

- (xv) Fetal Addiction to alcohol or other substance;
  - (xvi) Fetal Exposure to Alcohol or other Harmful Substances;
  - (xvii) Juvenile Perpetrator - significant [or non-significant] risk of Sexual [and/or] Severe Physical Abuse;
  - (xviii) Labor Trafficking;
  - (xix) Lewdness;
  - (xx) Medical Neglect;
  - (xxi) Medical neglect resulting in death/disability/serious illness;
  - (xxii) Non-Supervision;
  - (xxiii) Pediatric Condition Falsification;
  - (xxiv) Physical Abuse;
  - (xxv) Physical Neglect;
  - (xxvi) Ritual Abuse;
  - (xxvii) Safe Relinquishment of a Newborn;
  - (xxviii) Severe Abuse;
  - (xxix) Severe Neglect;
  - (xxx) Sexual Abuse;
  - (xxxi) Sexual Exploitation;
  - (xxxii) Sexual Trafficking; and
  - (xxxiii) Sibling or Child at Risk.
- (b) Any allegations with the following findings are never eligible for expungement:
- (i) False Report;
  - (ii) Unable to Locate;
  - (iii) Unable to Complete; and
  - (iv) Substantiated by the Juvenile Court.

**KEY: child abuse, expungement of records**  
**Date of Enactment or Last Substantive Amendment: [~~June 21, 2018~~2019]**  
**Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-1008**

**Natural Resources, Wildlife Resources**  
**R657-53**  
**Amphibian and Reptile Collection,**  
**Importation, Transportation and**  
**Possession**

**NOTICE OF PROPOSED RULE**  
 (Repeal and Reenact)  
 DAR FILE NO.: 44078  
 FILED: 09/16/2019

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** These rule amendments are to clarify procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles.

**SUMMARY OF THE RULE OR CHANGE:** The revisions to this rule: 1) streamline the mechanism by which the division approves and permits collection of reptiles and amphibians

from the wild; 2) liberalize the possession of captive bred specimens; 3) establish daily collection and total possession limits; 4) require a mandatory reporting of collection events; 5) create a mandatory education course and establish a Reptile and Amphibian Collection Permit; 6) define prohibited species and the variance process to obtain them; 7) change native species to controlled; 8) remove regulations on the propagation of controlled or noncontrolled specimens; 9) allow for the sale of offspring; and 10) make additional technical corrections.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-14-18 and Section 23-14-19

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** These rule amendments add an online education course and the requirement to obtain a collection permit. The Division of Wildlife Resources (DWR) has determined that by adding these requirements this rule does not create a cost or savings impact to the state budget or DWR's budget and can be completed within the scope of DWR's personnel.
- ◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
- ◆ **SMALL BUSINESSES:** None--This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule amendments will require the participant to obtain an additional permit for those wishing to participate in the collecting of native reptiles and amphibians. The cost of the permit is \$0 (zero) dollars. DWR has determined that these amendments to this rule will not generate a cost impact to those choosing to participate.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** These amendments add an educational requirement that does not incur a cost, and the requirement to obtain a permit. The current cost of the permit is \$0 (zero) dollars. DWR therefore has determined that these amendments will not create a cost impact to those wishing to participate in the program.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After conducting a thorough analysis, it has been determined that these proposed rule amendments will not result in a fiscal impact to businesses.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**  
 NATURAL RESOURCES

WILDLIFE RESOURCES  
 1594 W NORTH TEMPLE  
 SALT LAKE CITY, UT 84116-3154  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Mike Fowlks, Director

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because there is no financial cost to implement these amendments or to participate in the program.

The head of department of natural resources, Brian Steed, has reviewed and approved this fiscal analysis.

**R657. Natural Resources, Wildlife Resources.  
 R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.**

**[R657-53-1. Purpose and Authority.**

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Specific dates, species, areas, number of pre-authorized certificates of registration, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for amphibians and reptiles.

(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(6) This rule does not apply to division employees acting within the scope of their assigned duties.

**R657-53-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

(2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.

(3) "Captive-bred" means any legally-obtained amphibian or reptile, for which fertilization and birth occurred in captivity, has spent its entire life in captivity, and is the offspring of legally obtained progenitors.

(4) "Certificate of registration" means a document issued under the Wildlife Resources Code, or any other rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit or tag.

Appendix 1: Regulatory Impact Summary Table\*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

— (5) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of an amphibian or reptile, as provided in Rule R58-1.

— (6) "Collect" means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile within Utah.

— (7) "Commercial use" means any activity through which a person in possession of an amphibian or reptile:

— (a) receives any consideration for the amphibian or reptile or for a use of the amphibian or reptile, including nuisance control; or

— (b) expects to recover all or any part of the cost of keeping the amphibian or reptile through selling, bartering, trading, exchanging, breeding, or other use, including displaying the amphibian or reptile for entertainment, advertisement, or business promotion.

— (8) "Controlled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

— (9) "Den" means any place where reptiles congregate for winter hibernation or brumation.

— (10) "Educational use" means the possession and use of an amphibian or reptile for conducting educational activities concerning wildlife and wildlife-related activities.

— (11) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

— (12) "Export" means to move or cause to move any amphibian or reptile from Utah by any means.

— (13) "Import" means to bring or cause an amphibian or reptile to be brought into Utah by any means.

— (14) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal.

— (15) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

— (16) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

— (17) "Noncontrolled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses no significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

— (18) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

— (19) "Personal use" means the possession and use of an amphibian or reptile for a hobby or for its intrinsic pleasure and where

no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

— (20) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

— (21) "Pre-authorized certificate of registration" means a certificate of registration that:

— (a) meets the criteria established in Subsection R657-53-11(1)

— (b) has been approved by the division; and

— (c) is available for issuance.

— (22) "Prohibited species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-53-23(1)(a) or R657-53-19.

— (23) "Propagation" means the mating of a male and female amphibian or reptile in captivity.

— (24) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

— (25) "Scientific use" means the possession and use of an amphibian or reptile for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

— (26) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

— (27) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudinata, Class Reptilia.

— (28) "Wild population" means native or naturalized amphibians or reptiles living in nature including progeny from a gravid female where fertilization occurred in the wild and birth occurred within six months of collection.

— (29) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

#### **R657-53-3. Liability.**

— (1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized amphibian or reptile and for any other activity authorized by the certificate of registration.

— (b) To the extent provided under the Utah Governmental Immunity Act, the division shall not be liable in any civil action for:

— (i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

— (ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

— (2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing amphibians or reptiles.

#### **R657-53-4. Animal Welfare.**

— (1) Any amphibian or reptile held in possession under the authority of a certificate of registration shall be maintained under

humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

**R657-53-5. Collection, Importation, and Possession of Threatened and Endangered Species.**

(1) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act is prohibited from collection, importation, possession, or propagation except:

(a) The division may authorize the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule for controlled species where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; or

(b) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

**R657-53-6. Release of an Amphibian or Reptile to the Wild -- Capture or Disposal of Escaped Wildlife.**

(1) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining authorization from the division.

(2)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live amphibian or reptile that escapes from captivity.

(b) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

**R657-53-7. Inspection of Documentation.**

A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession.

**R657-53-8. Certificate of Registration Required.**

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any amphibian or reptile or their parts as provided in rule and the proclamations of the Wildlife Board for amphibians and reptiles, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-26(1)(c), R657-53-27(5) and R657-53-28(7); or

(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.

(c) An application for an amphibian or reptile classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the amphibian or reptile meets the criteria

provided in Subsections R657-53-23(1)(a), R657-53-24(c)(i) or R657-53-19.

(d) Pre-authorized certificates of registration may be issued for collection and the resulting possession of amphibians and reptiles classified as controlled for collection pursuant to R657-53-13.

(2)(a) Certificates of registration expire as designated on the certificate of registration.

(b) Certificates of registration are not transferable.

(c) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(d) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.

(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.

(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(6) Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.

**R657-53-9. Application Procedures -- Fees.**

(1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) The application may require up to 45 days for review and processing.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Legal tender in the correct amount must accompany the application.

(b) The certificate of registration fee includes a nonrefundable handling fee.

(c) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

**R657-53-10. Retroactive Effect on Possession.**

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that amphibian or reptile where the amphibian or reptile's classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited.

(2) The certificate of registration shall be obtained within six months of the reclassification, or possession of the amphibian or reptile thereafter shall be unlawful.

(3) The certificate of registration for a species where the classification has changed from noncontrolled to controlled shall be issued for the life of the animal.

(4) The certificate of registration for a species where the classification has changed from noncontrolled or controlled to prohibited shall be renewed annually for the life of the animal.

(5) The division may require annual reporting.

