

WORKING DISCUSSION DRAFT

TITLE 23A. WILDLIFE RESOURCES ACT

CHAPTER 1. GENERAL PROVISIONS

Part 1. General Provisions

~~[23-13-2.]~~ 23A-1-101. Definitions.

As used in this title:

(1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or regulated under this title or the rules~~[;]~~ and proclamations promulgated under this title pertaining to protected wildlife including:

(a) fishing;

(b) hunting;

(c) trapping;

(d) taking;

(e) permitting ~~[any]~~ a dog, falcon, or other domesticated animal to take;

(f) transporting;

(g) possessing;

(h) selling;

(i) wasting;

(j) importing;

(k) exporting;

(l) rearing;

(m) keeping;

(n) using as a commercial venture; and

(o) releasing to the wild.

(2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.

(3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.

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- 29 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
30 amphibians.
- 31 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
32 one person may legally take during one day.
- 33 (6) "Big game" means species of hooved protected wildlife.
- 34 (7) "Carcass" means the dead body of an animal or ~~[its]~~ the animal's parts.
- 35 (8) "Certificate of registration" means a paper-based or electronic document issued
36 under this title, or ~~[any]~~ a rule or proclamation of the Wildlife Board granting authority
37 to engage in activities not covered by a license~~;~~ or permit~~;~~ or tag.
- 38 (9) "Closed season" means the period of time during which the taking of protected
39 wildlife is prohibited.
- 40 (10) "Conservation officer" means a full-time, permanent employee of the ~~[Division of~~
41 ~~Wildlife Resources]~~ division who is POST certified as a peace or a special function
42 officer.
- 43 (11) "Dedicated hunter program" means a program that provides:
44 (a) expanded hunting opportunities;
45 (b) opportunities to participate in projects that are beneficial to wildlife; and
46 (c) education in hunter ethics and wildlife management principles.
- 47 (12) "Department" means the Department of Natural Resources.
- 48 (13) "Director" means the director of the division appointed under Section 23A-2-202.
- 49 ~~[(12)]~~ (14) "Division" means the Division of Wildlife Resources.
- 50 ~~[(13)]~~ ~~[(a)]~~ ~~["Domicile"]~~ (15) Subject to Section 23A-1-103, "domicile " means the place:
51 ~~[(i)]~~ (a) where an individual has a fixed permanent home and principal establishment;
52 ~~[(ii)]~~ (b) to which the individual if absent, intends to return; and
53 ~~[(iii)]~~ (c) in which the individual, and the individual's family voluntarily reside, not for a
54 special or temporary purpose, but with the intention of making a permanent home.
- 55 ~~[(b) To create a new domicile an individual shall:~~
56 ~~(i) abandon the old domicile; and~~
57 ~~(ii) be able to prove that a new domicile has been established.]~~

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58 ~~[(14)]~~ (16) "Endangered" means wildlife designated as endangered according to
59 Section 3 of the federal Endangered Species Act of 1973.

60 (17) "Executive director" means the executive director of the Department of Natural
61 Resources.

62 ~~[(15)]~~ (18) "Fee fishing facility" means the same as that term is defined in Section
63 4-37-103.

64 ~~[(16)]~~ (19) "Feral" means an animal that is normally domesticated but has reverted to
65 the wild.

66 ~~[(17)]~~ (20) "Fishing" means to take fish or crayfish by any means.

67 ~~[(18)]~~ (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae,
68 Mustelidae, and Castoridae families, except coyote and cougar.

69 ~~[(19)]~~ (22) (a) "Game" means wildlife normally pursued, caught, or taken by sporting
70 means for human use.

71 (b) "Game" includes:

72 (i) big game;

73 (ii) small game;

74 (iii) upland game;

75 (iv) game fish;

76 (v) game birds; and

77 (vi) other types of game as determined by the Wildlife Board and in accordance with
78 this title.

79 ~~[(20) "Guide" means a person who receives compensation or advertises services for~~
80 ~~assisting another person to take protected wildlife, including the provision of food,~~
81 ~~shelter, or transportation, or any combination of these.~~

82 ~~registered outfitter or hunting guide, as defined in Section 58-79-102~~

83 ~~(21) "Guide's agent" means a person who is employed by a guide to assist another~~
84 ~~person to take protected wildlife.]~~

85 ~~[(22)]~~ (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal
86 by any means.

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87 (24) "Hunting guide" means the same as that term is defined in Section 58-79-102.

88 [(23)] (25) "Intimidate or harass" means to physically interfere with or impede, hinder,
89 or diminish the efforts of an officer in the performance of the officer's duty.

90 [(24)] (26) (a) "Natural flowing stream" means a topographic low where water collects
91 and perennially or intermittently flows with a perceptible current in a channel formed
92 exclusively by forces of nature.

93 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:

94 (i) realigned or modified channel that replaces the historic, natural flowing stream
95 channel; and

96 (ii) dredged natural flowing stream channel.

97 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
98 other water delivery system that diverts and conveys water to an approved place of use
99 pursuant to a certificated water right.

100 [(25)] (27) (a) "Natural lake" means a perennial or intermittent body of water that
101 collects on the surface of the earth exclusively through the forces of nature and without
102 human assistance.

103 (b) "Natural lake" does not mean a lake where [all] the surface water sources
104 supplying the body of water originate from groundwater springs no more than 100 yards
105 upstream.

106 (28) "Nominating committee" means the Wildlife Board Nominating Committee created
107 in Section 23A-2-302.

108 [(26)] (29) "Nonresident" means a person who does not qualify as a resident.

109 [(27)] (30) "Open season" means the period of time during which protected wildlife
110 may be legally taken.

111 (31) "Outfitter" means the same as that term is defined in Section 58-79-102.

112 [(28)] (31) "Pecuniary gain" means the acquisition of money or something of monetary
113 value.

114 [(29)] (32) "Permit" means a paper-based or electronic document[~~including a stamp,~~]
115 that grants authority to engage in specified activities under this title or a rule or

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116 proclamation of the Wildlife Board.

117 ~~[(30)]~~ (33) "Person" means an individual, association, partnership, government
118 agency, corporation, or an agent of the ~~[foregoing]~~ individual, association, partnership,
119 government agency, or corporation .

120 (34) "Pollute water" means to introduce into water pollution:

121 (a) as defined in Section 19-5-102; or

122 (b) that could harm protected wildlife.

123 ~~[(31)]~~ (35) "Possession" means actual or constructive possession.

124 ~~[(32)]~~ (36) "Possession limit" means the number of bag limits one individual may
125 legally possess.

126 ~~[(33)]~~ (37) (a) "Private fish pond" means a pond, reservoir, or other body of water,
127 including a fish culture system, located on privately owned land where privately owned
128 fish:

129 (i) are propagated or kept for a private noncommercial purpose; and

130 (ii) may be taken without a fishing license.

131 (b) "Private fish pond" does not include :

132 (i) an aquaculture facility[;] ;

133 (ii) a fee fishing facility[;] ;

134 (iii) a short-term fishing event[;] ; or

135 (iv) private stocking.

136 ~~[(34)]~~ ~~[(a)]~~ (38) "Private stocking" means an authorized release of privately owned, live
137 fish in the waters of the state not eligible as :

138 (a) a private fish pond under Section ~~[23-15-10]~~ 23A-9-203; or

139 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
140 Act.

141 ~~[(b) Fish released under private stocking become the property of the state and subject~~
142 ~~to the fishing regulations set forth in this title and the rules and proclamations of the~~
143 ~~Wildlife Board.]~~

144 ~~[(35)]~~ (39) "Private wildlife farm" means an enclosed place where privately owned

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145 birds or furbearers are propagated or kept and that restricts the birds or furbearers
146 from:

147 (a) commingling with wild birds or furbearers; and

148 (b) escaping into the wild.

149 ~~[(36)]~~ (40) "Proclamation" means the publication that is:

150 (a) used to convey a statute, rule, policy, or pertinent information ~~[as it relates]~~ related
151 to wildlife ; and

152 (b) issued in accordance with a rule made by the Wildlife Board under this title.

153 ~~[(37)]~~ (41) (a) "Protected aquatic wildlife" means aquatic wildlife ~~[as defined in~~
154 ~~Subsection (3);]~~ except as provided in Subsection ~~[(37)]~~ (41) (b).

155 (b) "Protected aquatic wildlife" does not include aquatic insects.

156 ~~[(38)]~~ (42) (a) "Protected wildlife" means wildlife ~~[as defined in Subsection (54)],~~
157 except as provided in Subsection ~~[(38)]~~ (42) (b).

158 (b) "Protected wildlife" does not include :

159 (i) coyote~~[:]~~ ;

160 (ii) field mouse~~[:]~~ ;

161 (iii) gopher~~[:]~~ ;

162 (iv) ground squirrel~~[:]~~ ;

163 (v) jack rabbit~~[:]~~ ;

164 (vi) muskrat~~[-and]~~ ; or

165 (vii) raccoon.

166 (43) "Regional advisory council" means a council created under Section 23A-2-303.

167 ~~[(39)]~~ (44) "Released to the wild" means to be turned loose from confinement.

168 ~~[(40)]~~ (45) (a) "Reservoir constructed on a natural stream channel" means a body of
169 water collected and stored on the course of a natural flowing stream by impounding the
170 stream through excavation or diking.

171 (b) "Reservoir constructed on a natural stream channel" does not mean an
172 impoundment on a natural flowing stream where all surface water sources supplying the
173 impoundment originate from groundwater springs no more than 100 yards upstream.

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174 [(41)] [(a)] ["Resident] (46) Subject to Section 23A-1-103, "resident " means a person
175 who:

176 [(i)] (a) has been domiciled in the state for six consecutive months immediately
177 preceding the purchase of a license; and

178 [(ii)] (b) does not claim residency for hunting, fishing, or trapping in [any other]
179 another state or country.

180 ~~[(b) A Utah resident retains Utah residency if that person leaves this state:~~

181 ~~(i) to serve in the armed forces of the United States or for religious or educational~~
182 ~~purposes; and~~

183 ~~(ii) the person complies with Subsection (41)(a)(ii).~~

184 ~~(c) (i) A member of the armed forces of the United States and dependents are~~
185 ~~residents for the purposes of this chapter as of the date the member reports for duty~~
186 ~~under assigned orders in the state if the member:~~

187 ~~(A) is not on temporary duty in this state; and~~

188 ~~(B) complies with Subsection (41)(a)(ii).~~

189 ~~(ii) A copy of the assignment orders shall be presented to a wildlife division office to~~
190 ~~verify the member's qualification as a resident.~~

191 ~~(d) A nonresident attending an institution of higher learning in this state as a full-time~~
192 ~~student may qualify as a resident for purposes of this chapter if the student:~~

193 ~~(i) has been present in this state for 60 consecutive days immediately preceding the~~
194 ~~purchase of the license; and~~

195 ~~(ii) complies with Subsection (41)(a)(ii).~~

196 ~~(e) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping~~
197 ~~is purchased in [any other] state or country.~~

198 ~~(f) An absentee landowner paying property tax on land in Utah does not qualify as a~~
199 ~~resident.]]~~

200 [(42)] (47) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the
201 act of selling, bartering, exchanging, or trading.

202 [(43)] [(a)] (48) "Short-term fishing event" means an event when :

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203 (a) privately acquired fish are held or confined for a period not to exceed 10 days for
204 the purpose of providing fishing or recreational opportunity ; and [where]

205 (b) no fee is charged as a requirement to fish.

206 ~~[(b) A fishing license is not required to take fish at a short-term fishing event.]~~

207 ~~[(44)]~~ (49) "Small game" means species of protected wildlife:

208 (a) commonly pursued for sporting purposes;

209 (b) not classified as big game, aquatic wildlife, or furbearers; and

210 (c) excluding turkey, cougar, and bear.

211 ~~[(45)]~~ (50) "Spoiled" means impairment of the flesh of wildlife that renders the flesh
212 unfit for human consumption.

213 ~~[(46)]~~ (51) "Spotlighting" means throwing or casting the rays of [any] a spotlight,
214 headlight, or other artificial light on [any] a highway or in [any] a field, woodland, or
215 forest while having in possession a weapon by which protected wildlife may be killed.

216 ~~[(47)]~~ (52) "Tag" means a card, label, or other paper-based or electronic means of
217 identification used to document harvest of protected wildlife issued as part of a license
218 or permit .

219 ~~[(48)]~~ (53) "Take" means to:

220 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill [any]
221 protected wildlife; or

222 (b) attempt [any] an action referred to in Subsection ~~[(48)]~~ (53) (a).

223 ~~[(49)]~~ (54) "Threatened" means wildlife designated as [such] threatened pursuant to
224 Section 3 of the federal Endangered Species Act of 1973.

225 ~~[(50)]~~ (55) "Trapping" means taking protected wildlife with a trapping device.

226 ~~[(51)]~~ (56) "Trophy animal" means an animal described as follows:

227 (a) deer - a buck with an outside antler measurement of 24 inches or greater;

228 (b) elk - a bull with six points on at least one side;

229 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;

230 (d) moose - a bull with at least one antler exceeding five inches in length;

231 (e) mountain goat - a male or female;

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232 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or

233 (g) bison - a bull.

234 (57) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning
235 dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

236 ~~[(52)]~~ (58) "Waste" means to :

237 (a) abandon protected wildlife ~~[or to]~~ ; or

238 (b) allow protected wildlife to spoil or to be used in a manner not normally associated
239 with the protected wildlife's beneficial use.

240 ~~[(53) "Water pollution" means the introduction of matter or thermal energy to waters~~
241 ~~within this state that:~~

242 ~~(a) exceeds state water quality standards; or~~

243 ~~(b) could be harmful to protected wildlife.]~~

244 ~~[(54)]~~ (59) "Wildlife" means:

245 (a) crustaceans, including brine shrimp and crayfish;

246 (b) mollusks; and

247 (c) vertebrate animals living in nature, except feral animals.

248 (60) "Wildlife Board" means the board created in Section 23A-2-301.

249

250 ~~[23-13-3.]~~ 23A-1-102. **Wildlife declared property of the state.**

251 ~~[All wildlife]~~ (1) Wildlife existing within this state, not held by private ownership and
252 legally acquired, is the property of the state.

253 (2) Fish released under private stocking become the property of the state and subject
254 to the fishing regulations set forth in this title or a rule or proclamation of the Wildlife
255 Board.

256

257 **23A-1-103. Domicile or residency.**

258 (1) To create a new domicile an individual shall:

259 (a) abandon the old domicile; and

260 (b) be able to prove that a new domicile has been established.

