certificate of Veterinary Inspection that has an import permit number from the department;

(d) imports animals that are prohibited or controlled by the Division of Wildlife Resources; or

(e) handles animals in a manner that violates acceptable animal husbandry practices.

(3) The department will provide the facility with a written notice if they do not meet the requirements listed in Subsections R58-20-17(1) and R58-20-17(2). The facility will be given 30 days to correct the deficiencies.

(4) Once the department has notified the operator of an elk ranch of the denial, suspension, or revocation of a license to operate an elk ranch, the operator has 15 calendar days to request an appeal with the commissioner.

(5) An operator of an elk ranch that has had their license revoked shall remove any elk from the facility within 30 calendar days by:

(a) sending any elk to an inspected facility for slaughter; or

(b) selling elk to another facility.

(6) Any elk remaining on the facility at the end of 30 days shall be sold by the department during a special sale conducted for that purpose.

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