**R657-53-11. Issuance Criteria.**

(1) The following factors shall be considered before the division may issue a certificate of registration:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals; and

(c) ecological and environmental impacts.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of an amphibian or reptile:

(a) the validity of the objectives and design;

(b) the likelihood the project will fulfill the stated objectives;

(c) the applicant's qualifications to conduct the research, including the requisite education or experience;

(d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of an amphibian or reptile:

(a) the objectives and structure of the educational program; and

(b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing or reissuing a certificate of registration 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 collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board; or

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

(d) The division may deny issuing or renewing a certificate of registration to an applicant where holding the amphibian or reptile at the proposed location violates federal, state or local laws.

(5) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(6) An appeal of the denial of an application may be made as provided in Section R657-53-20.

**R657-53-12. Amendment to Certificate of Registration.**

(1)(a) If material circumstances change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-53-11, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-53-20.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) An amphibian or reptile or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.

**R657-53-13. Pre-authorized Certificates of Registration for Personal Use.**

(1) Pre-authorized certificates of registration may only be issued for collection and the resulting possession for personal use of amphibians and reptiles classified as controlled for collection, as provided in this rule and the proclamation of the Wildlife Board.

(2) Pre-authorized certificates of registration shall be held to all conditions established in R657-53-8.

(3)(a) The criteria established in R657-53-11(1) shall be utilized to determine if pre-authorized certificates of registration shall be approved and issued.

(b) The criteria shall be applied to all amphibians and reptiles classified as controlled for collection.

(c) Pre-authorized certificates of registration shall be approved and issued only when the R657-53-11(1) criteria have been evaluated by the division and issuance found consistent with the criteria.

(4)(a) Applications for pre-authorized certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City.

(i) Applications for pre-authorized certificates of registration shall be accepted during the second full week of January and must be received by the Salt Lake Office by 5 p.m. Friday of that week.

(ii) Applications received before the second full week in January will not be accepted.

~~(iii) If necessary, a drawing will be held for those species that have more applications than available pre-authorized certificates of registration.~~

~~(iv) Remaining pre-authorized certificates of registration will be available after the second full week of January on a first-come, first-served basis.~~

~~(v) A person may not apply for or obtain more than one pre-authorized certificate of registration for each available species in a calendar year.~~

~~(vi) If available, pre-authorized certificates of registration shall be issued within five business days beginning the Monday after the second full week in January.~~

~~(vii) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be rejected.~~

~~(b)(i) Legal tender in the correct amount must accompany the application.~~

~~(ii) The pre-authorized certificate of registration fee includes a nonrefundable handling fee.~~

~~(c) Applications for pre-authorized certificates of registration may be denied as provided in R657-53-11(4).~~

~~(5)(a) Pre-authorized certificates of registration are not transferable, nor may they be amended to change collection area, species, bag limits, or dates.~~

~~(b) A holder of a pre-authorized certificate of registration shall notify the division within 30 days of any change in mailing address.~~

~~(c) An amphibian or reptile, or activities authorized by a certificate of registration may not be held or conducted at any location not specified on the certificate of registration without prior written permission from the division.~~

~~(6) Specific dates, species, areas, number of pre-authorized certificates of registration approved, and bag limits shall be published in the proclamation of the Wildlife Board for amphibians and reptiles.~~

~~(7)(a) Holders of a pre-authorized certificate of registration must report collection success or lack thereof to the division before the expiration date of the pre-authorized certificate of registration.~~

~~(b) The division shall issue a possession certificate of registration for the amphibian or reptile collected under the pre-authorized certification of registration for the life of the animal.~~

~~(c) Annual reporting to the division on the status of the animal is required or the possession certificate of registration becomes invalid.~~

#### **R657-53-14. Records and Reports.**

~~(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to applicable sections of this rule or the certificate of registration.~~

~~(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any amphibian or reptile has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.~~

~~(c) The records required under this section must be maintained for five years from the expiration date of the certificate of registration.~~

~~(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.~~

#### **R657-53-15. Transfer of Possession.**

~~(1) Any person who lawfully possesses an amphibian or reptile classified as prohibited or controlled may transfer possession of that amphibian or reptile only to a person who has first applied for and obtained a certificate of registration for that amphibian or reptile from the division, except as provided in Subsection (3).~~

~~(2) The division may issue a certificate of registration granting the transfer and possession of an amphibian or reptile only if the applicant/transferee meets the issuance criteria provided in Section R657-53-11.~~

~~(3) Upon the death of a certificate of registration holder, a legally obtained and possessed amphibian or reptile may pass to a successor, and a certificate of registration will be issued to the successor provided the amphibian or reptile poses no detrimental impact to community safety and the successor is qualified to handle the amphibian or reptile.~~

#### **R657-53-16. Violations.**

~~(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.~~

~~(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.~~

#### **R657-53-17. Division Responsibilities.**

~~(1) The division, in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:~~

~~(a) reviewing:~~

~~(i) petitions to reclassify species and subspecies of amphibians or reptiles; and~~

~~(ii) requests for variances to this rule; and~~

~~(b) making recommendations to the Wildlife Board.~~

~~(2) The division shall require a fee for the submission of a request provided in Section R657-53-18 and R657-53-19.~~

#### **R657-53-18. Request for Species Reclassification.**

~~(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.~~

~~(2) A request for reclassification must be made to the division by submitting an application for reclassification.~~

~~(3)(a) The application shall include:~~

~~(i) the petitioner's name, address, and phone number;~~

~~(ii) the species or subspecies for which the application is made;~~

~~(iii) the name of all interested parties known by the petitioner;~~

~~(iv) the current classification of the species or subspecies;~~

~~(v) a statement of the facts and reasons forming the basis for the reclassification; and~~

\_\_\_\_\_ (vi) copies of scientific literature or other evidence supporting the change in classification.

\_\_\_\_\_ (b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.

\_\_\_\_\_ (4)(a) The division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

\_\_\_\_\_ (b) The division shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

\_\_\_\_\_ (5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

\_\_\_\_\_ (i) consider the division recommendation; and

\_\_\_\_\_ (ii) any information provided by the petitioner or other interested parties.

\_\_\_\_\_ (b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).

\_\_\_\_\_ (6) A change in species classification shall be made in accordance with Title 63G, Chapter 4, Administrative Rulemaking Act.

\_\_\_\_\_ (7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

**R657-53-19. Request for Variance.**

\_\_\_\_\_ (1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the division.

\_\_\_\_\_ (2)(a) A request for variance shall include the following:

\_\_\_\_\_ (i) the name, address, and phone number of the person making the request;

\_\_\_\_\_ (ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

\_\_\_\_\_ (iii) a statement of the facts and reasons forming the basis for the variance.

\_\_\_\_\_ (b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.

\_\_\_\_\_ (3) The division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

\_\_\_\_\_ (4) At the next available Wildlife Board meeting the Wildlife Board shall:

\_\_\_\_\_ (a) consider the division recommendation; and

\_\_\_\_\_ (b) any information provided by the person making the request.

\_\_\_\_\_ (5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

\_\_\_\_\_ (b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

\_\_\_\_\_ (6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

\_\_\_\_\_ (b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request.

\_\_\_\_\_ (7) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

**R657-53-20. Appeal of Certificate of Registration Denial.**

\_\_\_\_\_ (1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the consistent with R657-2.

\_\_\_\_\_ (2) The request must be made within 30 days after the date of the denial.

**R657-53-21. Prohibited Collection Methods.**

\_\_\_\_\_ (1) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a certificate of registration or the Wildlife Board.

\_\_\_\_\_ (a) Lethal methods of collection are prohibited except as provided in Subsections R657-53-27(6) and R657-53-28(6), (8), and (9).

\_\_\_\_\_ (b) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

\_\_\_\_\_ (c) The use of winches, auto jacks, hydraulic jacks, crowbars and pry bars are prohibited.

\_\_\_\_\_ (d) The use of gasoline or other potentially toxic substance is prohibited.

\_\_\_\_\_ (e) The use of firearms, airguns or explosives is prohibited.

\_\_\_\_\_ (f) The use of electrical or mechanical devices, or smokers is prohibited except as provided in Subsection (2)(b).

\_\_\_\_\_ (g) The use of traps including pit fall traps, can traps, or funnel traps is prohibited.

\_\_\_\_\_ (h) The use of fykes, seines, weirs, or nets of any description are prohibited except as provided in Subsection (2)(b).

\_\_\_\_\_ (2)(a) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

\_\_\_\_\_ (b) Dip nets less than 24 inches in diameter, snake sticks, and lizard nooses may be used.

**R657-53-22. Personal Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.**

\_\_\_\_\_ (1) A person may collect and possess a live amphibian or reptile for personal use only as provided in Subsection (a), (b) or (c):

\_\_\_\_\_ (a) Certificates of registration are not issued for the collection and possession of any live amphibian or reptile classified as prohibited for collection and possession, except as provided in R657-53-19.

\_\_\_\_\_ (b) A certificate of registration is required for collection and possession of any live amphibian or reptile classified as controlled for collection and possession, except as otherwise provided by the Wildlife Board.

\_\_\_\_\_ (c) A certificate of registration is not required for collection and possession of any live amphibian or reptile classified as nonecontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).

(2) A person may collect and possess a dead amphibian or reptile or its parts for personal use only as provided in Subsections (a), (b) or (c).