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- 261 (2) A Utah resident retains Utah residency if that person leaves this state:
262 (a) to serve in the armed forces of the United States or for religious or educational
263 purposes; and
264 (b) the person complies with Subsection 23A-1-101(46)(b).
265 (3) (a) A member of the armed forces of the United States and dependents are
266 residents for the purposes of this title as of the date the member reports for duty under
267 assigned orders in the state if the member:
268 (i) is not on temporary duty in this state; and
269 (ii) complies with Subsection 23A-1-101(46)(b).
270 (b) A member shall present a copy of the assignment orders to a division office to
271 verify the member's qualification as a resident.
272 (4) A nonresident attending an institution of higher learning in this state as a full-time
273 student may qualify as a resident for purposes of this title if the student:
274 (a) has been present in this state for 60 consecutive days immediately preceding the
275 purchase of the license; and
276 (b) complies with Subsection 23A-1-101(46)(b).
277 (5) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping
278 is purchased in another state or country.
279 (6) An absentee landowner paying property tax on land in Utah does not qualify as a
280 resident.

281

282 **Part 2. Miscellaneous**

283

284 ~~[23-13-8.]~~ 23A-1-201. **Private wildlife farms.**

- 285 (1) ~~[Any]~~ (a) Subject to the requirements of this section, a person may :
286 (i) establish and maintain a private wildlife ~~[farms]~~ farm for propagating, rearing, and
287 keeping furbearers or birds classified as protected wildlife ; and ~~[may]~~
288 (ii) sell or dispose of wildlife reared upon ~~[such farms]~~ the private wildlife farm, except
289 that disposal may not include release to the wild without first securing written

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290 permission from the Wildlife Board.

291 (b) Before establishing ~~[such]~~ a private wildlife farm, a person shall obtain written
292 authorization from the ~~[Division of Wildlife Resources]~~ division in accordance with
293 rules established by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
294 Administrative Rulemaking Act. ~~[Any wildlife which]~~

295 (c) Wildlife that escapes from a private wildlife ~~[farms]~~ farm becomes the property of
296 the state.

297 (2) This section does not :

298 (a) apply to a private fur ~~[farms]~~ farm established and maintained for rearing
299 domesticated, privately owned mink or chinchilla ~~[which]~~ that were not acquired as wild
300 animals from ~~[any]~~ a state or country~~[-, nor does it]~~ ; or

301 (b) provide for the propagating, rearing, and keeping of ~~[any]~~ a protected wildlife other
302 than ~~[those]~~ a wildlife specified in this section.

303

304 ~~[23-13-12.5.]~~ 23A-1-202. **Agreement with a tribe.**

305 (1) As used in this section, "tribe" means a federally recognized:

306 (a) Indian tribe; or

307 (b) Indian band.

308 (2) (a) Subject to the requirements of this section, the governor may enter into an
309 agreement with a tribe to settle a dispute between the state and the tribe concerning a
310 hunting, fishing, or trapping right claim that is:

311 (i) based on:

312 (A) a treaty;

313 (B) an aboriginal right; or

314 (C) other recognized federal right; and

315 (ii) on lands located within the state.

316 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
317 (2)(a) may not exempt ~~[any]~~ a person from the requirements of this title.

318 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a

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- 319 tribe that is a party to the agreement or a member of that tribe from:
- 320 (i) Section ~~[23-16-5]~~ 23A-11-201, placing a limit of one of any species of big game
321 during a license year;
- 322 (ii) Section ~~[23-16-6]~~ 23A-11-202, commencement date of the general deer season;
- 323 (iii) a hunter or furharvester education requirement under Chapter ~~[49]~~ 4, Licenses,
324 Permits, Certificates of Registration, and Tags;
- 325 (iv) an age restriction under Chapter ~~[49]~~ 4, Licenses, Permits, Certificates of
326 Registration, and Tags;
- 327 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
328 or permit;
- 329 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
- 330 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is not
331 inconsistent with this title.
- 332 (d) An agreement permitted under Subsection (2)(a) shall:
- 333 (i) be in writing;
- 334 (ii) be signed by:
- 335 (A) the governor; and
- 336 (B) the governing body of the tribe that:
- 337 (I) is designated by the tribe; and
- 338 (II) may bind the tribe to the terms of the agreement;
- 339 (iii) be conditioned on obtaining any approval required by federal law;
- 340 (iv) state the effective date of the agreement;
- 341 (v) provide that the governor shall renegotiate the agreement if the agreement is or
342 becomes inconsistent with a state statute for which an exemption is not authorized
343 under this section; and
- 344 (vi) include any accommodation made by the tribe that:
- 345 (A) is agreed to by the tribe;
- 346 (B) is reasonably related to the agreement; and
- 347 (C) concerns the management and use of wildlife resources or habitat.

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348 (e) ~~[Prior to]~~ Before executing an agreement under this Subsection (2), the governor
349 shall consult with:

350 (i) the division; and

351 (ii) the chair of the Wildlife Board ~~[created in Section 23-14-2]~~.

352 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
353 governor or the governor's designee shall provide a copy of the agreement in the form
354 that the agreement will be executed to:

355 (i) the chairs of the Native American Legislative Liaison Committee; and

356 (ii) the Office of Legislative Research and General Counsel.

357

358 ~~[23-13-15.]~~ 23A-1-203. **Hunting and Fishing Day.**

359 In recognition of the substantial and continued contribution by hunters and fishermen
360 toward the sound management of wildlife in Utah, the fourth Saturday of September of
361 each year is ~~[hereby]~~ ~~[established]~~ known as "Utah State Hunting and Fishing Day."

362

363 ~~[23-13-17.]~~ 23A-1-204 **Spotlighting of coyote, red fox, striped skunk, and**
364 **raccoon -- County ordinances -- Permits.**

365 (1) For purposes of a county ordinance enacted pursuant to this section, "motor
366 vehicle" means the same as that term is defined in Section 41-6a-102.

367 ~~[(4)]~~ (2) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon
368 ~~[where]~~ when allowed by a county ordinance enacted pursuant to this section.

369 ~~[(2)]~~ (3) The ordinance shall provide that:

370 (a) ~~[any]~~ a hunter shall carry the artificial light used to spotlight coyote, red fox, striped
371 skunk, or raccoon ~~[shall be carried by the hunter]~~;

372 (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may
373 not be used to spotlight the ~~[animal]~~ coyote, red fox, striped skunk, or raccoon; and

374 (c) while hunting with the use of an artificial light, the hunter may not occupy or operate
375 ~~[any]~~ a motor vehicle.

376 ~~[(3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as~~

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377 ~~defined in Section 41-6a-102.]~~

378 (4) The ordinance may specify:

379 (a) the time of day and seasons when spotlighting is permitted;

380 (b) areas closed or open to spotlighting within the unincorporated area of the county;

381 (c) safety zones within which spotlighting is prohibited;

382 (d) the weapons permitted; and

383 (e) penalties for violation of the ordinance.

384 (5) (a) A county may restrict the number of hunters engaging in spotlighting by
385 requiring a permit to spotlight and issuing a limited number of permits.

386 (b) (i) A county may charge a fee ~~[may be charged]~~ for a spotlighting permit.

387 (ii) ~~[Any]~~ County ordinance shall establish the permit fee~~[shall be established by the~~
388 county ordinance].

389 (iii) [Revenues] A county shall remit revenue generated by the permit fee ~~[shall be~~
390 remitted] to the ~~[Division of Wildlife Resources]~~ division for deposit into the Wildlife
391 Resources Account, except the Wildlife Board may allow ~~[any]~~ a county that enacts an
392 ordinance pursuant to this section to retain a reasonable amount to pay for the costs of
393 administering and enforcing the ordinance~~[, provided this]~~ if the use of the permit
394 revenues does not affect federal funds received by the state under Wildlife Restoration
395 Act, 16 U.S.C. Sec. 669 et seq., ~~[Wildlife Restoration Act]~~ and Sport Fish Restoration
396 Act, 16 U.S.C. Sec. 777 et seq.~~[, Sport Fish Restoration Act]~~.

397 (6) A county may require ~~[hunters]~~ a hunter to notify the county sheriff of the time and
398 place ~~[they]~~ the hunter will be engaged in spotlighting.

399 (7) The requirement that a county enact an ordinance ~~[shall be enacted]~~ before a
400 person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not
401 apply to:

402 (a) a person or the person's agent who is lawfully acting to protect the person's crops
403 or domestic animals from predation by those animals; or

404 (b) an animal damage control agent acting in the agent's official capacity under a
405 memorandum of agreement with the division.

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406 ~~[23-20-9.]~~ 23A-1-205. **Donating protected wildlife.**

407 (1) A person may only donate protected wildlife or ~~[their]~~ wildlife parts to another
408 person at:

409 (a) the residence of the donor;

410 (b) the residence of the person receiving protected wildlife or ~~[their]~~ the wildlife parts;

411 (c) a meat locker;

412 (d) a storage plant;

413 (e) a meat processing facility; or

414 (f) a location authorized by the Wildlife Board in rule, proclamation, or order.

415 (2) A written statement of donation shall be kept with the protected wildlife or parts
416 showing:

417 (a) the number and species of protected wildlife or parts donated;

418 (b) the date of donation;

419 (c) the license or permit number of the donor; and

420 (d) the signature of the donor.

421 (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big
422 game animal to another person or organization at any place without a donation slip.

423

424 **CHAPTER 2. ADMINISTRATION**

425

426 **Part 1. General Provisions**

427

428 **23A-2-101. Definitions**

429 Reserved.

430

431 ~~[23-14-3.]~~ 23A-2-102. **Powers of division to determine facts -- Policymaking**
432 **powers of Wildlife Board.**

433 (1) The ~~[Division of Wildlife Resources]~~ division may determine the facts relevant to

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434 the wildlife resources of this state.

435 (2) (a) Upon a determination of ~~[these]~~ the facts by the division, the Wildlife Board
436 shall establish the policies best designed to accomplish the purposes and fulfill the
437 intent of ~~[all]~~ the laws pertaining to wildlife and the preservation, protection,
438 conservation, perpetuation, introduction, and management of wildlife.

439 (b) In establishing policy, the Wildlife Board shall:

440 (i) recognize that wildlife and ~~[its]~~ the wildlife's habitat are an essential part of a
441 healthy, productive environment;

442 (ii) recognize the impact of wildlife on humans, human economic activities, private
443 property rights, and local economies;

444 (iii) seek to balance the habitat requirements of wildlife with the social and economic
445 activities of ~~[man]~~ humans;

446 (iv) recognize the social and economic values of wildlife, including fishing, hunting, and
447 other uses; and

448 (v) seek to maintain wildlife on a sustainable basis.

449 (c) (i) The Wildlife Board shall consider the recommendations of the regional advisory
450 councils established in Section ~~[23-14-2.6]~~ 23A-2-303.

451 (ii) If a regional advisory council recommends a position or action to the Wildlife Board,
452 and the Wildlife Board rejects the recommendation, the Wildlife Board shall provide a
453 written explanation to the regional advisory council recommending the opposing
454 position.

455 (3) ~~[No]~~ An authority conferred upon the Wildlife Board by this title ~~[shall]~~ may not
456 supersede the administrative authority of the executive director ~~[of the] Department of~~
457 ~~Natural Resources]~~ or the director ~~[of the] [Division of Wildlife Resources]~~ .

458

459 **Part 2. Division and Director**

460

461 ~~[23-14-1.] 23A-2-201.~~ **Division of Wildlife Resources** ~~[--Creation-- General~~
462 ~~powers and duties]~~ **-- Limits on authority of political subdivisions** -- Adjudicative

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463 proceedings .

464 (1) (a) There is created the Division of Wildlife Resources within the Department of
465 Natural Resources under the administration and general supervision of the executive
466 director ~~[of the] [Department of Natural Resources]~~.

467 (b) The ~~[Division of Wildlife Resources]~~ division is the wildlife authority for Utah and is
468 vested with the functions, powers, duties, rights, and responsibilities provided in this title
469 and other law.

470 (2) (a) Subject to the broad policymaking authority of the Wildlife Board, the ~~[Division of~~
471 ~~Wildlife Resources]~~ division shall protect, propagate, manage, conserve, and distribute
472 protected wildlife throughout the state.

473 (b) The ~~[Division of Wildlife Resources is appointed as]~~ division is the trustee and
474 custodian of protected wildlife and may initiate civil proceedings, in addition to criminal
475 proceedings provided for in this title, to:

476 (i) recover damages;

477 (ii) compel performance;

478 (iii) compel substitution;

479 (iv) restrain or enjoin;

480 (v) initiate any other appropriate action; and

481 (vi) seek ~~[any]~~ appropriate remedies in ~~[its]~~ the division's capacity as trustee and
482 custodian.

483 (3) (a) If a political subdivision of the state adopts ~~[ordinances or regulations]~~ an
484 ordinance or regulation concerning hunting, fishing, or trapping that ~~[conflict]~~ conflicts
485 with this title or rules ~~[promulgated]~~ made pursuant to this title, state law ~~[shall prevail]~~
486 prevails .

487 (b) ~~[Communities]~~ A community may close areas to hunting for safety reasons after
488 confirmation by the Wildlife Board.

489 (4) The division shall comply with Title 63G, Chapter 4, Administrative Procedures Act,
490 in the division's adjudicative proceedings.

491

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492 ~~[23-14-7.]~~ **23A-2-202.** ~~[Functions and qualifications of director]~~ **Director of the**
493 **division -- qualifications** .

494 (1) The director shall:

495 (a) be the executive and administrative head of the ~~[Division of Wildlife Resources]~~
496 **division** ; and

497 (b) have demonstrated ability in management and administration and experience in the
498 protection, conservation, restoration, and management of wildlife resources.

499 (2) The director may not hold ~~[any other]~~ **another** public office or be involved in a
500 political party or organization.

501

502 ~~[23-14-8.]~~ **23A-2-203.** **Director** ~~[--Executive authority and control--Power to~~
503 **declare emergency seasons] **powers** .**

504 The director ~~[of the Division of Wildlife Resources]~~, under administrative supervision of
505 the executive director ~~[of the]~~ ~~[Department of Natural Resources,~~ ~~[shall have]~~ **, has** :

506 (1) executive authority and control of the ~~[Division of Wildlife Resources]~~ **division** so
507 that policies of the Wildlife Board are carried out in accordance with the laws of this
508 state;

509 (2) authority over ~~[all]~~ personnel matters;

510 (3) full control of ~~[all]~~ property acquired and held for the purposes specified in this title;
511 and

512 (4) authority to declare emergency closed or open seasons in the interest of the wildlife
513 resources of the state.

