

23-16-3.1 Crop owner authorized to kill animals.

- (1)
 - (a) A landowner or lessee may kill big game animals damaging those cultivated crops on private land if:
 - (i) it is necessary to protect cultivated crops;
 - (ii) 72 hours has expired since notice was given pursuant to Subsection 23-16-3(1)(a);
 - (iii) the landowner or lessee has provided or sent written notice of an intent to kill the big game animal to the nearest regional office;
 - (iv) the landowner or lessee kills the big game animal within 90 days, or a longer period, if approved, in writing, by the division, after having requested that the division take action to prevent depredation under Subsection 23-16-3(1)(a); and
 - (v) the killing is not prohibited by Subsection (2)(a) or (3).
 - (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner or lessee shall notify the division of the killing.
 - (c) The carcass of an animal killed under Subsection (1)(a) shall become the property of the division and shall be disposed of by the division.
 - (d) Any money derived from the sale of animals killed shall be placed in the Wildlife Resources Account created in Section 23-14-13.
- (2)
 - (a) The division director may prohibit the killing of big game animals under Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division take action to remove depredating animals, the division:
 - (i) determines that the restitution value of the big game animal or animals, as established under Section 23-20-4.5, is more than twice the estimated value of the cultivated crops that have been or will be damaged or consumed;
 - (ii) determines that the prohibition is consistent with the management plan established under Section 23-16-7;
 - (iii) notifies the landowner or lessee of the prohibition; and
 - (iv) offers the landowner or lessee a depredation mitigation plan.
 - (b) A landowner or lessee who is offered a depredation mitigation plan may:
 - (i) accept the plan in writing; or
 - (ii) refuse to accept the plan and appeal the plan, in writing, to the division director.
- (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a), the division director may prohibit any further killing of big game animals if:
 - (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); and
 - (b) the mitigation review panel reviews and approves the depredation mitigation plan.

Enacted by Chapter 228, 2003 General Session