(a) A person may collect and possess a dead amphibian or reptile or its parts classified as controlled for collection and possession without a certificate of registration as provided in Subsections (i) and (ii).

(i) The specimen must be frozen and submitted to the division by appointment within 30 days of collection; and

(ii) The specimen must be labeled with the species name; salvage date, salvage location, Universal Transverse Mercator (UTM) location coordinates and name of person collecting the dead amphibian or reptile.

(b) A certificate of registration is required for collection and possession of a dead amphibian or reptile or its parts classified as controlled for collection and possession where the dead amphibian or reptile or its parts remains in personal possession, except as otherwise provided by the Wildlife Board.

(i) A certificate of registration is not required for collection and possession of any dead amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).

(ii) Collection and possession of any dead amphibian or reptile or its parts classified as noncontrolled for collection and possession, which remain in personal possession will count against collection and possession limits.

(c) A dead amphibian or reptile or its parts classified as prohibited for collection and possession may not be collected and possessed without a certificate of registration issued by the division for collection and possession of the specimen.

(3) A person may temporarily handle for personal use live amphibians or reptiles classified as noncontrolled and controlled for collection and possession without a certificate of registration only as provided in Subsections (a) through (d).

(a) An amphibian or reptile may be held for up to 15 minutes in a non-harmful way for the purpose of photography, noninvasive data collection and moving out of harm's way;

(i) For the purposes of this Subsection, noninvasive data collection means the collection of external measurements, specimen weights, external meristics, and sex determination which does not involve the use of probes or other instruments which enter the body of the animal;

(b) The amphibian or reptile cannot be moved more than 60 feet from the location found;

(c) The amphibian or reptile can be placed in any container, bag or device which confines the animal so it may be transported; and

(d) The amphibian or reptile must be released immediately when directed to do so by a division employee.

(4) A certificate of registration is required for a person to handle live amphibians or reptiles classified as prohibited for collection and possession.

(5) A person may import and possess a live or dead amphibian or reptile or its parts for personal use only as provided in subsection (b), (c) and (d):

(a) Certificates of registration are not issued for the importation and possession of any live or dead amphibian or reptile or its parts classified as prohibited for importation and possession, except as provided in Subsection (d) and R657-53-19.

(b) A certificate of registration is required for importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for importation and possession, except as otherwise provided by the Wildlife Board and subsection (i).

(i) Prior to importation, a certificate of registration shall be issued for the importation and the resulting possession of any live amphibian or reptile for personal use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.

(ii) Legal documentation of the acquisition of the amphibian or reptile shall be maintained as determined in the certificate of registration.

(iii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iv) Imported native and naturalized species shall not count toward the possession limit.

(c) A certificate of registration is not required for importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for importation and possession.

(i) Legal documentation of the acquisition of the amphibian or reptile shall be maintained for the life of the animal or the time the animal is in possession.

(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iii) Imported native and naturalized species shall not count toward the possession limit.

(d) Notwithstanding subsection (5)(a) or (b), a person may import and possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

**R657-53-23. Scientific, or Educational Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.**

(1) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for scientific or educational use only as provided in Subsections (a), (b) and (c) and R657-53-19.

(a) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit educational or scientific institution, or a person involved in wildlife research through an eligible institution to collect and possess or import and possess a live or dead amphibian or reptile classified as prohibited for collection and possession or importation and possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife and significantly benefits the general public without material detriment to wildlife.

(b) A certificate of registration is required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for collection and possession or importation and possession for scientific or educational use, except as otherwise provided by the Wildlife Board.



~~(i) Prior to importation, a certificate of registration shall be issued for the importation and resulting possession of any live amphibian or reptile for scientific or educational use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.~~

~~(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.~~

~~(iii) Imported native and naturalized species shall not count toward the possession limit.~~

~~(e)(i) A certificate of registration is not required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for collection and possession or importation and possession for scientific or educational use, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).~~

~~(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.~~

~~(iii) Imported native and naturalized species shall not count toward the possession limit.~~

**~~R657-53-24. Commercial Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.~~**

~~(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess a live amphibian or reptile for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in this rule or a certificate of registration.~~

~~(2) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for commercial use only as provided in Subsections (a), (b) and (c) and R657-53-19.~~

~~(a)(i) A person may import and possess a live amphibian or reptile classified as non-controlled for importation and possession for a commercial use or a commercial venture, except as provided in subsection (ii)~~

~~(ii) A native or naturalized species or subspecies of amphibian or reptile may not be sold or traded unless it originated from a captive-bred population.~~

~~(iii) Complete and accurate records for native or naturalized species must be maintained and available for inspection for five years from the date of the transaction, documenting the date, name, address, and telephone number of the person from whom the amphibian or reptile has been obtained.~~

~~(iv) Complete and accurate records must be maintained and available for inspection for five years from the date of the transfer, documenting the date, name, address and certificate of registration number if applicable of the person receiving the amphibian or reptile.~~

~~(b)(i) A person may not import and possess a live amphibian or reptile classified as controlled for importation and possession for a commercial use or commercial venture without first obtaining a certificate of registration.~~

~~(ii) A certificate of registration will not be issued to sell or trade a native or naturalized species of amphibian or reptile unless it originates from a captive-bred population.~~

~~(iii) It is unlawful to transfer a live amphibian or reptile classified as controlled for collection and possession or importation~~

~~and possession to a person who does not have a certificate of registration to possess the amphibian or reptile, except as follows:~~

~~(A) the amphibian or reptile is captive-bred;~~

~~(B) the transferee is not domiciled in Utah;~~

~~(C) the transferee is exporting the amphibian or reptile out of Utah; and~~

~~(D) the transferee follows the transport provisions in Section R657-53-25.~~

~~(iv) Complete and accurate records must be maintained by the buyer and the seller for five years from the date of the transaction or transfer, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained and the person receiving the amphibian or reptile.~~

~~(v) The records indicated in Subsection (iv) must be made available for inspection upon request of the division.~~

~~(e)(i) A certificate of registration will not be issued for importation and possession of a live amphibian or reptile, classified as prohibited for importation and possession for a commercial use or commercial venture, except as provided in Subsection (ii) or R657-53-19.~~

~~(ii) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile classified as prohibited for importation and possession if, in the opinion of the division, the importation and possession for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.~~

~~(iii) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited amphibian or reptile in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.~~

~~(3) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (Referenced Federal Register 21 CFR 1240.62).~~

~~(4)(a) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess or import and possess any dead amphibian or reptile or its parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.~~

~~(b) The restrictions in Subsection (a) do not apply to importation and possession of a dead amphibian or reptile sold or traded for educational use.~~

**~~R657-53-25. Transporting a Live Amphibian or Reptile Through Utah.~~**

~~A certificate of veterinary inspection is required from the state of origin as provided in Utah Department of Agriculture Rule R58-1 and proof of legal possession must accompany the zoological animal~~

~~(1) Any controlled or prohibited amphibian or reptile may be transported through Utah without a certificate of registration if:~~

~~(a) the amphibian or reptile remains in Utah no more than 72 hours; and~~

~~(b) the amphibian or reptile is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.~~

~~(2) Proof of legal possession must accompany the amphibian or reptile.~~

~~(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.~~

**R657-53-26. Propagation of Amphibians or Reptiles.**

~~(1) A person may propagate native amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (e):~~

~~(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any native amphibian or reptile collected in Utah and classified as controlled for propagation, except as otherwise provided by the Wildlife Board.~~

~~(i) All progeny shall be marked as determined in the certificate of registration;~~

~~(ii) A report shall be submitted yearly as specified in the certificate of registration;~~

~~(iii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and~~

~~(iv) Progeny shall not count toward possession limits.~~

~~(c) A certificate of registration is required for propagating native amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.~~

~~(i) A report shall be submitted yearly as specified in the certificate of registration;~~

~~(ii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and~~

~~(iii) Progeny shall not count toward possession limits.~~

~~(2) A person may propagate naturalized amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (d).~~

~~(a) Certificates of registration are not issued for the propagation of any naturalized amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any naturalized amphibian or reptile legally collected in Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating any naturalized amphibian or reptile collected in Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating naturalized amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.~~

~~(i) Progeny shall not count toward possession limits.~~

~~(3) A person may propagate native amphibians or reptiles that are legally obtained from an instate captive source or imported~~

~~into Utah and possessed only as provided in Subsection (a) through (d):~~

~~(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any native amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating any native amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating native amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(4) A person may propagate nonnative or naturalized amphibians or reptiles that are legally obtained from an instate captive source or imported into Utah and possessed only as provided in Subsections (a) through (d):~~

~~(a) Certificates of registration are not issued for the propagation of any nonnative or naturalized amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any nonnative or naturalized amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating nonnative or naturalized amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating nonnative or naturalized amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.~~

~~(i) Progeny shall not count toward possession limits.~~

~~(5) Certificates of registration may be denied to an applicant who:~~

~~(a) is a non-resident of Utah;~~

~~(b) fails to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;~~

~~(c) has been judicially or administratively found guilty of violating the provisions of this rule;~~

\_\_\_\_\_ (d) has been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a reasonable relationship to the applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles; or

\_\_\_\_\_ (e) fails to maintain the propagation records and file the annual reports required in this section.