514

515 ~~[23-14-10.]~~ **23A-2-204.** **Compensation of division employees -- Travel expenses**
516 **of director and employees.**

517 ~~[Employees of the Division of Wildlife Resources shall receive such]~~ **An employee of**
518 **the division shall receive the** compensation ~~[as]~~ the director ~~[shall determine]~~

519 **determines** within limits established for state employees by ~~[the Division of Finance]~~

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520 Title 63A, Chapter 17, Utah State Personnel Management Act . In addition to salaries
521 provided for within this title, the director and employees of the [Division of Wildlife
522 Resources] division are entitled to receive travel expenses as provided in the rules
523 established by the Division of Finance.

524
525 **[23-14-12.] 23A-2-205. Oaths administered by director**~~[--Adjudicative~~
526 **proceedings].**

527 The director ~~[of wildlife resources shall have]~~[the power to] may administer oaths for
528 ~~[all]~~ the purposes required in the discharge of ~~[his]~~ the director's duties.

529
530 **[23-15-2.] 23A-2-206. Jurisdiction of division over public or private land and**
531 **waters.**

532 ~~[All wildlife]~~ Wildlife within this state, including wildlife on public or private land or in
533 public or private waters within this state, ~~[shall fall]~~ is within the jurisdiction of the
534 ~~[Division of Wildlife Resources]~~ division .

535
536 **[23-13-6.] 23A-2-207. Taking of wildlife by division.**

537 (1) Subject to the other provisions of this section, the division may take wildlife of any
538 kind from any place and in any manner for purposes considered by the director~~[of the~~
539 ~~division]~~ to be in the interest of wildlife conservation.

540 (2) The division shall deliver notice to an affected landowner or an agent of an affected
541 landowner, either in writing or orally, before the taking of wildlife on privately owned land
542 under this section. The division may take the wildlife immediately after or at a time
543 reasonably required for the taking after delivering notice.

544 (3) The notice requirements in Subsection (2) do not apply in a situation when there is
545 a threat to public safety or exigent circumstances exist.

546
547 **[23-13-7.] 23A-2-208 Use of fireworks and explosives by division employees**

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548 **and certain federal game agents.**

549 Notwithstanding any other provision of law, ~~[employees of the Division of Wildlife~~
550 ~~Resources and federal game agents]~~ the following may, without obtaining a permit, use
551 fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife
552 as may be necessary to protect property or wildlife resources:

553 (1) an employee of the division designated by the director; or

554 (2) a federal game agent charged with the duty of managing wildlife resources ~~[may;~~
555 ~~without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise~~
556 ~~disperse concentrations of wildlife as may be necessary to protect property or wildlife~~
557 ~~resources.]~~

558

559 ~~[23-14-21.]~~ 23A-2-209. **Transplants of big game, turkeys, wolves, or sensitive**
560 **species.**

561 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in
562 accordance with:

563 (a) (i) a list of sites for the transplant of a particular species that is prepared and
564 adopted in accordance with Subsections (2) through (5);

565 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted
566 under Section ~~[23-16-7]~~ 23A-11-301 or a recovery plan for a threatened or
567 endangered species, provided that:

568 ~~[(+)]~~ (A) the plan identifies sites for the transplant of the species or the lands or waters
569 the species are expected to occupy; and

570 ~~[(+)]~~ (B) the public has had an opportunity to comment and make recommendations
571 on the plan; ~~[or]~~ and

572 (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.; or

573 ~~[(c)]~~ (b) a legal agreement between the state and a tribal government that identifies
574 potential transplants~~[-and~~

575 ~~(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.].~~

576 (2) The division shall:

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- 577 (a) consult with the landowner in determining the suitability of a site for the transplant
578 of a species;
- 579 (b) prepare a list of proposed sites for the transplant of species; and
- 580 (c) provide notification of proposed sites for the transplant of species to:
- 581 (i) local government officials having jurisdiction over areas that may be affected by a
582 transplant; and
- 583 (ii) the Resource Development Coordinating Committee created in Section 63L-11-401.
- 584 (3) After receiving comments from local government officials and the Resource
585 Development Coordinating Committee, the division shall submit the list of proposed
586 transplant sites, or a revised list, to regional advisory councils for the one or more
587 regions that may be affected by the transplants of species.
- 588 (4) ~~[Each]~~ A regional advisory council reviewing a list of proposed sites for the
589 transplant of species may submit recommendations to the Wildlife Board.
- 590 (5) The Wildlife Board shall approve, modify, or reject ~~[each]~~ a proposal for the
591 transplant of a species.
- 592 (6) ~~[Each]~~ A list of proposed transplant sites approved by the Wildlife Board shall
593 have a termination date after which a transplant may not occur.

594

Part 3. Wildlife Board and Regional Advisory Councils

596

597 ~~[23-14-2.]~~ 23A-2-301. **Wildlife Board** ~~[--Creation--Membership--Terms--~~
598 ~~Quorum--Meetings--Per diem and expenses]~~ created .

599 (1) There is created a Wildlife Board ~~[which shall consist]~~ that consists of seven
600 members appointed by the governor with the advice and consent of the Senate in
601 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

602 (2) (a) In addition to the requirements of Section 79-2-203, the members of the ~~[board]~~
603 Wildlife Board shall have expertise or experience in at least one of the following areas:

- 604 (i) wildlife management or biology;
- 605 (ii) habitat management, including range or aquatic;

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- 606 (iii) business, including knowledge of private land issues; and
607 (iv) economics, including knowledge of recreational wildlife uses.
- 608 (b) [Each] At least one member of the Wildlife Board shall represent each of the areas
609 of expertise under Subsection (2)(a)~~[shall be represented by at least one member of~~
610 ~~the Wildlife Board]~~.
- 611 (3) (a) The governor shall select [each] a board member from a list of nominees
612 submitted by the nominating committee pursuant to Section ~~[23-14-2.5]~~ 23A-2-302 .
- 613 (b) No more than two members shall be from a single wildlife region described in
614 Subsection ~~[23-14-2.6]~~ 23A-2-303 (1).
- 615 (c) The governor may request an additional list of at least two nominees from the
616 nominating committee if the initial list of nominees for a given position is unacceptable.
- 617 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of the
618 initial or additional list, the nominating committee shall make an interim appointment by
619 majority vote.
- 620 (ii) The interim board member shall serve until the matter is resolved by the
621 nominating committee and the governor or until the board member is replaced
622 pursuant to this chapter.
- 623 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
624 expire, the governor shall appoint [each] a new member or reappointed member to a
625 six-year term.
- 626 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
627 time of appointment or reappointment, adjust the length of terms to ensure that:
- 628 (i) the terms of board members are staggered so that approximately one-third of the
629 [board] Wildlife Board is appointed every two years; and
- 630 (ii) members serving from the same region have staggered terms.
- 631 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as
632 provided in Subsection ~~[23-14-2.5]~~ 23A-2-302 (4), to the governor and the governor
633 shall appoint a replacement for the unexpired term.
- 634 (d) ~~[Board members]~~ A board member may serve only one term unless the board

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- 635 member :
- 636 (i) ~~[the member]~~ is among the first board members appointed to serve four years or
637 less; or
- 638 (ii) ~~[the member]~~ filled a vacancy under Subsection (4)(c) for four years or less.
- 639 (5) (a) The ~~[board]~~ Wildlife Board shall elect a chair and a vice chair from ~~[its]~~ the
640 Wildlife Board's membership.
- 641 (b) Four members of the ~~[board]~~ ~~[shall constitute]~~ Wildlife Board constitutes a quorum.
- 642 (c) The director ~~[of the Division of Wildlife Resources]~~ shall act as secretary to the
643 ~~[board]~~ Wildlife Board, but is not a voting member of the ~~[board]~~ Wildlife Board .
- 644 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year
645 to expeditiously conduct ~~[its]~~ the Wildlife Board's business.
- 646 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
647 emergency situations.
- 648 (c) Meetings may be held at the Salt Lake City office of the ~~[Division of Wildlife~~
649 Resources] division or elsewhere as determined by the Wildlife Board.
- 650 (7) A member may not receive compensation or benefits for the member's service, but
651 may receive per diem and travel expenses in accordance with:
- 652 (a) Section 63A-3-106;
- 653 (b) Section 63A-3-107; and
- 654 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
655 63A-3-107.
- 656 (8) (a) ~~[The members]~~ A member of the Wildlife Board shall complete an orientation
657 course to assist ~~[them]~~ the member in the performance of the duties of ~~[their]~~ the
658 member's office.
- 659 (b) The ~~[Department of Natural Resources]~~ department shall provide the course
660 required under Subsection (8)(a).
- 661 (9) A member shall comply with the conflict of interest provisions described in Title
662 63G, Chapter 24, Part 3, Conflicts of Interest.

663

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664 ~~[23-14-2-5.]~~ 23A-2-302. **Wildlife Board Nominating Committee**~~[--Creation--~~
665 ~~Membership--Terms--Quorum]~~ created .

666 (1) There is created a Wildlife Board Nominating Committee ~~[which shall consist]~~ that
667 consists of 11 members.

668 (2) The governor shall appoint members to the nominating committee as follows:

669 (a) three members shall be appointed from a list of at least two nominees per position
670 submitted by the agriculture industry;

671 (b) three members shall be appointed from a list of at least two nominees per position
672 submitted by sportsmen groups;

673 (c) two members shall be appointed from a list of at least two nominees per position
674 submitted by nonconsumptive wildlife interests;

675 (d) one member shall be appointed from a list of at least two nominees submitted by
676 federal land management agencies;

677 (e) one local elected official shall be appointed from a list of at least two nominees
678 submitted by the Utah Association of Counties; and

679 (f) one range management specialist shall be appointed from a list of at least two
680 nominees submitted jointly by the Utah Chapter, Society of Range Management and
681 the Utah Chapter, The Wildlife Society.

682 (3) ~~[Each]~~ A wildlife region described in Subsection ~~[23-14-2-6]~~ 23A-2-303 (1) shall
683 be represented by at least one member ~~[and no]~~ . A wildlife region may not be
684 represented by more than three members.

685 (4) The nominating committee shall nominate at least two, but not more than four,
686 candidates for each position or vacancy ~~[which]~~ that occurs on the ~~[board]~~ Wildlife
687 Board .

688 (5) (a) Except as required by Subsection (5)(b), as terms of current ~~[board]~~ nominating
689 committee members expire, the governor shall appoint ~~[each]~~ a new or reappointed
690 member to a four-year term.

691 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
692 time of appointment or reappointment, adjust the length of terms to ensure that:

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693 (i) the terms of [board] nominating committee members are staggered so that
694 approximately half of the [board] nominating committee is appointed every two years;
695 and

696 (ii) members from the same wildlife region serve staggered terms.

697 (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the
698 same manner that the position was originally filled to serve the remainder of the
699 unexpired term.

700 (6) The nominating committee shall select a chair and vice chair from [its] the
701 nominating committee's membership.

702 (7) Six members shall constitute a quorum.

703 (8) A member of the nominating committee may not receive compensation or benefits
704 for the member's service, but may receive per diem and travel expenses in accordance
705 with:

706 (a) Section 63A-3-106;

707 (b) Section 63A-3-107; and

708 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
709 63A-3-107.

710

711 ~~[23-14-2.6.]~~ 23A-2-303. **Regional advisory councils**~~[--Creation -- Membership --~~
712 ~~Duties -- Per diem and expenses]~~ **created** .

713 (1) There are created five regional advisory councils ~~[which shall]~~ that consist of 12 to
714 15 members each from the wildlife region whose boundaries are established for
715 administrative purposes by the division.

716 (2) The members shall include individuals who represent the following groups and
717 interests:

718 (a) agriculture;

719 (b) sportsmen;

720 (c) nonconsumptive wildlife;

721 (d) locally elected public officials;

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- 722 (e) federal land agencies; and
723 (f) the public at large.
- 724 (3) The executive director [~~of the~~][~~Department of Natural Resources~~], in consultation
725 with the director [~~of the Division of Wildlife Resources~~], shall select the members from a
726 list of nominees submitted by the respective interest group or agency.
- 727 (4) The regional advisory councils shall:
- 728 (a) hear broad input, including recommendations, biological data, and information
729 regarding the effects of wildlife;
- 730 (b) gather information from staff, the public, and government agencies; and
731 (c) make recommendations to the Wildlife Board in an advisory capacity.
- 732 (5) (a) Except as required by Subsection (5)(b), [~~each~~] a member shall serve a
733 four-year term.
- 734 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
735 at the time of appointment or reappointment, adjust the length of terms to ensure that
736 the terms of council members are staggered so that approximately half of the council is
737 appointed every two years.
- 738 (6) When a vacancy occurs in the membership for any reason, the replacement shall
739 be appointed for the unexpired term.
- 740 (7) The councils shall determine:
- 741 (a) the time and place of meetings; and
742 (b) [~~any other~~] a procedural matter not specified in this [~~chapter~~] title.
- 743 (8) Members of the councils shall complete an orientation course [~~as provided~~]
744 described in Subsection [~~23-14-2~~] 23A-2-301 (8).
- 745 (9) A member may not receive compensation or benefits for the member's service, but
746 may receive per diem and travel expenses in accordance with:
- 747 (a) Section 63A-3-106;
748 (b) Section 63A-3-107; and
749 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
750 63A-3-107.

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751 **[23-14-19:] 23A-2-304. Rules, proclamations, and orders of the Wildlife Board --**
752 **Judicial notice of proclamations .**

753 (1) The Wildlife Board shall exercise [its] the Wildlife Board's powers by making rules
754 and issuing proclamations and orders pursuant to this [code] title .

755 (2) A court shall take judicial notice of a proclamation published under the authority of
756 this title.

757

758 **[23-14-18:] 23A-2-305. Establishment of seasons, locations, limits, and**
759 **regulations by the Wildlife Board.**

760 (1) To provide an adequate and flexible system of protection, propagation, introduction,
761 increase, control, harvest, management, and conservation of protected wildlife in this
762 state and to provide for the use and development of protected wildlife for public
763 recreation and food supply while maintaining a sustainable population of protected
764 wildlife, the Wildlife Board shall determine the circumstances, time, location, means,
765 and the amounts[;] and numbers of protected wildlife [which] that may be taken.

