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

**R58-15. Agricultural and Wildlife Damage Prevention.**

**R58-15-1. Purpose and Authority.**

(1) The authority of Subsections 4-2-103(1)(i), 4-23-105(1), and Section 4-23-107 promulgates this rule.

(2) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act protects owners of livestock that are subject to an annual predator control fee under Section 4-23-107. This rule provides additional guidelines on the procedures for collecting that fee.

**R58-15-2. Definitions.**

The following definitions shall apply to the administration of this rule along with the definitions listed in Section 4-23-103.

(1) "Breeding Cattle" means breeding or raising cattle that reside on an agricultural property.

(2) "Department" means Utah Department of Agriculture and Food.

(3) "Depredation compensation" means fair market compensation for livestock lost to a predatory animal.

(4) "Feedlot" means a confined dry-lot area for finished feeding livestock on concentrated feed with no facilities for pasturing or grazing.

(5) "Predator Control Fee" means a fee imposed by the department to meet the annual expense of administering Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act.

**R58-15-3. Board Responsibilities.**

(1) Per Section 4-23-105, the board shall design policies regarding agricultural and wildlife damage prevention and shall maintain a copy of the policies with the department's director of animal industry and they shall include specific information for the following:

(a) the predator control program; and

(b) the methods for the prevention of damage including hunting, trapping, chemical toxicants, and the use of aircraft as required in Rule R58-25, Aerial Hunting Permits and Licenses.

(3) Per Subsection 4-23-105(3)(b) the board may enter into a cooperative agreement to carry out board policies and will maintain a copy with the department. The agreement may include information related to:

(a) coordinating with federal agencies to protect livestock and property from predators;

(b) funding, disease management, and a plan of action regarding billable activities to protect crops and domestic livestock; or

(c) partnerships to maintain, protect, and benefit agriculture in the state.

(4) Per Subsection 23A-11-402(2), on behalf of the board, the department shall annually coordinate with the Utah Division of Wildlife Resources (UWDR) to meet requirements and reduce duplication of predator control efforts.

**R58-15-4. Annual Fee Collection Methods.**

(1) In accordance with Section 4-23-107, an animal owner interested in predator control shall pay an annual predator control fee for their owned animals.

(2) The board shall determine on or before January 1 of each year the amount of the predator control fees that the department may collect on each animal category.

(3) A livestock producer interested in predator control shall pay applicable fees between January 1, 2025, through April 1, 2025, to be eligible for predator control services between July 1, 2025, and June 30, 2026. For subsequent years:

(a) the department shall mail predator control assessments by January 1 of each year;

(b) the livestock producer shall pay the fee on or before April 1 of each year;

(c) receipt of payment between January 1 and April 1 will determine the eligibility of services and depredation compensation for the following fiscal year that starts July 1 and ends the following June 30 after the department has received the appropriate fee amount; and

(d) the department may assess a late fee for eligible payments received between April 2 of each year and June 30 of the same year if a livestock producer chooses to be eligible for services starting July 1 of the same year and ending on June 30 of the following year.

(4) The department may provide predator control services based on the department's fiscal year starting July 1 and ending June 30 of each year.

(5) The department shall collect the fee to administer the agriculture and wildlife damage prevention policy, pay for marketing promotions, and maintain data to determine eligibility for depredation compensation per Rule R657-24 and Subsection 23A-8-201(3).

(6) The department shall collect the predator control fee:

(a) from a fee imposed on brand inspected cattle when the brand inspector conducts a brand inspection per the requirements listed in Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act;

(b) within 30 days from a market that withheld proceeds from the sale of the cattle;

(c) upon the sale of fleece on or before December 31 of each year or as agreed upon in the cooperative agreement listed in Subsection 4-23-107(4); or

(d) by issuing a Predator Control Assessment form on or before January 1 of each year that a livestock owner shall return to the department by April 1 of each year.

(7) The department may request a livestock producer provide the department with additional information on the Predator Control Assessment form, including:

(a) indicating a preference for paying applicable predator control fees;

(b) the name of the wool warehouse and the sold date of the wool; and

(c) a livestock assessment, which includes:

(i) type of animal;

(ii) number of animals; and

(iii) total fee amount.

(8) Per Section 4-23-109 and Rule R65-11, Utah Sheep Marketing Order, a portion of the collected wool fee may pay for the promotion, advancement, and protection of sheep interests in the state and shall meet the requirements listed in Rule R65-11.

(9) The department may exempt a livestock owner from paying a predator control fee for:

(a) livestock that an owner permanently confines all year within pens or corrals within incorporated city limits and a state or federal agency prohibits or severely restricts animal damage control activities;

(b) cattle that a commuter permit specifies;

(c) exemptions listed in Section 4-23-107, including feeder lambs and feedlot cattle permanently confined all year; or

(d) exemptions as listed in Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act.

(10) A producer not eligible for an exemption through Subsection R58-15-3(9) may request an exemption by:

(a) submitting a written request to the department on or before April 1; and

(b) may qualify for minimal levels of predator control services, per the agricultural and wildlife damage prevention policy, during the department's fiscal year starting July 1 and ending June 30 after the department approves the exemption.

**KEY: administrative procedure, enforcement, livestock protection, predator control fee, damage prevention, collection methods**

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**Notice of Continuation: July 21, 2020**

**Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-23-107; 4-23-105(1); 23A-11-402(2)**