\_\_\_\_\_ (6) Legally obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.

**R657-53-27. Classification and Specific Rules for Amphibians.**

\_\_\_\_\_ (1) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) will be utilized in Subsection (2).

\_\_\_\_\_ (2) Amphibians are classified as follows:

\_\_\_\_\_ (a) Frogs are classified as follows:

\_\_\_\_\_ (i) American bullfrog, Ranidae Family (*Rana catesbeiana*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ii) Canyon treefrog, Hylidae Family (*Hyla arenicolor*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iii) Clawed frog, Pipidae Family (*Xenopus*) (All species) is

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iv) Columbia spotted frog, Ranidae Family (*Rana luteiventris*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (v) Green frog, Ranidae Family (*Rana clamitans*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (7);

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vi) Lowland leopard frog, Ranidae Family (*Rana yavapaiensis*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vii) Northern leopard frog, Ranidae Family (*Rana pipiens*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (viii) Pacific treefrog, Hylidae Family (*Pseudacris regilla*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ix) Relict leopard frog, Ranidae Family (*Rana onca*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (x) Western chorus frog, Hylidae Family (*Pseudacris triseriata*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (b) Spadefoots are classified as follows:

\_\_\_\_\_ (i) Great basin spadefoot, Pelobatidae Family (*Spea intermontana*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ii) Mexican spadefoot, Pelobatidae Family (*Spea multiplicata*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iii) Plains spadefoot, Pelobatidae Family (*Spea bombifrons*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (c) Salamanders are classified as follows:

\_\_\_\_\_ (i) Tiger salamander, Ambystomatidae Family (*Ambystoma tigrinum*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (d) Toads are classified as follows:

\_\_\_\_\_ (i) Arizona toad, Bufonidae Family (*Bufo microscaphus*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ii) Cane (marine) toad, Bufonidae Family (*Bufo marinus*) is

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iii) Great Plains toad, Bufonidae Family (*Bufo cognatus*) is

\_\_\_\_\_ (A) controlled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iv) Red-spotted toad, Bufonidae Family (*Bufo punctatus*) is \_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (v) Western toad, Bufonidae Family (*Bufo boreas*) is \_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (t) Woodhouse's toad, Bufonidae Family (*Bufo woodhousii*) is

\_\_\_\_\_ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.

\_\_\_\_\_ (3)(a) Amphibians classified at the genus or family taxonomic level include all species and subspecies.

\_\_\_\_\_ (b) Amphibians classified at the species taxonomic level include all subspecies.

\_\_\_\_\_ (c) Amphibians classified at the subspecies taxonomic level do not include any other related subspecies.

\_\_\_\_\_ (4) All species or subspecies of amphibians not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation.

\_\_\_\_\_ (5)(a) A person must obtain a certificate of registration to collect and possess more than three amphibians of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (6).

\_\_\_\_\_ (b) A person must obtain a certificate of registration to possess more than nine amphibians in aggregate classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (6).

\_\_\_\_\_ (6) A person may collect and possess any number of American bullfrogs (*Rana catesbeiana*) or Green frogs (*Rana elamitans*) without a certificate of registration provided they are either killed or released immediately. A person may not transport a live bullfrog or green frog from the point of capture without first obtaining a certificate of registration.

#### **R657-53-28. Classification and Specific Rules for Reptiles.**

\_\_\_\_\_ (1)(i) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) shall be utilized in Subsection (2) for North American species found north of Mexico.

\_\_\_\_\_ (ii) Common and scientific nomenclature recognized and adopted by C. Mattison in *The Encyclopedia of Snakes* (1999) shall be utilized for all other snakes found in Subsection (2).

\_\_\_\_\_ (iii) Common and scientific nomenclature recognized and adopted by O'Shea and Halliday in *Smithsonian Handbooks: Reptiles and Amphibians* (2002) shall be utilized for the Gharial found in subsection (2).

\_\_\_\_\_ (2) Reptiles are classified as follows:

\_\_\_\_\_ (a) Crocodiles are classified as follows:

\_\_\_\_\_ (i) Alligators and caimans, Alligatoridae Family (All species) are

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ii) Crocodiles, Crocodylidae Family (All species) are

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah; and

\_\_\_\_\_ (iii) Gharial, Gavialidae Family (*Gavialis gangeticus*) is

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah.

\_\_\_\_\_ (b) Lizards are classified as follows:

\_\_\_\_\_ (i) Beaded lizard, Helodermatidae Family, (*Heloderma horridum*) is

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ii) Chuckwalla, Iguanidae Family (*Sauromalus*) (All species) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation and possession and prohibited for propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iii) Common lesser earless lizard, Phrynosomatidae Family (*Holbrookia maculata*) is

\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iv) Common side-blotched lizard, Phrynosomatidae Family (*Uta stansburiana*) is

\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);

\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (v) Desert horned lizard, Phrynosomatidae Family (*Phrynosoma platyrhinos*) is

\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vi) Desert iguana, Iguanidae Family (*Dipsosaurus dorsalis*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation and possession, and prohibited for propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vii) Desert spiny lizard, Phrynosomatidae Family (*Sceloporus magister*) is

\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (viii) Eastern collared lizard, Crotaphytidae Family (*Crotaphytus collaris*) is

\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(ix) Gila monster, Helodermatidae Family (*Heloderma suspectum*) is~~

~~(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(x) Great Basin collared lizard, Crotaphytidae Family (*Crotaphytus bicinctores*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xi) Great Basin fence lizard, Phrynosomatidae Family (*Sceloporus occidentalis longipes*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xii) Great Basin skink, Scincidae Family (*Eumeces skiltonianus utahensis*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xiii) Great Basin Whiptail, Teiidae Family (*Aspidoseclis tigris tigris*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xiv) Greater short-horned lizard, Phrynosomatidae Family (*Phrynosoma hernandesi*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xv) Long-nosed leopard lizard, Crotaphytidae Family (*Gambelia wislizenii*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xvi) Northern plateau lizard, Phrynosomatidae Family (*Sceloporus undulatus elongatus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xvii) Northern sagebrush lizard, Phrynosomatidae Family (*Sceloporus graciosus graciosus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (5);~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xviii) Ornate tree lizard, Phrynosomatidae Family (*Urosaurus ornatus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xix) Plateau striped whiptail, Teiidae Family (*Aspidoseclis velox*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xx) Plateau tiger whiptail, Teiidae Family (*Aspidoseclis tigris septentrionalis*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxi) Southern plateau lizard, Phrynosomatidae Family (*Sceloporus undulatus tristichus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxii) Utah banded gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxiii) Utah night lizard, Xantusiidae Family (*Xantusia vigilis utahensis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxiv) Variable (many-lined) skink, Scincidae Family (*Eumeces multivirgatus epipleurotus*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxv) Western zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah; and~~

~~(xxvi) Yucca night lizard, Xantusiidae Family (*Xantusia vigilis vigilis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~(c) Snakes are classified as follows:~~

~~(i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are~~

~~(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(ii) Boomslang, Colubridae Family (*Dispholidus typus*) is~~

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iii) Burrowing asps, Atractaspidae Family (All species) are

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (iv) California kingsnake, Colubridae Family (*Lampropeltis getula californicae*) is

\_\_\_\_\_ (A) controlled for collection, possession and nonecontrolled for propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vi) Desert nightsnake, Colubridae Family (*Hypsiglena torquata deserticola*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (vii) Desert striped whipsnake, Colubridae Family (*Masticophis taeniatus taeniatus*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (viii) Desert gophersnake, Colubridae Family (*Pituophis eatenifer deserticola*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (ix) Great Basin rattlesnake, Viperidae Family (*Crotalus oreganus lutosus*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (x) Great Plains ratsnake, Colubridae Family (*Elaphe emoryi*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xi) Groundsnake, Colubridae Family (*Sonora semiannulata*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xiii) Midget faded rattlesnake, Viperidae Family (*Crotalus oreganus concolor*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xiv) Mojave rattlesnake, Viperidae Family (*Crotalus seutulatus*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xv) Mojave patch-nosed snake, Colubridae Family (*Salvadora hexalepis mojavnensis*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xvi) Painted desert glossy snake, Colubridae Family (*Arizona elegans philipi*) is

\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xvii) Pit vipers, Viperidae Family (All species) are

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xviii) Prairie rattlesnake, Viperidae Family (*Crotalus viridis*) is

\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xix) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are

\_\_\_\_\_ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xx) Red racer (Coachwhip), Colubridae Family (*Masticophis flagellum piceus*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xxi) Regal ring-necked snake, Colubridae Family (*Diadophis punctatus regalis*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xxii) Rubber boa, Boidae Family (*Charina bottae*) is