766 (2) The Wildlife Board shall, except as otherwise specified in this [code] title :

767 (a) fix seasons and shorten, extend, or close seasons on any species of protected
768 wildlife in any locality, or in the entire state, if the [board] Wildlife Board finds that the
769 action is necessary to effectuate proper wildlife management and control;

770 (b) close or open areas to fishing, trapping, or hunting;

771 (c) establish refuges and preserves;

772 (d) regulate and prescribe the means by which protected wildlife may be taken;

773 (e) regulate the transportation and storage of protected wildlife, or [their] the wildlife
774 parts, within the boundaries of the state and the shipment or transportation out of the
775 state;

776 (f) establish or change bag limits and possession limits;

777 (g) prescribe safety measures and establish other regulations as may be considered
778 necessary in the interest of wildlife conservation and the safety and welfare of hunters,
779 trappers, fishermen, landowners, and the public;

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780 (h) (i) prescribe when ~~[licenses, permits, tags, and certificates of registration]~~ ~~[shall be]~~
781 a license, permit, tag, or certificate of registration is required and procedures for ~~[their]~~
782 issuance and use of the license, permit, tag, or certificate of registration; and

783 (ii) establish forms and fees for ~~[licenses, permits, tags, and certificates of registration]~~
784 a license, permit, or certificate of registration; and

785 (i) ~~[prescribe rules [and regulations as it] --]~~ make rules, in accordance with Title 63G,
786 Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider
787 necessary to control the use and harvest of protected wildlife by private associations,
788 clubs, partnerships, or corporations, provided the rules ~~[and regulations]~~ do not
789 preclude the landowner from personally controlling trespass upon the owner's
790 properties nor from charging a fee to trespass for purposes of hunting or fishing.

791 (3) The Wildlife Board may allow a season on protected wildlife to commence on any
792 day of the week except Sunday.

793 (4) The Wildlife Board shall establish fees for licenses, permits, ~~[tags,]~~ and certificates
794 of registration in accordance with Section 63J-1-504.

795 (5) The Wildlife Board may not issue a license, permit, ~~[tag,]~~ or certificate of registration
796 as a reward for an individual's assistance with a prosecution for violation of Section
797 76-6-111.

798

799 **Part 4. Cooperative and Reciprocal Agreements**

800

801 ~~[23-22-1.]~~ 23A-2-401. **Cooperative agreements and programs authorized.**

802 (1) The ~~[Division of Wildlife Resources]~~ division may enter into cooperative
803 agreements and programs with other state agencies, federal agencies, states,
804 educational institutions, municipalities, counties, corporations, organized clubs,
805 landowners, associations, and individuals for purposes of wildlife conservation.

806 (2) Cooperative agreements that are policy in nature shall be:

807 (a) approved by the executive director ~~[of the]~~ [Department of Natural Resources]; and

808 (b) reviewed by the Wildlife Board.

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809 **[23-22-2.] 23A-2-402. Acceptance of Acts of Congress.**

810 (1) The state assents to ~~[the provisions of]~~ the Wildlife Restoration Act, 16 U.S.C. Sec.
811 669 et seq., ~~[Wildlife Restoration Act]~~ , and the Sport Fish Restoration Act, 16 U.S.C.
812 777 et seq., ~~[Sport Fish Restoration Act]~~.

813 (2) The division shall conduct and establish cooperative fish and wildlife restoration
814 projects as provided by the acts specified in Subsection (1) and rules ~~[promulgated]~~
815 made under those acts.

816 (3) The following revenues received by the state may not be used for any purpose
817 other than the administration of the division:

818 (a) revenue from the sale of ~~[any]~~ a license, permit, ~~[tag;]~~ ~~[stamp;]~~ or certificate of
819 registration that conveys to a person the privilege to take wildlife for sport or recreation,
820 less reasonable vendor fees;

821 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
822 property acquired with revenue specified in Subsection (3)(a);

823 (c) interest, dividends, or other income earned on revenue specified in Subsection
824 (3)(a) or (b); and

825 (d) federal aid project reimbursements to the extent that revenue specified in
826 Subsection (3)(a) or (b) originally funded the project for which the reimbursement is
827 being made.

828
829 **[23-22-3.] 23A-2-403. Reciprocal agreements with other states.**

830 (1) The Wildlife Board ~~[is authorized to]~~ may enter into reciprocal agreements with
831 other states to:

832 (a) license and regulate fishing, hunting, and related activities; and

833 (b) promote and implement wildlife management programs.

834 (2) Reciprocal agreements shall be approved by the executive director ~~[of the]~~
835 ~~[Department of Natural Resources]~~.

836

837 **Part 5. Wildlife Violator Compact**

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838

839 **[23-25-2.] 23A-2-501. Adoption and text of compact.**

840 (1) The participating states find that:

841 (a) Wildlife resources are managed in trust by the respective states for the benefit of all
842 residents and visitors.

843 (b) The protection of the wildlife resources of a state is materially affected by the
844 degree of compliance with state statutes, laws, regulations, ordinances, and
845 administrative rules relating to the management of the resources.

846 (c) The preservation, protection, management, and restoration of wildlife contributes
847 immeasurably to the aesthetic, recreational, and economic aspects of the natural
848 resources.

849 (d) Wildlife resources are valuable without regard to political boundaries; therefore,
850 every person should be required to comply with wildlife preservation, protection,
851 management, and restoration laws, ordinances, and administrative rules and
852 regulations of the participating states as a condition precedent to the continuance or
853 issuance of any license to hunt, fish, trap, or possess wildlife.

854 (e) Violation of wildlife laws interferes with the management of wildlife resources and
855 may endanger the safety of persons and property.

856 (f) The mobility of many wildlife law violators necessitates the maintenance of channels
857 of communication among the various states.

858 (g) Usually, a person who is cited for a wildlife violation in a state other than his home
859 state:

860 (i) is required to post collateral or bond to secure appearance for a trial at a later date;

861 or

862 (ii) is taken directly into custody until collateral or bond is posted; or

863 (iii) is taken directly to court for an immediate appearance.

864 (h) The purpose of the enforcement practices set forth in Subsection (1)(g) is to ensure
865 compliance with the terms of a wildlife citation by the cited person who, if permitted to
866 continue on his way after receiving the citation, could return to his home state and

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867 disregard his duty under the terms of the citation.

868 (i) In most instances, a person receiving a wildlife citation in his home state is permitted
869 to accept the citation from the officer at the scene of the violation and immediately
870 continue on his way after agreeing or being instructed to comply with the terms of the
871 citation.

872 (j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and,
873 at times, a hardship for the person who is unable at the time to post collateral, furnish a
874 bond, stand trial, or pay a fine, and is compelled to remain in custody until some
875 alternative arrangement is made.

876 (k) The enforcement practices described in Subsection (1)(g) consume an undue
877 amount of enforcement time.

878 (2) It is the policy of the participating states to:

879 (a) promote compliance with the statutes, laws, ordinances, regulations, and
880 administrative rules relating to the management of wildlife resources in their respective
881 states;

882 (b) recognize the suspension of wildlife license privileges of a person whose license
883 privileges have been suspended by a participating state and treat the suspension as if it
884 had occurred in their state;

885 (c) allow a violator, except as provided in Subsection ~~[23-25-4]~~ 23A-2-503 (2), to
886 accept a wildlife citation and, without delay, proceed on his way, whether or not the
887 violator is a resident of the state in which the citation was issued, provided that the
888 violator's home state is a party to this compact;

889 (d) report to the appropriate participating state, as provided in the compact manual, a
890 conviction recorded against a person whose home state was not the issuing state;

891 (e) allow the home state to recognize and treat convictions recorded against its
892 residents, which convictions occurred in a participating state, as though they had
893 occurred in the home state;

894 (f) extend cooperation to its fullest extent among the participating states for enforcing
895 compliance with the terms of a wildlife citation issued in one participating state to a

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- 896 resident of another state;
- 897 (g) maximize effective use of law enforcement personnel and information; and
- 898 (h) assist court systems in the efficient disposition of wildlife violations.

899

900 **[23-25-3] 23A-2-502 . Definitions.**

901 As used in this compact:

902 (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty
903 assessment, or other official document issued to a person by a wildlife officer or other
904 peace officer for a wildlife violation which contains an order requiring the person to
905 respond.

906 (2) "Collateral" means cash or other security deposited to secure an appearance for
907 trial in connection with the issuance by a wildlife officer or other peace officer of a
908 citation for a wildlife violation.

909 (3) "Compliance" with respect to a citation means the act of answering a citation
910 through an appearance in a court or tribunal, or through the payment of fines, costs,
911 and surcharges.

912 (4) "Conviction" means a conviction, including any court conviction, for an offense
913 related to the preservation, protection, management, or restoration of wildlife which is
914 prohibited by state statute, law, regulation, ordinance, or administrative rule. This
915 conviction shall also include the forfeiture of any bail, bond, or other security deposited
916 to secure appearance by a person charged with having committed the offense, the
917 payment of a penalty assessment, a plea of nolo contendere and the imposition of a
918 deferred or suspended sentence by the court.

919 (5) "Court" means a court of law, including magistrate's court and the justice of the
920 peace court.

921 (6) "Home state" means the state of primary residence of a person.

922 (7) "Issuing state" means the participating state which issues a wildlife citation to the
923 violator.

924 (8) "License" means a license, permit, or other public document which conveys to the

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925 person to whom it was issued the privilege of pursuing, possessing, or taking any
926 wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a
927 participating state.

928 (9) "Licensing authority" means the department or division within each participating
929 state which is authorized by law to issue or approve licenses or permits to hunt, fish,
930 trap, or possess wildlife.

931 (10) "Participating state" means any state which enacts legislation to become a
932 member of this wildlife compact.

933 (11) "Personal recognizance" means an agreement by a person made at the time of
934 issuance of the wildlife citation that the person will comply with the terms of the citation.

935 (12) "State" means a state, territory, or possession of the United States, the District of
936 Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other
937 countries.

938 (13) "Suspension" means a revocation, denial, or withdrawal of any or all license
939 privileges, including the privilege to apply for, purchase, or exercise the benefits
940 conferred by any license.

941 (14) "Wildlife" means species of animals including, but not limited to, mammals, birds,
942 fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife"
943 and are protected or otherwise regulated by statute, law, regulation, ordinance, or
944 administrative rule in a participating state. Species included in the definition of "wildlife"
945 vary from state to state and determination of whether a species is "wildlife" for the
946 purpose of this compact shall be based on local law.

947 (15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule
948 developed and enacted for the management and use of wildlife resources.

949 (16) "Wildlife officer" means an individual authorized by a participating state to issue a
950 citation for a wildlife violation.

951 (17) "Wildlife violation" means a cited violation of a statute, law, regulation, ordinance,
952 or administrative rule developed and enacted for the management and use of wildlife
953 resources.

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954 **[23-25-4.] 23A-2-503. Procedures for issuing state.**

955 (1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
956 to a person whose primary residence is in a participating state in the same manner as
957 though the person were a resident of the issuing state and shall not require the person
958 to post collateral to secure appearance, subject to the exceptions under Subsection (2),
959 if the officer receives the recognizance of the person that he will comply with the terms
960 of the citation.

961 (2) Personal recognizance is acceptable:

962 (a) if not prohibited by local law or the compact manual; and

963 (b) if the violator provides adequate proof of identification to the wildlife officer.

964 (3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife
965 citation, the appropriate official shall report the conviction or failure to comply to the
966 licensing authority of the participating state in which the wildlife citation was issued.

967 (b) The report shall be made in accordance with procedures specified by the issuing
968 state and shall contain information as specified in the compact manual as minimum
969 requirements for effective processing by the home state.

970 (4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection
971 (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority
972 of the home state of the violator the information in the form and with the content as
973 prescribed in the compact manual.

974

975 **[23-25-5.] 23A-2-504. Procedure for home state.**

976 (1) (a) Upon receipt of a report from the licensing authority of the issuing state reporting
977 the failure of a violator to comply with the term of a citation, the licensing authority of the
978 home state shall:

979 (i) notify the violator;

980 (ii) initiate a suspension action in accordance with the home state's suspension
981 procedures; and

982 (iii) suspend the violator's license privileges until satisfactory evidence of compliance

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983 with the terms of the wildlife citation has been furnished by the issuing state to the
984 home state licensing authority.

985 (b) Due process safeguards will be accorded.

986 (2) Upon receipt of a report of conviction from the licensing authority of the issuing
987 state, the licensing authority of the home state shall enter the conviction as though it
988 occurred in the home state for the purposes of the suspension of license privileges.

989 (3) The licensing authority of the home state shall:

990 (a) maintain a record of actions taken; and

991 (b) make reports to issuing states as provided in the compact manual.

992

993 **[23-25-6.] 23A-2-505. Reciprocal recognition of suspension.**

994 (1) All participating states shall recognize the suspension of license privileges of a
995 person by the participating state as though the violation resulting in the suspension:

996 (a) had occurred in their state; and

997 (b) could have been the basis of the suspension of license privileges in their state.

998 (2) Each participating state shall communicate suspension information to other
999 participating states in the form and with the content as contained in the compact
1000 manual.

1001

1002 **[23-25-7.] 23A-2-506. Applicability of other laws.**

1003 Except as expressly required by provisions of this compact, nothing herein shall be
1004 construed to affect the right of any participating state to apply any of its laws relating to
1005 license privileges to a person or circumstance or to invalidate or prevent any agreement
1006 or other cooperative arrangement between a participating state and a nonparticipating
1007 state concerning wildlife law enforcement.

1008

1009 **[23-25-8.] 23A-2-507. Compact administrator procedures.**

1010 (1) (a) A Board of Compact Administrators is established to:

1011 (i) administer the provisions of this compact; and

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- 1012 (ii) serve as a governing body for the resolution of all matters relating to the operation
1013 of this compact.
- 1014 (b) The board shall be composed of one representative from each of the participating
1015 states to be known as the compact administrator.
- 1016 (c) The compact administrator shall be appointed by the head of the licensing authority
1017 of each participating state and shall serve and be subject to removal in accordance with
1018 the laws of the state he represents.
- 1019 (d) A compact administrator may provide for the discharge of his duties and the
1020 performance of his function as a board member by an alternate.
- 1021 (e) An alternate shall not be entitled to serve unless written notification of his identity
1022 has been given to the board.
- 1023 (2) (a) Each member of the board of compact administrators shall be entitled to one
1024 vote.
- 1025 (b) An action of the board shall not be binding unless taken at a meeting at which a
1026 majority of the total number of the board's votes are cast in favor thereof.
- 1027 (c) Action by the board shall be only at a meeting at which a majority of the
1028 participating states are represented.
- 1029 (3) The board shall elect annually from its membership a chairman and vice-chairman.
- 1030 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or
1031 the laws of a participating state for the conduct of its business and shall have the power
1032 to amend and rescind its bylaws.
- 1033 (5) The board may accept for any of its purposes and functions under this compact any
1034 and all donations and grants of money, equipment, supplies, materials, and services,
1035 conditional or otherwise, from any state, the United States, or any governmental
1036 agency, and may receive, utilize, and dispose of the donations and grants.
- 1037 (6) The board may contract with, or accept services or personnel from, any
1038 governmental or intergovernmental agency, individual, firm, or corporation, or any
1039 private nonprofit organization or institution.
- 1040 (7) The board shall formulate all necessary procedures and develop uniform forms and

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1041 documents for administering the provisions of this compact. All procedures and forms
1042 adopted to board action shall be contained in a compact manual.

