

February 11, 1998

Mr. Speaker:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 333**, WILDLIFE CODE AMENDMENTS, by Representative M. Styler, with the following amendments:

1. Page 1, Line 5: After "GAME;" insert "MODIFYING MEASURES TO MITIGATE DAMAGE BY BIG GAME;"
2. Page 1, Line 14: After line 14 insert the following:
"23-16-3.5, as last amended by Chapter 258, Laws of Utah 1997"
3. Page 1, Line 22: After line 22 insert the following:
"Section 1. Section **23-26-3.5** is amended to read:
23-16-3.5. Damage to livestock forage, fences, or irrigation equipment on private lands.
(1) If big game animals are damaging livestock forage, fences, or irrigation equipment on private land or are consuming livestock forage on private land, the landowner or lessee may request the division to take action to prevent depredation.
(2) (a) Within a reasonable time, not to exceed 72 hours after receiving the request, the division shall investigate the situation. If it appears that depredation by big game may continue, the division may, after consulting with the landowner or lessee, take action appropriate for the extent of damage experienced or expected.
Action taken may include:
(i) sending a representative onto the premises to control or remove the animals;
(ii) scheduling a depredation hunt; or
(iii) issuing tags to the landowner or lessee for the harvest of big game animals causing depredation.

Bill Number

Action Class

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(b) (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsection (2)(a)(iii). Control efforts shall be directed toward antlerless animals, sparing if possible, but not excluding, trophy animals.

(ii) Any tag issued for an antlered animal must be approved by the division director or the director's designee.

(c) The division and the landowner or lessee shall jointly determine the number of animals taken pursuant to Subsection (2)(a)(iii) of which the landowner or lessee may retain possession.

(3) (a) The division may implement the measures specified in Subsections (4) through (6) to mitigate damage to livestock forage, if:

(i) actions taken to control or remove depredating big game are not successful or are not likely to be successful; or

(ii) both the division and landowner or lessee determine the measure is preferable to immediately controlling or removing big game animals.

(b) (i) The measures specified in Subsections (4) through (6) may also be used to mitigate damage to fences or irrigation equipment on private land or cultivated crops from or upon cleared and planted land, if:

(A) the landowner or lessee elects to not file a claim under Section 23-16-4; or

(B) the landowner or lessee and the division agree upon a combination of mitigation measures to be used pursuant to Subsections (4) through (6) and a payment of damage under Section 23-16-4.

(ii) The agreement must be made before a claim for damage is filed and the mitigation measures are taken.

(iii) A landowner or lessee who elects to pursue mitigation through the measures specified in Subsections (4) through (6) may not subsequently file a claim under Section 23-16-4, except as provided by an agreement made under Subsection (3)(b)(i).

(c) In determining appropriate mitigation, the division shall consider:

(i) the extent of damage experienced or expected; and

(ii) any revenue the landowner derives from participation in a cooperative wildlife management unit, use of landowner permits, and charging for hunter access.

(4) (a) (i) The division may issue tags to the landowner or lessee for the harvest of big game on the owner's or lessee's land during a general or special season hunt authorized by the Wildlife Board.

(ii) In accordance with rules adopted by the Wildlife Board, the

division may issue tags to groups of landowners or lessees for the harvest of big game on adjoining properties during a general or special season hunt authorized by the Wildlife Board.

(b) Any tag issued for an antlered animal must be approved by the division director or the director's designee.

(5) (a)(i) In accordance with rules adopted by the Wildlife Board, the division may allow a landowner or lessee to designate who shall receive big game permits to be used for hunting on the owner's or lessee's land during a general or special season hunt authorized by the Wildlife Board.

(ii) In accordance with rules adopted by the Wildlife Board, the division may allow groups of landowners or lessees to designate who shall receive big game permits to be used for hunting on adjoining properties during a general or special season hunt authorized by the Wildlife Board.

(b) Any fee for accessing the owner's or lessee's land shall be determined by the owner or lessee.

(6) (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.

(b) Any conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game."

Renumber remaining sections accordingly.

Respectfully,

Bradley T. Johnson
Committee Chair

Voting: 8-1-5

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