\_\_\_\_\_ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

\_\_\_\_\_ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

\_\_\_\_\_ (xxiii) Sidewinder, Viperidae Family (*Crotalus cerastes*) is

~~\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxiv) Smith's black-headed snake, Colubridae Family (*Tantilla hobartsmithi*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxv) Smooth greensnake, Colubridae Family (*Ophedrys vernalis*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxvi) Sonoran lyresnake, Colubridae Family (*Trimorphodon biscutatus lambda*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxvii) Speckled rattlesnake, Viperidae Family (*Crotalus mitchellii*) is~~

~~\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxviii) Spotted leaf-nosed snake, Colubridae Family (*Phyllorhynchus decurtatus*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxix) Utah milksnake, Colubridae Family (*Lampropeltis triangulum taylori*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxx) Utah mountain kingsnake, Colubridae Family (*Lampropeltis pyromelana infralabialis*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxxi) Utah threadsnake, Leptotyphlopidae Family (*Leptotyphlops humilis utahensis*) is~~

~~\_\_\_\_\_ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxxii) Valley gartersnake, Colubridae Family (*Thamnophis sirtalis fitchi*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxxiii) Wandering gartersnake, Colubridae Family (*Thamnophis elegans vagrans*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxxiv) Western black-necked gartersnake, Colubridae Family (*Thamnophis cyrtopsis cyrtopsis*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (xxxv) Western long-nosed snake, Colubridae Family (*Rhinocheilus lecontei lecontei*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah; and~~

~~\_\_\_\_\_ (xxxvi) Western yellow-bellied racer, Colubridae Family (*Coluber constrictor mormon*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~\_\_\_\_\_ (d) Turtles are classified as follows:~~

~~\_\_\_\_\_ (i) Alligator snapping turtle, Chelydridae Family (*Macrochelys temminckii*) is~~

~~\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (ii) Common snapping turtle, Chelydridae Family (*Chelydra serpentina*) is~~

~~\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (iii) Desert tortoise, Testudinidae Family (*Gopherus agassizii*) is~~

~~\_\_\_\_\_ (A) prohibited for collection, and propagation and controlled for possession of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (iv) Painted turtle, Emydidae Family (*Chrysemys picta*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~\_\_\_\_\_ (v) Red-eared slider, Emydidae Family (*Trachemys scripta elegans*) is~~

~~\_\_\_\_\_ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~\_\_\_\_\_ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~\_\_\_\_\_ (vi) Spiny softshell, Trionychidae Family (*Apalone spinifera*) is~~

~~\_\_\_\_\_ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~\_\_\_\_\_ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~\_\_\_\_\_ (3)(a) Reptiles classified at the genus or family taxonomic level include all species and subspecies;~~

~~\_\_\_\_\_ (b) Reptiles classified at the species taxonomic level include all subspecies;~~

~~\_\_\_\_\_ (c) Reptiles classified at the subspecies taxonomic level do not include any other related subspecies;~~

~~\_\_\_\_\_ (4) All species or subspecies of reptiles not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation;~~

~~\_\_\_\_\_ (5) A person may not:~~

~~\_\_\_\_\_ (a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or~~

~~\_\_\_\_\_ (b) indiscriminately kill any reptile;~~

~~\_\_\_\_\_ (6)(a) Great Basin rattlesnakes, *Crotalus oreganus lutosus*, may be killed without a certificate of registration only for reasons of human safety;~~

~~\_\_\_\_\_ (b) The carcass or its parts of a Great Basin rattlesnake killed pursuant to Subsection (a) may be retained for personal use or possessed;~~

~~\_\_\_\_\_ (7)(a) A person must obtain a certificate of registration to collect more than three reptiles of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (8);~~

~~\_\_\_\_\_ (b) A person must obtain a certificate of registration to possess more than nine reptiles of each species or more than 56 in aggregate which are classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (8);~~

~~\_\_\_\_\_ (8) In a calendar year, a person may collect and possess for personal use 25 common side-banded lizards (*Uta stansburiana*), 25 northern sagebrush lizards (*Sceloporus graciosus graciosus*), and 25 wandering gartersnakes (*Thamnophis elegans vagrans*), without obtaining a certificate of registration or counting against the aggregate possession limit;~~

~~\_\_\_\_\_ (9)(a) A person may collect and possess any number of common snapping turtles (*Chelydra serpentina*), alligator turtles (*Macrochelys temminckii*) or spiny softshell (*Apalone spinifera*) turtles without a certificate of registration provided they are either killed or released immediately upon removing them from the point of capture;~~

~~\_\_\_\_\_ (b) A person may not transport a live common snapping turtle, alligator turtle or spiny softshell turtle from the point of capture from which it was collected without first obtaining a certificate of registration;]~~

#### **R657-53-1. Purpose and Authority.**

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of amphibians and reptiles in Utah.

(2)(a) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah.

\_\_\_\_\_ (b) Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

\_\_\_\_\_ (3) Specific dates, species, collection permit boundaries, number of collection permits, daily collection and total possession limits, and other administrative details which may change annually are published in the proclamation or guidebook of the Wildlife Board for amphibians and reptiles.

\_\_\_\_\_ (4)(a) In addition to this rule, the Utah Department of Agriculture and Food regulates animal importation and disease testing requirements through Title 4 of Utah Code and Utah Admin. Rule R58-1.

\_\_\_\_\_ (b) In addition to this rule, local government entities may impose additional prohibitions or restrictions through zoning restrictions and similar ordinances.

\_\_\_\_\_ (c) Nothing in this rule is intended to authorize an activity that is otherwise prohibited by federal law, rules of the Utah Department of Agriculture and Food, or properly enacted restrictions imposed by local government entities.

#### **R657-53-2. Definitions.**

\_\_\_\_\_ (1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

\_\_\_\_\_ (2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians, and viable embryos or gametes of species or subspecies of amphibians.

\_\_\_\_\_ (3) "Captive-bred" or "born in captivity" means any legally-obtained amphibian or reptile that:

\_\_\_\_\_ (a) was born in captivity;

\_\_\_\_\_ (b) spends its entire life in captivity; and

\_\_\_\_\_ (c) is the offspring of legally obtained progenitors.

\_\_\_\_\_ (4) "Certificate of registration" means, for the purposes of this rule, a wildlife document issued by the division authorizing an individual or entity to undertake activities that are otherwise prohibited.

\_\_\_\_\_ (5) "Collect" means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile or their parts within Utah, except as described in (22) below and in R657-53-7(2).

\_\_\_\_\_ (6) "Collection permit" means a wildlife document authorizing collection from the wild and subsequent personal possession of amphibians and reptiles in Utah.

\_\_\_\_\_ (7)(a) "Commercial use" means any activity through which a person is:

\_\_\_\_\_ (i) in lawful possession of a wild-caught amphibian or reptile categorized as controlled or prohibited;

\_\_\_\_\_ (ii) doing business in Utah wherein that business activity utilizes and relies upon a wild-caught amphibian or reptile for financial gain;

\_\_\_\_\_ (iii) engaged in business activity that is continuous, such that it involves some permanent presence beyond casual or isolated financial transactions; and

\_\_\_\_\_ (iv) receiving consideration exceeding the costs directly related to care, breeding, rearing of the wild-caught amphibian or reptile and its offspring.



(b) Consideration derived from the sale of offspring from captive-bred amphibians or reptiles does not constitute commercial use.

(8) "Controlled species" means species or subspecies of amphibian or reptile for which a person must acquire certificate of registration or collection permit prior to possessing the animal.

(9) "Daily collection limit" means the maximum limit, in number of individuals, that one person may legally remove from the field during one 24-hour period.

(10) "Den" means any place where reptiles congregate for winter hibernation or brumation.

(11) "Educational use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for the purposes of conducting instructional activities for the public concerning wildlife and wildlife-related activities, where the individual or entity does not receive compensation or remuneration beyond the costs incurred to conduct the instruction.

(12) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

(13) "Export" means to move or cause to move any amphibian or reptile or their parts from Utah by any means.

(14) "Import" means to bring or cause an amphibian or reptile or their parts to be brought into Utah by any means.

(15) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation if required, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal. A state-issued wildlife document and completion of all mandatory reporting satisfies any documentation requirement for specimens covered by the wildlife document and reporting.

(16) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

(17) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

(18) "Noncontrolled species" means a species or subspecies of amphibian or reptile that does not require a certificate of registration or a collection permit to possess.

(19) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

(20) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

(21) "Prohibited species" means a species or subspecies of amphibian or reptile that requires variance approval from the Wildlife Board prior to issuing a certificate of registration or collection permit and prior to possessing the animal.

(22) "Propagation" means the reproduction of amphibians or reptiles in captivity that results in the production of offspring.

(23) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

(24) "Salvage" means the collection of a reptile or amphibian when that specimen is dead upon discovery and that death was not due to any action attributable to the individual collecting or ultimately receiving the specimen.