1043

1044 **[23-25-9.] 23A-2-508. Entry into compact and withdrawal.**

1045 (1) This compact shall become effective at the time it is adopted in substantially similar
1046 form by two or more states.

1047 (2) (a) Entry into the compact shall be made by resolution of ratification by the
1048 authorized officials of the applying state and submitted to the chairman of the board.

1049 (b) The resolution shall substantially be in the form and content as provided in the
1050 compact manual and shall include the following:

1051 (i) a citation of the authority from which the state is empowered to become a party to
1052 this compact;

1053 (ii) an agreement of compliance with the terms and provisions of this compact; and

1054 (iii) an agreement that compact entry is with all states participating in the compact and
1055 with all additional states legally becoming a party to the compact.

1056 (c) The effective date of entry shall be specified by the applying state but shall not be
1057 less than 60 days after notice has been given:

1058 (i) by the chairman of the board of the compact administrators; or

1059 (ii) by the secretary of the board to each participating state that the resolution from the
1060 applying state has been received.

1061 (3) A participating state may withdraw from participation in this compact by official
1062 written notice to each participating state, but withdrawal shall not become effective until
1063 90 days after the notice of withdrawal is given. No withdrawal of any state shall affect
1064 the validity of this compact as to the remaining participating states.

1065

1066 **[23-25-10.] 23A-5-509. Amendments to the compact.**

1067 (1) This compact may be amended from time to time. Amendments shall be presented
1068 in resolution form to the chairman of the Board of Compact Administrators and shall be
1069 initiated by one or more participating states.

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1070 (2) Adoption of an amendment shall require endorsement by all participating states and
1071 shall become effective 30 days after the date of the last endorsement.

1072 (3) Failure of a participating state to respond to the compact chairman within 120 days
1073 after receipt of a proposed amendment shall constitute endorsement thereof.

1074

1075 **[23-25-11.] 23A-2-510 Construction and severability.**

1076 (1) This compact shall be liberally construed so as to effectuate the purposes stated
1077 herein.

1078 (2) The provisions of this compact shall be severable and if a phrase, clause,
1079 sentence, or provision of this compact is declared to be contrary to the constitution of a
1080 participating state or of the United States, or the applicability thereof to a government,
1081 agency, individual, or circumstance is held invalid, the validity of the remainder of this
1082 compact shall not be affected thereby.

1083 (3) If this compact is held contrary to the constitution of a participating state, the
1084 compact shall remain in full force and effect as to the remaining states and in full force
1085 and effect as to the participating state affected regarding all severable matters.

1086

1087 **[23-25-13.] 23A-2-511. Licensing authority -- Administrator -- Expenses.**

1088 (1) The Division of Wildlife Resources is designated as the licensing authority in this
1089 state for the purpose of the compact.

1090 (2) The director of the Division of Wildlife Resources shall furnish to the appropriate
1091 authorities of the participating states any information or documents reasonably
1092 necessary to facilitate the administration of the compact.

1093 (3) The compact administrator provided for in Section [23-25-8] 23A-2-507, "Wildlife
1094 Violator Compact," shall not be entitled to any additional compensation for his service
1095 as the administrator but shall be entitled to expenses incurred in connection with his
1096 duties and responsibilities as administrator in the same manner as for expenses
1097 incurred in connection with any other duties or responsibilities of his office or
1098 employment.

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1099 **CHAPTER 3. FUNDS AND ACCOUNTS**

1100

1101 **Part 1. General Provisions**

1102

1103 **23A-3-101. Definitions.**

1104 Reserved.

1105

1106 **Part 2. Funds and Accounts in General**

1107

1108 ~~[23-14-13.]~~ 23A-3-201. **Wildlife Resources Account -- Unexpended fund balances**
1109 converted to general fund account.

1110 (1) There is created a restricted account within the General Fund known as the
1111 "Wildlife Resources Account."

1112 (2) The following money shall be deposited into the Wildlife Resources Account:

1113 (a) revenue from the sale of licenses, permits, ~~[tags,]~~ and certificates of registration
1114 issued under this title or a rule or proclamation of the Wildlife Board, except as
1115 otherwise provided by this title;

1116 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
1117 property acquired with revenue specified in Subsection (2)(a);

1118 (c) revenue from fines and forfeitures for violations of this title or ~~[any]~~ a rule,
1119 proclamation, or order of the Wildlife Board, minus court costs not to exceed the
1120 schedule adopted by the Judicial Council;

1121 (d) ~~[funds]~~ money appropriated from the General Fund by the Legislature pursuant to
1122 Section ~~[23-19-39]~~ 23A-4-306 ;

1123 (e) other money received by the division under ~~[any provision of]~~ this title, except as
1124 otherwise provided by this title; and

1125 (f) interest, dividends, or other income earned on account money.

1126 (3) Money in the Wildlife Resources Account shall be used for the administration of this
1127 title.

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1128 (4) The state auditor and director of the Division of Finance shall, at the close of the
1129 fiscal year, convert into the Wildlife Resources Account the unexpended balances of
1130 the Wildlife Resources Account not legally obligated by contract or appropriated by the
1131 Wildlife Board for capital outlay projects or other programs that may extend beyond the
1132 close of the fiscal year.

1133

1134 **[23-14-14.] 23A-3-202. Grants or gifts accepted by division -- Special account.**

1135 The ~~[Division of Wildlife Resources is authorized to]~~ division may accept grants or gifts
1136 of money, property, water rights or other endowments that [will] benefit the wildlife
1137 resources of the state. [Money] The division shall place money as received~~[shall be~~
1138 placed] in a special account to be used for specific use as indicated by the grantor.

1139

1140 **[23-14-13.5.] 23A-3-203. Support for State-Owned Shooting Ranges Restricted**
1141 **Account.**

1142 (1) There is created in the General Fund a restricted account known as the "Support
1143 for State-Owned Shooting Ranges Restricted Account."

1144 (2) The account shall be funded by:

1145 (a) contributions deposited into the [account] Support for State-Owned Shooting
1146 Ranges Restricted Account in accordance with Section 41-1a-422;

1147 (b) private contributions; and

1148 (c) donations or grants from public or private entities.

1149 (3) Upon appropriation by the Legislature, the division shall distribute [funds] money in
1150 the [account] Support for State-Owned Shooting Ranges Restricted Account to facilitate
1151 construction of new firearm shooting ranges, and operation and maintenance of existing
1152 ranges, that are:

1153 (a) built on land owned or leased by the state;

1154 (b) owned by the division; and

1155 (c) operated by the division or the division's contractors.

1156 (4) The division shall only expend the [funds] money in the Support for State-Owned

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1157 Shooting Ranges Restricted Account to:

1158 (a) construct, operate, and maintain firearm shooting ranges described in Subsection
1159 (3); and

1160 (b) pay the costs of issuing or reordering Support the 2nd Amendment and
1161 State-Owned Shooting Ranges support special group license plate decals.

1162 (5) In accordance with Section 63J-1-602.1, appropriations from the account are
1163 nonlapsing.

1164

1165 ~~[23-14-14.2 (Effective 07/01/22)]~~ 23A-3-204 . **Wildlife Resources Conservation**
1166 **Easement Restricted Account.**

1167 (1) There is created within the General Fund a restricted account known as the
1168 "Wildlife Resources Conservation Easement Account."

1169 (2) The Wildlife Resources Conservation Easement Account consists of:

1170 (a) grants from private foundations;

1171 (b) grants from local governments, the state, or the federal government;

1172 (c) grants from the Land Conservation Board created under Section 4-46-201;

1173 (d) donations from landowners for monitoring and managing conservation easements;

1174 (e) donations from any other person; and

1175 (f) interest on account money.

1176 (3) Upon appropriation by the Legislature, the ~~[Division of Wildlife Resources]~~ division

1177 shall use money from the ~~[account]~~ Wildlife Resources Conservation Easement

1178 Account to monitor and manage conservation easements held by the division.

1179 (4) The division may not receive or expend donations from the ~~[account]~~ Wildlife

1180 Resources Conservation Easement Account to acquire conservation easements.

1181

1182 ~~[23-13-20.]~~ 23A-3-205 . **Wildlife Conservation Fund.**

1183 (1) As used in this section:

1184 (a) "Fund" means the Wildlife Conservation Fund created by this section.

1185 (b) "Wildlife conservation permit program" means a program under which the division

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1186 issues permit opportunities to be sold by a conservation organization for auction to the
1187 highest bidder at a fund-raising event.

1188 (c) "Wildlife exposition program" means a program under which the division allocates
1189 permits to a drawing administered by a selected conservation organization as part of a
1190 regional or national exposition for the purpose of generating revenue to fund wildlife
1191 conservation activities in Utah.

1192 (2) There is created an expendable special revenue fund known as the "Wildlife
1193 Conservation Fund."

1194 (3) The fund consists of:

1195 (a) wildlife conservation permit program revenue transferred to the division pursuant to
1196 rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
1197 Administrative Rulemaking Act;

1198 (b) wildlife exposition program revenue transferred to the division pursuant to rules,
1199 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
1200 Administrative Rulemaking Act;

1201 (c) money appropriated to the fund by the Legislature;

1202 (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted
1203 by the division and specifically directed to the fund; and

1204 (e) interest and earnings on the fund.

1205 (4) (a) The fund shall earn interest and other earnings.

1206 (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the
1207 fund.

1208 (5) (a) The division shall use proceeds in the fund to carry out the purposes of the
1209 wildlife conservation permit program or wildlife exposition program.

1210 (b) Deposits into and expenditures from the fund shall specifically identify the wildlife
1211 conservation permit program or wildlife exposition program to which the deposits and
1212 expenditures apply.

1213 (c) The division shall make expenditures from the fund consistent with the rules
1214 governing the applicable program.

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1215 (6) The division shall annually report to the Natural Resources, Agriculture, and
1216 Environmental Quality Appropriations Subcommittee regarding ;
1217 (a) the amount of money in the fund [from] ;
1218 (b) the sources of money [for] in the fund ; and
1219 (c) how the money is expended.

1220

1221 ~~[23-14-14.3.]~~ **23A-3-206.** **Donations related to donation of wild game meat -- Wild**
1222 **Game Meat Donation Fund.**

1223 (1) As used in this section:

1224 ~~[(a) "Division" means the Division of Wildlife Resources.]~~

1225 ~~[(b)]~~ (a) "Fund" means the expendable special revenue fund created in this section.

1226 ~~[(c)]~~ (b) "Nonprofit charitable organization" means the same as that term is defined in
1227 Section 4-34-102.

1228 ~~[(d)]~~ (c) "Wild game" means the same as that term is defined in Section 4-32-105.

1229 (2) There is created an expendable special revenue fund known as the "Wild Game
1230 Meat Donation Fund."

1231 (3) The fund consists of:

1232 (a) donations made to the division for the purpose of addressing the processing of wild
1233 game meat that is donated in accordance with Section 4-34-108 to a nonprofit
1234 charitable organization to feed individuals in need;

1235 (b) appropriations from the Legislature; and

1236 (c) interest and earnings on the fund.

1237 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter
1238 7, State Money Management Act, except that the state treasurer shall deposit in the
1239 fund interest or other earnings derived from those investments ~~[shall be deposited into~~
1240 ~~the fund]~~.

1241 (5) The division may use money in the fund only to address the processing of wild
1242 game meat that is donated in accordance with Section 4-34-108 to a nonprofit
1243 charitable organization to feed individuals in need.

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1244 (6) The division shall coordinate with the Department of Agriculture and Food to
1245 implement this section.

1246
1247 ~~[23-19-43.]~~ **23A-3-207.** **Wildlife Habitat Account** ~~[- Contents - Use of fund~~
1248 ~~money].~~

1249 (1) There is created a restricted account within the General Fund known as the "
1250 Wildlife Habitat Account. "

1251 (2) The contents of the ~~[account]~~ Wildlife Habitat Account shall consist of:

1252 (a) revenue from the sale of licenses, permits, ~~[stamps;]~~ and certificates of
1253 registration~~[- and Wildlife Heritage certificates]~~ as provided in Section ~~[23-19-47]~~
1254 23A-3-208 ;

1255 (b) money donated to the division for a purpose specified in Subsection ~~[(6)]~~ (7); and
1256 (c) interest and earnings on account money.

1257 (3) ~~[Revenue]~~ The division shall use the revenue from the sale of licenses, permits,
1258 ~~[stamps;]~~ and certificates of registration~~[- and Wildlife Heritage certificates]~~ that is
1259 deposited to the account pursuant to Section ~~[23-19-47]~~ 23A-3-208 ~~[- shall be used by~~
1260 ~~the division]~~, after appropriation by the Legislature, as provided in Subsections (4)
1261 through (6).

1262 (4) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$70,000 or 4% of the
1263 annual deposits to the ~~[account]~~ Wildlife Habitat Account , whichever amount is
1264 greater, ~~[shall be allocated]~~ for the development, restoration, and preservation of
1265 wetlands that are beneficial to waterfowl.

1266 (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the
1267 Legislature for use by a nonprofit conservation organization for wetland development
1268 projects within the state that benefit waterfowl.