(25) "Scientific use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

(26) "Temporary possession" or "temporarily possess" for the purposes of this rule means handling an amphibian or reptile for the minimum amount of time necessary for a person to complete measurements and documentation required as part of their mandatory reporting.

(27) "Total possession limit" means the maximum limit, in number of individuals, that one person or entity may possess.

(28) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

(29) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudines, Class Reptilia.

(30) "Wild population" means native or naturalized amphibians or reptiles living in nature.

(31) "Wildlife document" means a document issued by the division allowing an activity that would otherwise be prohibited and includes a collection permit and certificate of registration.

#### **R657-53-3. Liability.**

(1) Any person who engages in an activity described in this rule assumes all liability and responsibility and agrees to fully indemnify the State of Utah for any activity undertaken pursuant to this rule and for any injury, damage, or claim arising out of or related to their activity.

(2) Nothing in this rule shall be construed as a waiver or limitation of any protection, immunity, defense, or damage cap limitation available to the division under state or federal law.

(3) To the extent allowable under Utah law, the division shall not be liable in any civil action for:

(a) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule, a certificate of registration, or collection permit; or

(b) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration, collection permit, or similar authorization.

#### **R657-53-4. Prohibited Activities.**

(1) A person may not take, possess, import, export, transfer, or release to the wild a reptile or amphibian or their parts in Utah, or attempt to undertake such activity, except as provided in this rule or in a proclamation or guidebook issued by the Wildlife Board.

(2)(a) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining written authorization from the division.

(b) Any peace officer, division representative, or authorized animal control officer may seize, euthanize, or dispose of any live amphibian or reptile that escapes from captivity.

(c) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a wildlife document authorizing that activity;

(b) trespass while engaged in an activity regulated by this rule;

(c) sell a wild caught reptile or amphibian;

(d) transfer a wild caught native amphibian or reptile without completing mandatory reporting;

(e) transfer any wild caught native amphibian or reptile to another individual between April 1 and December 31 without prior approval from the division;

(f) collect or attempt to collect a reptile or amphibian under another individual's collection permit;

(g) collect or attempt to collect a reptile or amphibian in an area that is closed to collection activities; or

(h) transport or propagate an amphibian without complying with Title 4 Chapter 37 Utah Code and implementing regulations of the Utah Department of Agriculture and Food.

(4)(a) A person may not conduct educational use or scientific use activities with a species categorized as controlled or prohibited without first obtaining a certificate of registration from the division.

(b)(i) A person may not conduct commercial use activities with controlled species without first obtaining a certificate of registration from the division.

(ii) A person may not conduct commercial use activities with a prohibited species without first obtaining a variance from the Wildlife Board and a certificate of registration from the division.

#### **R657-53-5. Activities Allowed Without a Wildlife Document.**

(1) A person may conduct the following activities without acquiring a wildlife document from the division:

(a) collect a noncontrolled reptile or amphibian from the wild;

(b) possess, import, export, or transfer to another person a reptile or amphibian that was previously removed from the wild and is classified as noncontrolled or controlled, provided:

(i) the person receiving the animal maintains documentation verifying that the specimen was legally acquired;

(ii) the person transferring the animal certifies that they were in lawful possession of the animal;

(iii) if the animal is wild caught, no financial compensation or consideration is exchanged as part of the transfer of possession;

(iv) the person receiving the animal has otherwise completed all mandatory education courses necessary to obtain or possess the animal;

(v) the person receiving the animal will not exceed the total possession limit for that species, if applicable; and

(vi) the animal does not belong to a species subject to certificate or registration requirements under R657-53-12;

(c) possess, import, export, transfer, or salvage a dead reptile or amphibian or their parts, provided:

(i) such actions are allowed under applicable state and federal law;

(ii) the specimen was lawfully acquired;

(iii) proof of legal possession accompanies the specimens; and

(iv) the individual completes any required mandatory reporting as described in R657-53-19 and possesses any necessary federal permit necessary to possess the animal or its part;

(d) pursue and temporarily possess a reptile or amphibian, if that action complies with the requirements in R657-53-8(2);

(e) propagate lawfully acquired amphibians and reptiles, unless:

(i) the species to be propagated requires a certificate of registration under R657-53-12;

(ii) the propagator is breeding a wild caught species native to Utah and is selling the progeny in a manner qualifying as a commercial use under R657-53-2(7); or

(iii) otherwise prohibited by local, state, or federal law; or

(f) transport any reptile or amphibian, regardless of total possession limit restrictions, through Utah without a wildlife document, provided:

(i) the transporter is otherwise in lawful possession of the specimens;

(ii) proof of legal possession or origin accompanies the specimens;

(iii) the transporter complies with importation requirements established by the Utah Department of Agriculture and Food;

(iv) the specimens remain in Utah no more than 72 hours; and

(v) the specimens are not sold, transferred, exhibited, displayed, or used for a commercial use while in Utah.

#### **R657-53-6. Activities Requiring a Wildlife Document.**

(1) A person must acquire a collection permit or certificate of registration before capturing a controlled species from the wild in Utah.

(2) Only one collection permit or certificate of registration is required per individual, regardless of the number of animals collected under that permit, provided:

(a) the individual remains in compliance with daily collection limits and total possession limits; and

(b) the individual completes mandatory reporting under R657-53-19 as required.

(3)(a) Collection permits are valid for the capture season authorized by the Wildlife Board.

(b) Certificates of registration for personal collection under R657-53-12 are valid for the term indicated on the document.

(4)(a) If a person lawfully collects an amphibian or reptile from the wild using a collection permit or certificate of registration, the collection permit or certificate of registration serves as the authorization for continued possession of those collected specimens consistent with the provisions of this rule.

\_\_\_\_\_ (b) A copy of the collection permit or certificate of registration may serve as documentation of lawful acquisition necessary to transfer possession of a wild caught specimen under R657-53-6.

\_\_\_\_\_ (c) A person may not collect individual specimens in excess of the identified daily collection or total possession limits during the term of their collection permit, regardless of whether they transfer ownership of a specimen to another individual during the collection permit's term.

\_\_\_\_\_ (5) A person must obtain a variance from the Wildlife Board to collect or possess a prohibited species.

\_\_\_\_\_ (6)(a) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

\_\_\_\_\_ (b) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

\_\_\_\_\_ (c) Educational use certificates of registration are valid for 3 years and authorize wildlife-related instructional activities identified on the certificate of registration.

\_\_\_\_\_ (d) Commercial use certificates of registration are valid for 3 years and authorize activities commercial use activities identified on the certificate of registration.

\_\_\_\_\_ (7) A wildlife document may be suspended or revoked as provided in Section 23-19-9 and Rule R657-26.

**R657-53-7. Total Possession Limits and Daily Collection Limits.**

\_\_\_\_\_ (1)(a) The division shall establish daily collection limits and total possession limits for amphibians and reptiles found in Utah based upon their classification as a noncontrolled species, controlled species, or prohibited species.

\_\_\_\_\_ (b) Daily limits, total possession limits, collection permit numbers, collection season dates, and collection permit boundaries will be approved by the Wildlife Board and published in a guidebook by the division.

\_\_\_\_\_ (2) Noncontrolled species may be given the following daily collection limits and total possession limits:

\_\_\_\_\_ (a) "Unlimited," allowing an unlimited number of individuals that may be collected from the wild or otherwise possessed; or

\_\_\_\_\_ (b) "Expanded," allowing for a daily collection limit of 25 individuals and total possession limit of 100.

\_\_\_\_\_ (3) Controlled species may be given the following daily collection limits and total possession limits:

\_\_\_\_\_ (a) "Standard," allowing for a daily collection limit of 3 individuals and total possession limit of 9 individuals; or

\_\_\_\_\_ (b) "Limited," allowing for a daily and yearly collection limit of 2 individuals and total possession limit of 4 individuals.

\_\_\_\_\_ (4) Prohibited species shall be given the daily collection limit and total possession limit of "Zero," prohibiting all collection and possession of prohibited species.

\_\_\_\_\_ (5) A person may not exceed daily collection limits or total possession limits unless an authorization is provided in this rule, on a certificate of registration, or a variance granted by the Wildlife Board pursuant to R657-53-18.

\_\_\_\_\_ (6) An individual's daily collection limit and total possession limit is established at the time they possess an individual

specimen and are cumulative throughout the term of a collection permit.

\_\_\_\_\_ (7) In establishing a daily collection limit or total possession limit, any specimen that belongs to a species that is native to Utah is presumed to be a wild caught specimen unless the individual in possession provides verifiable documentation required by R657-53-5.

\_\_\_\_\_ (8) If a species classification and associated daily collection limit and total possession limit is not defined in this rule or otherwise included in the guidebook published by the Wildlife Board, it shall be classified as a Controlled species and have a Standard daily collection limit and total possession limit.

**R657-53-8. Exceptions to Total Possession Limits and Daily Collection Limits.**

\_\_\_\_\_ (1) Total possession limits apply to all amphibians and reptiles acquired in-state, imported into the state, or lawfully acquired by intrastate transfer, except the following do not count towards an individual's applicable limit:

\_\_\_\_\_ (a) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and accompanied by documentation described in R657-53-5 verifying lawful acquisition and possession;

\_\_\_\_\_ (b) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and are in possession of an individual conducting reptile propagation, so long as:

\_\_\_\_\_ (i) the individual performing the propagation registers with the division as a propagator; and

\_\_\_\_\_ (ii) completes associated mandatory reporting under R657-53-19;

\_\_\_\_\_ (c) animals and their parts that are legally obtained outside of Utah and not classified as Prohibited or subject to certificate of registration requirements in R657-53-12; and

\_\_\_\_\_ (d) individuals or entities authorized to collect or possess species under commercial use, educational use, or scientific use certificates of registration may be subject to alternative total possession limits or daily collection limits established by the division.

\_\_\_\_\_ (2) Daily collection limits apply to any reptile or amphibian captured in the wild in Utah, except that a person may temporarily possess an individual animal in excess of daily collection limits, provided:

\_\_\_\_\_ (a) the animal is released immediately after the temporary possession time period has expired;

\_\_\_\_\_ (b) the animal is not transported away from the capture site unless necessary to accurately complete mandatory reporting;

\_\_\_\_\_ (c) the animal is released in reasonable proximity to the capture location;

\_\_\_\_\_ (d) required reporting is accurately submitted to the division;

\_\_\_\_\_ (e) temporary possession is not prohibited by federal law;

\_\_\_\_\_ (f) the individual has completed all mandatory training courses necessary to possess the animal; and

\_\_\_\_\_ (g) the animal does not belong to a species subject to certificate of registration requirements under R657-53-12.

\_\_\_\_\_ (3) Specimens salvaged in accordance with this rule do not count towards an individual's daily collection limit or total possession limit for that species.

**R657-53-9. Determination of Prohibited Species; Establishing Daily Limits and Total Possession Limits for Controlled Species.**

(1)(a) A species of the Order Squamata (snakes and lizards) is classified as a prohibited species if:

- (i) it is venomous;
- (ii) not native to Utah; and
- (iii) a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.

(b) Species of the Order Crocodylia (crocodiles, gharials, caimans, and alligators) are classified as prohibited.

(c) The division may classify any species of reptile or amphibian as prohibited if take from the wild or introduction into the wild poses a significant detrimental impact to wildlife populations or their habitat and publish them in the guidebook of the Wildlife Board for amphibians and reptiles.

(d) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act shall have a zero daily and total possession limit, except:

(i) the division may issue a wildlife document authorizing the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; and

(ii) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

(2) The division may consider the following factors in establishing recommended daily limits, total possession limits, collection permit numbers, and collection permit boundaries for controlled species to the Wildlife Board for approval:

- (a) prevalence and distribution of the species;
- (b) anticipated number of persons participating in the program;
- (c) harvest success rates;
- (d) population trends and related conservation data for the species;
- (e) human safety concerns posed by collection and possession of the species; and
- (f) other relevant social, biological, and political concerns.

(3)(a) The division may establish a harvest objective for each species, which is the total number of specimens per species may be collected from the wild each year and close an area or region.

(b) If an established harvest objective for a particular species is reached, collection in that area or region is closed for the remainder of the collection season and removing additional specimens of that species from the wild is prohibited.

(c) The division will identify harvest objective species and numbers in the guidebook of the Wildlife Board for amphibians and reptiles and publish harvest objective criteria on their website.

(d) Individuals collecting amphibians or reptiles having an established harvest objective are responsible for verifying that collection remains open.

**R657-53-10. Collection Permits and Certificates of Registration; Prohibited Collection Methods.**

(1)(a) Collection permits authorize continued possession of an individual animal after it has been reduced to possession and removed from the wild, subject to the limitations identified in this rule.

(b) In lieu of a collection permit, a person must obtain a certificate of registration to collect, possess, import, or propagate certain venomous reptiles that are native to Utah, pursuant to R657-53-12.

(2) A person may collect amphibians and reptiles having an Unlimited daily collection limit without acquiring a wildlife document from the division.

(3)(a) A person may collect amphibians and reptiles having an Expanded daily collection limit after successfully completing the Reptile and Amphibian education course, so long as that person satisfies all the mandatory reporting requirements established in R657-53-19.

(b) A collection permit is needed to collect amphibians or reptiles having an Expanded daily collection limit.

(4)(a) A person may collect amphibians and reptiles having a Standard or Limited daily collection limit after:

- (i) successfully completing the Reptile and Amphibian education course; and
- (ii) acquiring a collection permit or certificate of registration from the division.

(b) A person may not collect amphibians or reptiles having a Standard or Limited daily collection limit if they have failed to complete mandatory reporting required in R657-53-19 under their current collection permit.

(5) A person may only collect amphibians and reptiles having a Zero daily collection limit after receiving a variance from the Wildlife Board.

(6) Collection methods.

(a) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a variance or the Wildlife Board.

(b) The following tools or methods may be utilized in collecting amphibians or reptiles pursuant to this rule:

- (i) dip nets less than 24 inches in diameter;
- (ii) snake sticks, including hooks, tongs, or grabbers;
- (iii) lizard nooses;

(iv) use of a firearm considered a legal weapon under R657-5, so long as the individual has satisfied Hunter Safety requirements in the State of Utah; or

(v) capture-by-hand.

(c) Amphibians and reptiles may only be collected within boundaries established in the guidebook for amphibians and reptiles.

(d) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

(e) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

**R657-53-11. Acquiring a Wildlife Document.**

- (1) A person may acquire a certificate of registration by:
- possessing a valid certificate of completion for the Amphibian and Reptile education course;
  - submitting an application on the division's website;
  - paying the associated application fee;
  - providing required information for the type of certificate of registration applied for;
  - being approved by the division; and
  - paying the certificate of registration fee.
- (2)(a) A person may acquire a collection permit by:
- possessing a valid certificate of completion for the Amphibian and Reptile education course;
  - paying the associated application fee; and
  - if applying for a collection permit distributed through a random drawing, submitting an application on the division's website during the designated application period and, if selected, paying the associated permit fee.
- (b) If the division receives more valid applications than the number of available collection permits, the division will conduct a random drawing to identify successful applicants.
- (3) Procedures regarding application errors, surrenders, refunds, reallocation of wildlife documents, and variance requests are processed pursuant to Utah Admin. Rules R657-42, R657-50, R657-57, and relevant sections of Utah Code.
- (4) Wildlife documents are not transferable.
- (5) If the holder of a wildlife document is a representative of an institution, organization, business, or agency, the wildlife document shall be considered void upon the representative's discontinuation of association with that entity.
- (6) Wildlife documents do not provide the holder with any rights of succession and any wildlife document issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.
- (7) The issuance of a wildlife document automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the document is issued.
- (8) In order to acquire a wildlife document, a person must be eligible to possess the wildlife document and submit a complete application or purchase request.
- (9) An individual must register with the division as an amphibian or reptile propagator if they wish to breed reptiles or amphibians and maintain possession of those individuals beyond total possession limits that would otherwise apply.

**R657-53-12. Regulations Specific to Venomous Reptiles Native to Utah.**

- (1) An individual must obtain a certificate of registration prior to collecting, possessing, importing, or propagating any reptile, whether wild caught or captive-bred, that is:
- native to Utah;
  - venomous; and
  - a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.
- (2) An individual must be at least 18 years of age to receive a certificate of registration pursuant to this section.
- (3) To apply for a certificate of registration, a person must submit the following materials to the division:

- the species and number of individual animals requested;
  - the source from which they are to be acquired;
  - a description of the knowledge, skills, and experience the applicant has in handling venomous reptiles, and if any mentor will be utilized during the term of the certificate of registration;
  - the address where the animals will be housed and written verification from the local governmental entity that the activity requested is consistent with their ordinances;
  - a description of the facilities and equipment to be utilized in housing the animals;
  - all documentation required by the Utah Department of Agriculture and Food for lawful import, if necessary;
  - verification that appropriate medical treatment from a medical provider is available in proximity to the location where the animals will be housed; and
  - registration with the division for propagation activities, if requested.
- (4) The division may deny a certificate of registration application if:
- the applicant fails to submit any of the required application materials in this section;
  - approval of which would violate local, state, or federal law;
  - there is a basis for denial described in R657-53-17; or
  - approval of which may continue to pose a substantial public safety concern.
- (5) All activities conducted under a certificate of registration authorization issued pursuant to this section are subject to the mandatory reporting requirements identified in R657-53-19.

**R657-53-13. Commercial Use Certificate of Registration.**

- (1) An individual or entity wishing to utilize an amphibian or reptile in manner qualifying as commercial use must first acquire a commercial use certificate of registration from the division.
- (2) The division shall consider the following factors in reviewing an application for a commercial use certificate of registration:
- the health, welfare, and safety of the public;
  - demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;
  - the health, welfare, safety, and genetic integrity of wildlife and other animals;
  - ecological and environmental impacts of the proposed activity; and
  - the acquisition of other necessary permits or approvals.
- (3)(a) The division may review facility and operational guidelines to use in evaluating applications.
- (b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection 3(b), a commercial use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board, unless they are an entity meeting the requirements described in Subsection (4).