1269 (5) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$230,000 or 12% of the
1270 annual deposits to the ~~[account]~~ Wildlife Habitat Account , whichever amount is
1271 greater, ~~[shall be allocated]~~ to upland game projects as follows:

1272 (i) the control of predators;

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- 1273 (ii) the development, improvement, restoration, or maintenance of critical habitat
1274 through the establishment of landowner incentives, cooperative programs, or other
1275 means;
- 1276 (iii) the acquisition or preservation of critical habitat;
- 1277 (iv) landowner habitat education and assistance programs;
- 1278 (v) public access to private lands; and
- 1279 (vi) upland game transplant and reintroduction programs.
- 1280 ~~[(b) As used in this section "upland game" means pheasant, quail, chukar, partridge,~~
1281 ~~sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse,~~
1282 ~~ptarmigan, mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe~~
1283 ~~hare.]~~
- 1284 ~~[(e)]~~ (b) Money allocated to upland game may not be used for the acquisition,
1285 development, improvement, restoration, or maintenance of habitat within commercial
1286 hunting areas.
- 1287 ~~[(d)]~~ (c) No more than 5% of the money allocated to upland game may be used for
1288 landowner habitat education programs.
- 1289 ~~[(e)]~~ (d) The the division shall use money allocated to upland game ~~[shall be used]~~
1290 for programs and activities relating to upland game species based generally upon the
1291 proportion of average annual hunter participation for each species.
- 1292 ~~[(f)]~~ (e) Projects for which free public access is assured shall receive first priority for
1293 funding from money allocated to upland game.
- 1294 ~~[(g)]~~ (f) Projects for which public access is assured shall receive second priority for
1295 funding from money allocated to upland game.
- 1296 (6) The division shall use remaining money in the ~~[account][shall be used]~~ Wildlife
1297 Habitat Account for the following purposes:
- 1298 (a) the enhancement, acquisition, preservation, protection, and management of aquatic
1299 and terrestrial wildlife habitat; and
- 1300 (b) to improve access for fishing and hunting.
- 1301 (7) The division shall seek the advice and recommendations of the Habitat Council,

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- 1302 created by the division, regarding the expenditure of account money.
- 1303 (8) Donations of money deposited into the ~~[account]~~ Wildlife Habitat Account and
- 1304 interest earned on that money shall be expended:
- 1305 (a) as directed by the donor; and
- 1306 (b) without being appropriated by the Legislature.
- 1307
- 1308 ~~[23-19-47.]~~ 23A-3-208. **Portion of revenue from license, permit, ~~[stamp,]~~ and**
- 1309 **certificate of registration~~[, and Wildlife Heritage certificate]~~ fees deposited in**
- 1310 **Wildlife Habitat Account.**
- 1311 (1) Fifty cents of the fee charged for ~~[any of the following licenses [or stamps]~~ a
- 1312 one-day fishing license shall be deposited in the Wildlife Habitat Account created in
- 1313 Section ~~[23-19-43: (a)]~~[a one-day fishing license]~~;~~ or
- 1314 ~~(b) a one-day fishing stamp]~~ 23A-3-207 .
- 1315 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
- 1316 permits shall be deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~
- 1317 23A-3-207 :
- 1318 (a) a fishing license, except any one-day fishing license;
- 1319 (b) a hunting license;
- 1320 (c) a combination license;
- 1321 (d) a furbearer license; or
- 1322 (e) a fishing permit~~[, except any fish stamp]~~.
- 1323 (3) Four dollars and seventy-five cents of the fee charged for any of the following
- 1324 certificates of registration~~;~~ or permits~~[, or Wildlife Heritage certificates]~~ shall be
- 1325 deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~ 23A-3-207 :
- 1326 (a) a certificate of registration for the dedicated hunter program, except a certificate of
- 1327 registration issued to a lifetime licensee;
- 1328 (b) a big game permit;
- 1329 (c) a bear permit;
- 1330 (d) a cougar permit;

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- 1331 (e) a turkey permit; or
1332 (f) a muskrat permit;~~or~~
1333 ~~(g) a Wildlife Heritage certificate].~~

1334
1335 ~~[23-19-48.]~~ 23A-3-209. **Predator Control Restricted Account**~~[--Contents--Use~~
1336 ~~of funds].~~

1337 (1) There is created a restricted account within the General Fund known as the " "
1338 Predator Control Restricted Account. " "

1339 (2) The ~~[restricted account]~~ Predator Control Restricted Account includes:

1340 (a) deposits made to the ~~[restricted account]~~ Predator Control Restricted Account
1341 from fees established on hunting permits in accordance with Section ~~[23-19-22]~~
1342 23A-4-703; and

1343 (b) ~~[any]~~ other ~~[amount]~~ amounts deposited in the ~~[restricted account]~~ Predator
1344 Control Restricted Account from donations or appropriations.

1345 (3) ~~[Money from the restricted account shall be used by the]~~ The division shall use
1346 money from the Predator Control Restricted Account to fund a predator control
1347 program to control populations of predatory animals that endanger the health of
1348 nonpredatory wildlife populations in the state, consistent with the policies of the Wildlife
1349 Board.

1350
1351 ~~[23-15-14]~~ 23A-3-210. **State Fish Hatchery Maintenance Account**~~[--Contents--~~
1352 ~~Use of account money].~~

1353 (1) There is created a restricted account within the General Fund known as the " "
1354 State Fish Hatchery Maintenance Account. " "

1355 (2) The following money shall be deposited into the ~~[account]~~ State Fish Hatchery
1356 Maintenance Account :

1357 (a) \$2.00 of ~~[each]~~ a fishing license fee or combination license fee; and

1358 (b) interest and earnings on account money.

1359 (3) ~~[Money in the account shall be used by the]~~ The division, after appropriation by

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1360 the Legislature, shall use money in the State Fish Hatchery Maintenance Account for
1361 major repairs or replacement of facilities and equipment at fish hatcheries owned and
1362 operated by the division for the production and distribution of fish to enhance sport
1363 fishing opportunities in the state.

1364
1365 **[23-27-305] 23A-3-211. Aquatic Invasive Species Interdiction Account.**

1366 (1) There is created within the General Fund a restricted account known as the " "
1367 Aquatic Invasive Species Interdiction Account. " "

1368 (2) The ~~[restricted account]~~ Aquatic Invasive Species Interdiction Account shall
1369 consist of:

1370 (a) nonresident aquatic invasive species fees collected under Section ~~[23-27-304]~~
1371 23A-10-304 ;

1372 (b) resident aquatic invasive species fees collected under Section 73-18-26; and

1373 (c) ~~[any]~~ other ~~[amount]~~ amounts deposited in the ~~[restricted account]~~ Aquatic
1374 Invasive Species Interdiction Account from donations, appropriations, contractual
1375 agreements, and accrued interest.

1376 (3) Upon appropriation, the division shall use the fees collected under Sections
1377 ~~[23-27-305] 23A-3-211~~ and 73-18-26 and deposited in the Aquatic Invasive Species
1378 Account to fund aquatic invasive species prevention and containment efforts.

1379

1380 **[23-30-103] 23A-3-212. Mule Deer Protection Account~~[--- Contents --- Use of~~**
1381 **Funds].**

1382 (1) There is created a restricted account within the General Fund known as the "Mule
1383 Deer Protection Restricted Account."

1384 (a) The ~~[restricted account]~~ Mule Deer Protection Restricted Account shall consist of:

1385 (i) appropriations made by the Legislature; and

1386 (ii) grants or donations from:

1387 (A) the federal government;

1388 (B) a state agency;

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1389 (C) a local government; or

1390 (D) a person.

1391 (b) The division shall administer the ~~[restricted account]~~ Mule Deer Protection
1392 Restricted Account .

1393 (2) Subject to appropriation, the division may expend money in the ~~[restricted account]~~
1394 Mule Deer Protection Restricted Account on:

1395 (a) a program established by rule under Subsection ~~[23-30-104]~~ 23A-11-202 (1);

1396 (b) a contract for targeted predator control described in Subsection ~~[23-30-104]~~
1397 23A-11-202 (3)(a);

1398 (c) predator control education and training related to mule deer protection described in
1399 Subsection ~~[23-30-104]~~ 23A-11-202 (3)(b); and

1400 (d) administration costs incurred to carry out ~~[the requirements of this chapter]~~ Chapter
1401 11, Part 4, Mule Deer Protection .

1402

1403 ~~[23-19-17.7.]~~ 23A-3-213. **Wildlife Resources Trust Account** ~~[created -- Lifetime~~
1404 ~~license fees deposited -- Disposition of income -- Restriction on use of fund]~~ .

1405 (1) There is created within the General Fund a restricted account to be known as the "
1406 Wildlife Resources Trust Account. ~~[All fees]~~ "Fees received from the sale of lifetime
1407 licenses shall be deposited in that account.

1408 (2) ~~[All interest]~~ Interest earned by investments of the funds in the Wildlife Resources
1409 Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources
1410 Account created in Section ~~[23-14-13]~~ 23A-3-201 .

1411 (3) Money in the Wildlife Resources Trust Account is subject to the restriction in
1412 Section ~~[23-22-2]~~ 23A-2-402 that no money paid to the state for hunting and fishing
1413 license fees shall be diverted for any other purpose than the enhancement of wildlife by
1414 the ~~[Division of Wildlife Resources]~~ division .

1415

1416 **Part 3. Utah Natural Resources Legacy Fund.**

1417

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1418 ~~[23-31-102.]~~ **23A-3-301.** **Definitions.**

1419 As used in this ~~[chapter]~~ part :

1420 (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section
1421 ~~[23-31-202]~~ 23A-3-305 .

1422 ~~[(2) "Department" means the Department of Natural Resources.]~~

1423 ~~[(3)]~~ (2) "Legacy fund" means the Utah Natural Resources Legacy Fund created in
1424 Section ~~[23-31-201]~~ 23A-3-304 .

1425

1426 ~~[23-31-103]~~ **23A-3-302 .** **Application to mineral estates.**

1427 This ~~[chapter]~~ part does not change law regarding:

- 1428 (1) the primacy of a mineral estate;
1429 (2) limiting access to a mineral estate; or
1430 (3) limiting development of a mineral estate.

1431

1432 ~~[23-31-104.]~~ **23A-3-303.** **Reporting.**

1433 The division shall annually report to the governor and the Natural Resources,
1434 Agriculture, and Environment Interim Committee on or before September 1 with respect
1435 to:

1436 (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers,
1437 bequests, and donations received and credited to the legacy fund during the preceding
1438 fiscal year; and

1439 (2) expenditures from the legacy fund under Section ~~[23-31-203]~~ 23A-3-206 .

1440

1441 ~~[23-31-201.]~~ **23A-3-304.** **Utah Natural Resources Legacy Fund.**

1442 (1) There is created an expendable special revenue fund known as the "Utah Natural
1443 Resources Legacy Fund."

1444 (2) The legacy fund consists of:

1445 (a) appropriations to the legacy fund by the Legislature;

1446 (b) federal grants accepted by the department or a division of the department and

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1447 specifically directed to the legacy fund; and
1448 (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund
1449 accepted by the department and specifically directed to the legacy fund.

1450 (3) (a) The ~~[account]~~ legacy fund shall earn interest.

1451 (b) The interest described in Subsection (3)(a) shall be deposited into the ~~[account]~~
1452 legacy fund.

1453
1454 ~~[23-31-202.]~~ 23A-3-305. **Utah Natural Resources Legacy Fund Board.**

1455 (1) Subject to Subsection (12), there is created within the department the Utah Natural
1456 Resources Legacy Fund Board that consists of eight members as follows:

1457 (a) the following voting members:

1458 (i) two members representing the agriculture industry, appointed by the commissioner
1459 of the Department of Agriculture and Food;

1460 (ii) one member representing a non-government entity that has as a primary purpose
1461 conserving non-game wildlife and habitat, appointed by the director~~[of the Division of~~
1462 ~~Wildlife Resources]~~;

1463 (iii) one member representing hunting, fishing, and trapping interests in Utah,
1464 appointed by the director~~[of the Division of Wildlife Resources]~~;

1465 (iv) one member representing mineral extraction and development interests, appointed
1466 by the director of the Division of Oil, Gas, and Mining;

1467 (v) one member representing water development and distribution interests, appointed
1468 by the executive director ~~[of the department]~~; and

1469 (vi) one at-large member, appointed by the executive director ~~[of the department]~~; and

1470 (b) the director~~[of the division]~~ as a nonvoting member.

1471 (2) A voting member of the board shall be appointed for a three-year term.

1472 (3) Notwithstanding Subsection (2), terms of board members are staggered as follows
1473 so that approximately one-third of the board is appointed every year:

1474 (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be
1475 appointed for three-year terms;

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- 1476 (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be
1477 appointed for two-year terms; and
- 1478 (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be
1479 appointed for one-year terms.
- 1480 (4) An individual may be appointed to more than one term.
- 1481 (5) When a vacancy occurs in the membership for any reason, an individual shall be
1482 appointed in accordance with Subsection (1) to replace the member for the unexpired
1483 term.
- 1484 (6) The board shall elect one member to serve as chair of the board.
- 1485 (7) The board shall meet regularly as called by the chair.
- 1486 (8) Four voting members constitute a quorum.
- 1487 (9) An action by the majority of voting members present when a quorum is present is
1488 an action of the board.
- 1489 (10) A member may not receive compensation or benefits for the member's service,
1490 but may receive per diem and travel expenses in accordance with:
- 1491 (a) Section 63A-3-106;
- 1492 (b) Section 63A-3-107; and
- 1493 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1494 63A-3-107.
- 1495 (11) The division shall staff the board.
- 1496 (12) The board is not created and may not begin operation until the legacy fund
1497 described in Section ~~[23-31-201]~~ 23A-3-304 holds at least \$200,000.
- 1498
- 1499 ~~[23-31-203.]~~ 23A-3-306. **Uses of legacy fund.**
- 1500 (1) Each year, when the board creates a budget, the board shall allocate:
- 1501 (a) 40% of the budget:
- 1502 (i) for staff and expenses to administer the legacy fund under this ~~[chapter]~~ part ;
- 1503 (ii) to conduct research, monitoring, and management actions that benefit non-game
1504 species; or

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- 1505 (iii) to otherwise reduce the likelihood of future species listings under the Endangered
1506 Species Act, 16 U.S.C. Sec. 1531 et seq.; and
- 1507 (b) 60% of the budget to fund the following projects that provide the following
1508 landscape level conservation benefits:
- 1509 (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
 - 1510 (ii) providing perpetual access for hunting, fishing, or trapping;
 - 1511 (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment,
1512 and the multiple use of renewable natural resources attributable to residential, mineral,
1513 and industrial development; or
 - 1514 (iv) preserving a viable agricultural industry.
- 1515 (2) (a) The board shall make recommendations to the division regarding expenditures
1516 from the legacy fund for the purposes described in Subsection (1)(b).
- 1517 (b) The division shall consider the board's recommendations in approving an
1518 expenditure from the legacy fund under Subsection (1) and, if the division rejects the
1519 board's recommendation, the director ~~[of the division]~~ shall provide the board with a
1520 written explanation of the reason for the rejection.
- 1521 (3) In performing the actions described in Subsection (1)(b), the division shall comply
1522 with ~~[the requirements described in]~~ Section ~~[23-21-1.5]~~ 23A-6-202 .
- 1523 (4) This section does not give the division the power of eminent domain.
- 1524 (5) The division may not use assets from the legacy fund for litigation.
- 1525 (6) Money in the legacy fund may not be used to develop or implement a habitat
1526 conservation plan required under federal law unless the federal government pays for at
1527 least one-third of the habitat conservation plan costs.