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

(4) The division may issue a commercial use certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile having a total possession limit of Expanded, Standard, Limited, or Zero, provided:

(a) the applicant satisfies the application requirements in Subsection (2); and

(b) the benefits to the wildlife resource or the general public outweigh any negative impacts to the wildlife resource or the general public.

(5) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (See Federal Register 21, CFR 1240.62).

(6)(a) Applications for a commercial use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying an application within 30 days of receiving a complete application.

(7) A commercial use certificate of registration is non-transferable and automatically terminates upon any of the following:

(a) sale of the licensed commercial enterprise;

(b) a change in the majority of interest holder in the commercial enterprise; or

(c) closure of the commercial enterprise or discontinuation of the activities authorized under a certificate of registration.

#### **R657-53-14. Scientific Use Certificate of Registration.**

(1) An individual or enterprise wishing to utilize a reptile or amphibian in a manner qualifying as a scientific use must first acquire a scientific use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a scientific use certificate of registration:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(c) ecological and environmental impacts of the proposed activity;

(d) the acquisition of other necessary permits or approvals;

(e) the validity of the research objectives and design;

(f) the likelihood the research will fulfill the stated objectives;

(g) the applicant's qualifications to conduct the research, including the requisite education or experience;

(h) the adequacy of the applicant's resources to conduct the study and, if applicable, catalogue or otherwise store specimens in a long-term repository; and

(i) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3)(a) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(b) A scientific use certificate of registration may authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(c) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(d) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-12.

(4)(a) Applications for a scientific use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) The division may condition approval of a certificate of registration for scientific use on the applicant's agreement to provide an annual report to the division during the permit period, detailing the species and locality of specimens or tissues that were removed from the wild and the destination of any specimens submitted to a long-term collection or depository.

(6) A scientific use certificate of registration is non-transferable and automatically terminates upon:

(a) conclusion of the relevant research project for which the certificate of registration was issued; or

(b) a change in the researcher named as the principal investigator.

#### **R657-53-15. Educational Use Certificate of Registration.**

(1) An individual or entity wishing to utilize an amphibian or reptile in a method qualifying as an educational use must first acquire an educational use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a educational use certificate of registration:

(a) the health, welfare, and safety of the public;

(b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;

(c) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(d) ecological and environmental impacts of the proposed activity; and

\_\_\_\_\_ (e) the acquisition of other necessary permits or approvals.

\_\_\_\_\_ (f) the objectives and structure of the educational program; and

\_\_\_\_\_ (g) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

\_\_\_\_\_ (3)(a) The division may establish facility and operational guidelines to use in reviewing Applications.

\_\_\_\_\_ (b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

\_\_\_\_\_ (c) Notwithstanding Subsection 2(b), an educational use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

\_\_\_\_\_ (d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

\_\_\_\_\_ (e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

\_\_\_\_\_ (4)(a) Applications for educational use certificates of registration are available on the division's website.

\_\_\_\_\_ (b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

\_\_\_\_\_ (5) An educational use certificate of registration is non-transferable and automatically expires if the principal educator named on the certificate of registration is no longer providing the educational activity described on the certificate of registration.

#### **R657-53-16. Reptile and Amphibian Education Course.**

\_\_\_\_\_ (1) A person must complete an amphibian and reptile education course before:

\_\_\_\_\_ (a) importing, collecting, or possessing a species having a total possession limit of Expanded;

\_\_\_\_\_ (b) applying for or acquiring a collection permit; or

\_\_\_\_\_ (c) applying for a certificate of registration; or

\_\_\_\_\_ (d) engaging in any activity requiring a wildlife document.

\_\_\_\_\_ (2) The Reptile and Amphibian Education Course may be comprised of educational materials on biology and conservation of reptiles and amphibians, laws and rules pertaining to reptiles and amphibians, field work etiquette and safety, and a written exam.

\_\_\_\_\_ (3) A person must complete the entire course and obtain at least a 75% passing score on the exam in order to receive a certification of completion.

\_\_\_\_\_ (4) A certification of completion is valid for three calendar years.

#### **R657-53-17. Denials and Appeals.**

\_\_\_\_\_ (1) The division may deny issuing or reissuing a wildlife document to any applicant, if:

\_\_\_\_\_ (a) the applicant has violated any provision of:

\_\_\_\_\_ (i) Title 23, Utah Wildlife Resources Code;

\_\_\_\_\_ (ii) Administrative Code R657;

\_\_\_\_\_ (iii) any term in a wildlife document pertaining to activities described in this rule;

\_\_\_\_\_ (iv) an order of the Wildlife Board; or

\_\_\_\_\_ (v) any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

\_\_\_\_\_ (b) the applicant has failed to submit mandatory reporting information required by this rule, the division, or the Wildlife Board; or

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

\_\_\_\_\_ (d) where the conduct authorized by the wildlife document violates federal, state or local laws.

\_\_\_\_\_ (2) If the division denies an application, they shall provide the applicant with written notice of the reasons for denial.

\_\_\_\_\_ (3) If the division denies an application, the applicant may request that the Director reconsider the division's decision by providing written notice to the Director within 30 days of denial.

\_\_\_\_\_ (4) If the Director denies a request for reconsideration, the applicant may submit an appeal to the Wildlife Board consistent with R657-2.

#### **R657-53-18. Request for Variance.**

\_\_\_\_\_ (1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile by submitting the request to the Chairman of the Wildlife Board.

\_\_\_\_\_ (2)(a) A request for variance shall include the following:

\_\_\_\_\_ (i) the name, address, and phone number of the person making the request;

\_\_\_\_\_ (ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

\_\_\_\_\_ (iii) a statement of the facts and reasons forming the basis for the variance.

\_\_\_\_\_ (b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

\_\_\_\_\_ (3) At the next available Wildlife Board meeting the Wildlife Board shall:

\_\_\_\_\_ (a) consider the division's recommendation; and

\_\_\_\_\_ (b) any information provided by the person making the request.

\_\_\_\_\_ (4) The Wildlife Board evaluate the application materials and based upon the criteria established in this rule for that particular type of certificate of registration.

\_\_\_\_\_ (5)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered

necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the wildlife document which shall be signed by the person making the request.

(6) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

**R657-53-19. Data Collection and Mandatory Reporting.**

(1) A person must complete mandatory reporting within 72 hours of obtaining possession of the specimen if:

(a) the individual is collected from the wild and belongs to a species having a daily collection limit of Standard or Limited;

(b) the individual is salvaging a species having a daily collection limit of Standard, Limited, or Zero;

(c) the individual is transferring a wild caught species native to the State of Utah to another individual; or

(d) the individual is a registered propagator and a breeding event results in amphibian or reptile possession beyond the total possession limit for the relevant species.

(2) Mandatory reporting must be completed using a division-approved reporting platform, and shall include:

(a) UTM or latitude/longitude coordinates of the location of the collection point;

(b) number of individuals or specimens obtained;

(c) morphological measurements and descriptions; and

(d) photographic documentation.

(3) A person who fails to complete mandatory reporting as required in this rule may be:

(a) considered in unlawful possession of animals that went unreported; and

(b) deemed ineligible to obtain wildlife documents until such reporting is completed.

(4) Mandatory reporting for commercial use, scientific use, and educational use certificates of registration will be established as part of the certificate of registration approval process.

(5) The division will offer an online method for completing mandatory reporting.

**R657-53-20. Animal Welfare.**

(1) Any amphibian or reptile possessed under the authority of a certificate of completion or wildlife document shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

(3) The division may impose specific requirements on the holder of a wildlife document, consistent with industry standards or generally accepted animal husbandry practices, deemed necessary for the safe and humane handling and care of the animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.

**R657-53-21. Record Retention; Inspection of Documentation.**

(1) An individual is required to maintain all records verifying compliance with this rule while in possession of an amphibian or reptile or otherwise engaging in an activity regulated under this rule.

(2) A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, bills of sale, or proof of ownership or legal possession.

**R657-53-22. Retroactive Effect on Possession.**

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any reduction in total possession limit may continue to lawfully possess those individual specimens, even if it exceeds the newly established total possession limit.

(2) An individual utilizing the authorization described in Subsection (1) may not acquire specimens after the change total possession limits in that would exceed the newly established possession limit.

**R657-53-23. Violations; Suspension and Revocation.**

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.

(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) A wildlife document issued pursuant to this rule may be suspended or revoked consistent with Section 23-19-19.

**KEY: wildlife, import restrictions, amphibians, reptiles**

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**Public Safety, Criminal Investigations  
and Technical Services, Criminal  
Identification  
R722-370  
Firearm Safety Program**

**NOTICE OF PROPOSED RULE  
(Repeal)**

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