1528

1529 **CHAPTER 4. LICENSES, PERMITS, CERTIFICATES OF REGISTRATION, AND**
1530 **TAGS**

1531

1532 **Part 1. General Provisions**

1533

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1534 **23A-4-101. Definitions.**

1535 Reserved.

1536

1537 **Part 2. Basic Requirements**

1538

1539 ~~[23-19-1.]~~ **23A-4-201. Possession of licenses, certificates of registration,**
1540 **permits~~[, and tags]~~ required -- Nonassignability -- Exceptions -- ~~[Free fishing day~~**
1541 **~~--]~~ Nature of licenses, permits~~[, or tags]~~ issued by the division.**

1542 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine
1543 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the
1544 person:

1545 (a) procures the necessary licenses, certificates of registration, permits~~[, or tags]~~
1546 required under this title, by rule made by the Wildlife Board under this title, or by an
1547 order or proclamation ~~[issued in accordance with a rule made by the Wildlife Board~~
1548 ~~under this title]~~; and

1549 (b) carries in the person's possession while engaging in the activities described in
1550 Subsection (1) the license, certificate of registration, or permit~~[, or tag]~~ required under
1551 this title, by rule made by the Wildlife Board under this title, or by an order or
1552 proclamation ~~[issued in accordance with a rule made by the Wildlife Board under this~~
1553 ~~title]~~.

1554 (2) Except as provided in Subsection (3) a person may not:

1555 (a) lend, transfer, sell, give, or assign:

1556 (i) a license, certificate of registration, permit, or tag belonging to the person; or

1557 (ii) a right granted by a license, certificate of registration, or permit~~[, or tag]~~; or

1558 (b) use or attempt to use a license, certificate of registration, permit, or tag of another
1559 person.

1560 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1561 Wildlife Board may, by rule, make exceptions to the prohibitions described in
1562 Subsection (2) to:

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- 1563 (a) transport wildlife;
- 1564 (b) allow a person to take protected wildlife for another person if:
- 1565 (i) the person possessing the license, certificate of registration, or permit~~[,-or tag]~~ has
- 1566 a permanent physical impairment due to a congenital or acquired injury or disease; and
- 1567 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a
- 1568 disability that renders the person physically unable to use a legal hunting weapon or
- 1569 fishing device;
- 1570 (c) allow a resident minor under 18 years of age to use the resident or nonresident
- 1571 hunting permit of another person if:
- 1572 (i) the resident minor is otherwise legally eligible to hunt; and
- 1573 (ii) the permit holder:
- 1574 (A) receives no form of compensation or remuneration for allowing the minor to use the
- 1575 permit;
- 1576 (B) obtains the division's prior written approval to allow the minor to use the permit; and
- 1577 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,
- 1578 at a distance where the permit holder can communicate with the minor, in person, by
- 1579 voice or visual signals; or
- 1580 (d) subject to the requirements of Subsection (4), transfer to another person a
- 1581 certificate of registration to harvest brine shrimp and brine shrimp eggs, if the certificate
- 1582 is transferred in connection with the sale or transfer of the brine shrimp harvest
- 1583 operation or harvesting equipment.
- 1584 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine
- 1585 shrimp eggs if:
- 1586 (a) the person submits to the division an application to transfer the certificate on a form
- 1587 provided by the division;
- 1588 (b) the proposed transferee meets ~~[all]~~ the requirements necessary to obtain an
- 1589 original certificate of registration; and
- 1590 (c) the division approves the transfer of the certificate.
- 1591 (5) A person is not required to obtain a license, certificate of registration, or ~~[permit, or~~

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1592 ~~tag~~ to:

1593 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule
1594 made by the Wildlife Board under this title or by an order or proclamation ~~[issued in~~
1595 ~~accordance with a rule made by the Wildlife Board under this title]~~;

1596 (b) fish at a private fish pond operated in accordance with Section ~~[23-15-10]~~
1597 ~~23A-9-203~~; ~~[or]~~

1598 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to
1599 propagate, keep, and release for shooting in accordance with a certificate of registration
1600 issued under Section ~~[23-17-6.]~~ ~~23A-12-202~~; or

1601 ~~(d) take fish at a short-term fishing event.~~

1602 (6) (a) A license, permit, ~~tag~~, or certificate of registration issued under this title, or the
1603 rules of the Wildlife Board issued pursuant to ~~[authority granted by]~~ this title, to take
1604 protected wildlife is:

1605 (i) a privilege; and

1606 (ii) not a right or property for any purpose.

1607 (b) A point or other form of credit issued to, or accumulated by, a person under
1608 procedures established by the Wildlife Board in rule to improve the likelihood of
1609 obtaining a hunting permit in a division-administered drawing:

1610 (i) may not be transferred, sold, or assigned to another person; and

1611 (ii) is not a right or property for any purpose.

1612

1613 ~~[23-19-2.]~~ ~~23A-4-202.~~ **License, permit, and certificate forms prescribed by**
1614 **Wildlife Board.**

1615 (1) The Wildlife Board shall prescribe the form of a license, permit, or certificate of
1616 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

1617 (2) A license, permit, or certificate of registration may be paper-based or in electronic
1618 format pursuant to the rules ~~[established]~~ made by the Wildlife Board in accordance
1619 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1620 (3) A license issued pursuant to Section ~~[23-19-36]~~ 23A-4-304 shall be designated as

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1621 such by a code number and may not contain a reference to the licensee's disability.

1622

1623 ~~[23-19-3.]~~ 23A-4-203. ~~[Special tags]~~ Tag as ~~[supplements]~~ supplement to
1624 **licenses and permits.**

1625 The division may issue, ~~[as supplements to appropriate licenses and permits, special~~
1626 ~~tags]~~ as a supplement to the appropriate license or permit, a tag for protected wildlife,
1627 as determined by the Wildlife Board.

1628

1629 ~~[23-19-4.]~~ 23A-4-204. **Alien's and nonresident peace officer's** ~~[right to]~~ ability to
1630 obtain licenses and certificates.

1631 (1) An alien resident of ~~[the State of]~~ Utah may a purchase hunting, fishing, trapping,
1632 seining, and fur dealer ~~[licenses and certificates of registration]~~ license or certificate of
1633 registration upon the same terms as a resident citizen.

1634 (2) ~~[All nonresident aliens]~~ A nonresident alien may purchase a hunting, fishing,
1635 trapping, seining, ~~[and]~~ or fur dealer ~~[licenses and certificates]~~ license or certificate of
1636 registration upon the same terms as nonresident citizens.

1637 (3) Notwithstanding Subsection ~~[23-19-5]~~ 23A-4-1101 (1)(b), a nonresident may
1638 purchase a hunting, fishing, trapping, seining, and fur dealer license ~~[and]~~ or certificate
1639 of registration upon the same terms as a resident citizen if the person is:

1640 (a) employed by the state as a peace officer, as classified by Title 53, Chapter 13,
1641 Peace Officer Classifications; and

1642 (b) required to live outside the state as a condition of the person's employment.

1643

1644 ~~[23-19-7.]~~ 23A-4-205 **Expiration date of licenses, permits, and certificates of**
1645 **registration.**

1646 (1) The Wildlife Board shall establish the term and expiration date for a license, permit,
1647 ~~[and]~~ or certificate of registration issued under this title.

1648 (2) The division shall indicate the term and expiration date established under

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1649 Subsection (1) on ~~[each]~~ a license, permit, ~~[and]~~ or certificate of registration.

1650

1651 ~~[23-19-8:]~~ 23A-4-206. **Signature on documents -- Considered under oath --**

1652 **Prohibition on use of unsigned documents.**

1653 (1) A person's signature on a license, permit, ~~[tag,]~~ or certificate of registration is
1654 certification of that person's eligibility to use the license, permit, ~~[tag,]~~ or certificate of
1655 registration for the purpose intended by this title.

1656 (2) ~~[The]~~ A signature described in Subsection (1) need not be notarized but shall be
1657 considered to be made under oath.

1658 (3) A signature may be an electronic signature if allowed by rule made by the Wildlife
1659 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1660 ~~[(3)]~~ (4) A person may not use an unsigned license, permit, ~~[tag,]~~ or certificate of
1661 registration.

1662

1663 ~~[23-19-38:]~~ 23A-4-207. **Sales of licenses, certificates, or permits final --**

1664 **Exceptions -- Reallocation of surrendered permits.**

1665 (1) ~~[Sales of all licenses, certificates, or permits are final, and no refunds may be made~~
1666 ~~by the division]~~ A sale of a license, permit, or certificate is final and the division may not
1667 refund money except as provided in Subsections (2) and (3) or Section 23A-4-301 .

1668 (2) The division may refund the amount of ~~[the]~~ a license, certificate, or permit if:

1669 (a) the division or the Wildlife Board discontinues the activity for which the license,
1670 certificate, or permit was obtained;

1671 (b) the division determines that ~~[it]~~ the division has erroneously collected a fee;

1672 (c) (i) the person to whom the license, certificate, or permit is issued becomes ill or
1673 suffers an injury that precludes the person from using the license, certificate, or permit;

1674 (ii) the person furnishes verification of illness or injury from a physician or physician
1675 assistant;

1676 (iii) the person does not actually use the license, certificate, or permit; and

1677 (iv) the license, certificate, or permit is surrendered before the end of the season for

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1678 which the license, certificate, or permit was issued; or
1679 (d) the person to whom the license, certificate, or permit is issued dies ~~[prior to]~~ before
1680 the person being able to use the license, certificate, or permit.

1681 (3) The Wildlife Board may establish additional exceptions ~~[in rule]~~ to the refund
1682 prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3,
1683 Utah Administrative Rulemaking Act.

1684 (4) The ~~[division]~~ director may reallocate surrendered permits in accordance with rules
1685 ~~[adopted]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
1686 Administrative Rulemaking Act.

1687
1688 ~~[23-19-10:]~~ 23A-4-208. **Duplicate license, permit, ~~[tag;]~~ or certificate of**
1689 **registration.**

1690 If an unexpired license, permit, ~~[tag;]~~ or certificate of registration issued under ~~[the~~
1691 ~~provisions of]~~ this ~~[code]~~ title is destroyed, lost, or stolen, the ~~[Division of Wildlife~~
1692 ~~Resources and its]~~ division, a person designated by the director of the division, or the
1693 division's authorized license agents may issue a duplicate license, permit, ~~[tag;]~~ or
1694 certificate of registration in accordance with the rules set and fees determined by the
1695 Wildlife Board.

1696
1697 ~~[23-19-42:]~~ 23A-4-209. **Search and rescue surcharge.**

1698 (1) In addition to the fees imposed under this ~~[chapter]~~ title , there is imposed a 25
1699 cent surcharge on ~~[each]~~ a fishing, hunting, or combination license.

1700 (2) ~~[This]~~ The surcharge imposed under Subsection (1) shall be deposited in the
1701 General Fund as a dedicated credit for the Search and Rescue Financial Assistance
1702 Program created under Section 53-2a-1101.

1703
1704 ~~[23-19-45:]~~ 23A-4-210. **Fees and certificates of registration to harvest brine**
1705 **shrimp eggs.**

1706 ~~[†]~~ The Wildlife Board may not impose ~~[fees]~~ a fee to harvest brine shrimp eggs

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1707 other than a certificate of registration [~~fees~~] fee .

1708 [~~(2) Each person holding certificates of registration for the harvesting of brine shrimp~~
1709 ~~eggs in the 1996-97 harvesting season may obtain the same number of certificates of~~
1710 ~~registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the~~
1711 ~~required fee.~~]

1712

1713 **Part 3. Special Circumstances**

1714

1715 [~~23-19-38.2.~~] **23A-4-301. Refunds for armed forces or public health or safety**
1716 **organization members** [~~-- Criteria~~].

1717 (1) A member of the United States Armed Forces or public health or public safety
1718 organization who is mobilized or deployed on order in the interest of national defense or
1719 emergency and is precluded from using a purchased license, certificate, [~~tag,~~] or permit,
1720 may, as provided in Subsection (2):

1721 (a) receive a refund from the division; and

1722 (b) if the person has drawn a permit, have [~~all~~] the opportunities to draw that permit in
1723 a future draw reinstated.

1724 (2) To qualify, the person or a legal representative shall:

1725 (a) notify the division within a reasonable amount of time that the person is applying for
1726 a refund;

1727 (b) surrender the license, certificate, [~~tag,~~] or permit to the division; and

1728 (c) furnish satisfactory proof to the division that the person:

1729 (i) is a member of:

1730 (A) the United States Armed Forces;

1731 (B) a public health organization; or

1732 (C) a public safety organization; and

1733 (ii) was precluded from using the license, certificate, [~~tag,~~] or permit as a result of being
1734 called to active duty.

1735 (3) The Wildlife Board may [~~adopt~~] make rules in accordance with Title 63G, Chapter

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1736 3, Utah Administrative Rulemaking Act, necessary to administer this section including
1737 allowing retroactive refund to September 11, 2001.

1738

1739 ~~[23-19-38.3.]~~ 23A-4-302. **Licenses for disabled veterans**~~[--Free or reduced~~
1740 **price].**

1741 (1) The ~~[division]~~ Wildlife Board shall make rules in accordance with Title 63G,
1742 Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability
1743 may receive a hunting, fishing, or combination license free or at a reduced price.

1744 (2) In making rules under this section, the ~~[division]~~ Wildlife Board shall:

1745 (a) use the same guidelines for disability as the United States Department of Veterans
1746 Affairs; and

1747 (b) provide at a minimum a reduction under this section of 25% of the full fee.

1748

1749 ~~[23-19-14.]~~ 23A-4-303. **Persons residing in certain institutions** ~~[authorized to]~~
1750 **may fish without license.**

1751 (1) The ~~[Division of Wildlife Resources]~~ division shall permit a person to fish without a
1752 license if:

1753 (a) (i) the person resides in:

1754 (A) the Utah State Developmental Center in American Fork;

1755 (B) the state hospital;

1756 (C) a veterans hospital;

1757 (D) a veterans nursing home;

1758 (E) a mental health center;

1759 (F) an intermediate care facility for people with an intellectual disability;

1760 (G) a group home licensed by the Department of Human Services and operated under
1761 contract with the Division of Services for People with Disabilities;

1762 (H) a group home or other community-based placement licensed by the Department of
1763 Human Services and operated under contract with the Division of Juvenile Justice
1764 Services;

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- 1765 (I) a private residential facility for at-risk youth licensed by the Department of Human
1766 Services; or
- 1767 (J) another similar institution approved by the division; or
- 1768 (ii) the person is a youth who participates in a work camp operated by the Division of
1769 Juvenile Justice Services;
- 1770 (b) the person is properly supervised by a representative of the institution described in
1771 Subsection (1)(a) ; and
- 1772 (c) the institution described in Subsection (1)(a) obtains from the division a certificate
1773 of registration that specifies:
- 1774 (i) the date and place where the person will fish; and
- 1775 (ii) the name of the institution's representative who will supervise the person fishing.
- 1776 (2) The institution described in Subsection (1) shall apply for the certificate of
1777 registration at least 10 days before the fishing outing.
- 1778 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth to
1779 fish shall provide instruction to the youth on fishing laws and regulations .
- 1780 (b) The division shall provide educational materials to the institution to assist [it] the
1781 institution in complying with Subsection (3)(a).

1782

1783 **[23-19-14.5.] 23A-4-304. Persons participating in youth organization or school**
1784 **activity [authorized to] may fish without license.**

- 1785 (1) As used in this section:
- 1786 (a) "School" means an elementary school or a secondary school that:
- 1787 (i) is a public or private school located in the state; and
- 1788 (ii) provides student instruction for one or more years of kindergarten through grade 9.
- 1789 (b) "Youth organization" means a local Utah chapter of:
- 1790 (i) the Boy Scouts of America;
- 1791 (ii) the Girls Scouts of the USA; or
- 1792 (iii) an organization that:
- 1793 (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

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- 1794 (B) promotes character building through outdoor activities.
- 1795 (2) The ~~[Division of Wildlife Resources]~~ division shall permit a person to fish without a
- 1796 license during a youth organization or school activity if:
- 1797 (a) the person is:
- 1798 (i) (A) a member of the youth organization; or
- 1799 (B) a student enrolled in the school; and
- 1800 (ii) younger than 16 years old;
- 1801 (b) the fishing is in compliance with ~~[a]~~ the fishing statutes and rules;
- 1802 (c) the activity is part of a recreational or instructional program of the youth
- 1803 organization or school; and
- 1804 (d) an adult leader of the activity obtains from the youth organization or school:
- 1805 (i) a valid tour permit; or
- 1806 (ii) documentation that specifies:
- 1807 (A) the date and place of the fishing activity;
- 1808 (B) the name of the adult leader that will supervise the fishing; and
- 1809 (C) that the activity is officially sanctioned or authorized by the youth organization or
- 1810 school.
- 1811 (3) (a) The adult leader shall:
- 1812 (i) possess a valid Utah fishing or combination license; and
- 1813 (ii) instruct the activity participants on fishing statutes and rules.
- 1814 (b) The division shall provide educational materials on ~~[its]~~ the division's website to
- 1815 assist the adult leader in complying with Subsection (3)(a).
- 1816 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1817 Wildlife Board shall adopt rules specifying the form of the documentation required
- 1818 under Subsection (2)(d)(ii).
- 1819
- 1820 ~~[23-19-36.]~~ 23A-4-305. **Persons with a physical or intellectual disability,**
- 1821 **terminally ill persons, and children in the custody of the state** ~~[--License to]~~ may
- 1822 **fish for free.**

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1823 (1) A resident who is blind, has paraplegia, or has another permanent disability so as to
1824 be permanently confined to a wheelchair or the use of crutches, or who has lost either
1825 or both lower extremities, may receive a free license to fish upon furnishing satisfactory
1826 proof of this fact to the ~~[Division of Wildlife Resources]~~ division.

1827 (2) A resident who has an intellectual disability and is not eligible under Section
1828 ~~[23-19-14]~~ 23A-4-303 to fish without a license may receive a free license to fish upon
1829 furnishing verification to the division from a physician or physician assistant that the
1830 person has an intellectual disability.

1831 (3) A resident who is terminally ill, and has less than five years to live, may receive a
1832 free license to fish:

1833 (a) upon furnishing verification from a physician or physician assistant; and

1834 (b) if the resident qualifies for assistance under ~~[any]~~ a low income public assistance
1835 program administered by a state agency.

1836 (4) A child placed in the custody of the state by a court order may receive a free fishing
1837 license upon furnishing verification of custody to the ~~[Division of Wildlife Resources]~~
1838 division.

1839

1840 ~~[23-19-39]~~ 23A-4-306. **Additional appropriation.**

1841 The division each year shall request the Legislature to appropriate from the General
1842 Fund in ~~[the]~~ an appropriations act, for deposit in the Wildlife Resources Restricted
1843 Account, a sum equal to the total of the fees, as determined by the previous year's
1844 license sales, that would have otherwise been collected for fishing licenses had full fees
1845 been paid by those 65 years of age or older or those who received free fishing
1846 privileges under ~~[the provisions of]~~ Section ~~[23-19-14]~~ 23A-4-303 or ~~[23-19-36]~~
1847 23A-4-305.

1848

1849 **Part 4. Combined or Lifetime Licenses**

1850

1851 ~~[23-19-17:]~~ 23A-4-401. **Resident fishing and hunting license -- Use of fee.**

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- 1852 (1) A resident, after paying the fee established by the Wildlife Board, may obtain, as
1853 provided by the Wildlife Board's rules, a combination license to:
- 1854 (a) fish;
 - 1855 (b) hunt for small game; and
 - 1856 (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.
- 1857 (2) Up to \$1 of the combination license fee may be used for the hunter education
1858 program for any of the following:
- 1859 (a) instructor and student training;
 - 1860 (b) assisting local organizations with development;
 - 1861 (c) maintenance of existing facilities; or
 - 1862 (d) operation and maintenance of the hunter education program.
- 1863 (3) (a) Up to 50 cents of the combination license fee may be used for the upland game
1864 program to:
- 1865 (i) acquire pen-raised birds; or
 - 1866 (ii) capture and transplant upland game species.
- 1867 (b) The combination license fee revenue designated for the upland game program by
1868 Subsection (3)(a) is in addition to ~~[any]~~ combination license fee revenue that may be
1869 used for the upland game program as provided by Sections ~~[23-19-43]~~ 23A-3-207 and
1870 ~~[23-19-47]~~ 23A-3-208.
- 1871
- 1872 ~~[23-19-17.5.]~~ 23A-4-402. **Lifetime hunting and fishing licenses.**
- 1873 (1) ~~[Lifetime licensees]~~ A lifetime licensee who is born after December 31, 1965, shall
1874 complete the hunter education requirements under Section ~~[23-19-11]~~ 23A-4-1001
1875 before engaging in hunting.
- 1876 (2) A lifetime license ~~[shall remain]~~ remains valid if the residency of the lifetime
1877 licensee changes to another state or country.
- 1878 (3) (a) A lifetime license may be used in lieu of a hunting or fishing license.
- 1879 (b) Each year, a lifetime licensee is entitled to receive without charge a permit ~~[and tag]~~
1880 of the lifetime licensee's choice for one of the following general season deer hunts:

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- 1881 (i) archery;
- 1882 (ii) rifle; or
- 1883 (iii) muzzleloader.
- 1884 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
- 1885 permits ~~[and tags]~~, except as provided in Subsections (3)(a) and (b).
- 1886 (4) The Wildlife Board may ~~[adopt]~~ make rules , in accordance with Title 63G,
- 1887 Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out ~~[the provisions~~
- 1888 ~~of]~~ this section.

1889

1890 **Part 5. License Agents**

1891

1892 ~~[23-19-15.]~~ 23A-4-501. ~~[License]~~ Wildlife license agents ~~[-- Authority -- Bond --~~

1893 Compensation] ~~[--Violations].~~

1894 (1) The director ~~[of the division]~~ may designate wildlife license agents to sell licenses~~;~~

1895 and permits~~[-and tags]~~.

1896 (2) ~~[Wildlife license agents]~~ A wildlife license agent may:

1897 (a) sell ~~[licenses, permits, and tags to all eligible applicants, except those licenses,~~

1898 ~~permits, and tags]~~ a license or permit to an eligible applicant, except for a license or

1899 permit specified in Subsection ~~[23-19-16]~~ 23A-4-503 (2) which may be sold only by

1900 the division; and

1901 (b) collect a fee for ~~[each]~~ a license~~;~~ or permit~~[-or tag]~~ sold.

1902 (3) A wildlife license agent shall receive:

1903 (a) for ~~[any]~~ a wildlife license~~;~~ or permit~~[-or tag]~~ having a fee equal to \$10 or less

1904 ~~[and]~~ but greater than \$1, 50 cents for ~~[each]~~ a wildlife license~~;~~ or permit~~[-or tag]~~

1905 sold; and

1906 (b) for ~~[any]~~ a wildlife license~~;~~ a permit~~[-or tag]~~ having a fee greater than \$10, 5%

1907 of the fee.

1908 (4) The division may require a wildlife license ~~[agents]~~ agent to obtain a bond in a

1909 reasonable amount.

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- 1910 (5) (a) As directed by the division, ~~[each]~~ a wildlife license agent shall:
- 1911 (i) report ~~[all]~~ the wildlife license agent's sales to the division; and
- 1912 (ii) submit ~~[all of]~~ to the division the fees obtained from the sale of licenses~~;~~ and
- 1913 permits~~[-and tags]~~ less the remuneration provided in Subsection (3).
- 1914 (b) If a wildlife license agent fails to pay the amount due, the division may assess a
- 1915 penalty of 20% of the amount due. ~~[All delinquent payments]~~ A delinquent payment
- 1916 shall bear interest at the rate of 1% per month. If the amount due is not paid because
- 1917 of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due
- 1918 together with interest.
- 1919 (c) ~~[All fees]~~ Fees, except the remuneration provided in Subsection (3), shall:
- 1920 (i) be kept separate from the private ~~[funds]~~ money of the wildlife license agents; and
- 1921 (ii) belong to the state.
- 1922 (6) A wildlife license agent may not intentionally:
- 1923 (a) fail to date or misdate a license~~;~~ or permit~~[-or tag]~~;
- 1924 (b) issue a hunting license or permit to an individual until that individual furnishes proof
- 1925 of successful completion of a division-approved hunter education course as provided in
- 1926 Section ~~[23-19-11]~~ 23A-4-1001; or
- 1927 (c) issue a furbearer license to an individual until that individual furnishes proof of
- 1928 successful completion of a division-approved furharvester education course as provided
- 1929 in Section ~~[23-19-11.5]~~ 23A-4-1005.
- 1930 ~~[(7) (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a~~
- 1931 ~~class B misdemeanor.~~
- 1932 ~~(b) A violation of this section is a class A misdemeanor if the aggregate amount~~
- 1933 ~~required under Subsection (5)(a):~~
- 1934 ~~(i) is at least \$1,000, but less than \$10,000;~~
- 1935 ~~(ii) is not submitted for one or more months; and~~
- 1936 ~~(iii) remains uncollectable.~~
- 1937 ~~(c) A violation of this section is a felony of the third degree if the aggregate amount~~
- 1938 ~~required under Subsection (5)(a):~~

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1939 ~~(i) is \$10,000 or more;~~
1940 ~~(ii) is not submitted for one or more months; and~~
1941 ~~(iii) remains uncollectable.~~
1942 ~~(8) Violation of [any provision of] this section may be cause for revocation of the wildlife~~
1943 ~~license agent authorization.]~~

1944
1945 **23A-4-502. Violations by a wildlife license agent -- Criminal penalty .**

1946 (1) A person is guilty of an unlawful act if the actor:

1947 (a) fails to take an action required by Section 23A-4-501; or

1948 (b) takes an action prohibited by Section 23A-4-501.

1949 (2) (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is
1950 a class B misdemeanor.

1951 (b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount
1952 required under Subsection 23A-4-501(5)(a):

1953 (i) is at least \$1,000, but less than \$10,000;

1954 (ii) is not submitted for one or more months; and

1955 (iii) remains uncollectable.

1956 (c) A violation of Subsection (1) is a felony of the third degree if the aggregate amount
1957 required under Subsection 23A-4-501(5)(a):

1958 (i) is \$10,000 or more;

1959 (ii) is not submitted for one or more months; and

1960 (iii) remains uncollectable.

1961 (4) A violation of Subsection (1) may be cause for revocation of the wildlife license
1962 agent authorization.

1963
1964 **[23-19-16.] 23A-4-503. Licenses obtained from agents of division.**

1965 (1) [Licenses] A person may obtain a license provided for in [Sections 23-19-17
1966 through 23-19-27 may be obtained] the following from the division or one of [its] the
1967 division's authorized wildlife license agents .:

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- 1968 (a) Section 23A-3-213;
1969 (b) Section 23A-4-401;
1970 (c) Section 23A-4-601;
1971 (d) Sections 23A-4-703 through 23A-4-707; and
1972 (e) Section 23A-4-901 .
1973 (2) [Licenses] A person may obtain a license provided for in [Sections] [23-19-17.5,
1974 23-19-34.7, and 23-19-36] [may be obtained] Section 23A-4-305, 23A-4-402, or
1975 23A-4-802 only from the division.

1976

1977 **Part 6. Fishing**

1978

1979 ~~[23-19-21.]~~ 23A-4-601. **Fishing license.**

1980 (1) A person 12 years of age or older shall purchase a fishing license before engaging
1981 in a regulated fishing activity.

1982 (2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a
1983 license to fish and engage in a regulated fishing activity in accordance with the rules,
1984 proclamations, and orders of the Wildlife Board.

1985 (3) A person under 12 years of age may fish without a license in accordance with the
1986 rules, proclamations, and orders of the Wildlife Board.

1987

1988 ~~[23-19-35.]~~ 23A-4-602. **Seining registration.**

1989 [Any] A person, upon application to the Wildlife Board, may be registered to seine.

1990

1991 **Part 7. Hunting**

1992

1993 ~~[23-19-14.6.]~~ 23A-4-701. **Trial hunting authorization.**

1994 (1) Upon application, the division may issue a trial hunting authorization to an individual
1995 who:

1996 (a) is 11 years of age or older at the time of application;

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- 1997 (b) is eligible under state and federal law to possess a firearm and archery equipment;
1998 and
1999 (c) (i) was born after 1965; and
2000 (ii) has not completed a division approved hunter education course.
- 2001 (2) Notwithstanding ~~[the requirements of Section 23-19-11]~~ Section 23A-4-1001, an
2002 individual who ~~[has obtained]~~ obtains a trial hunting authorization under Subsection (1)
2003 may obtain:
- 2004 (a) a hunting license under ~~[Sections 23-19-17, 23-19-24, and 23-19-26]~~ Section
2005 23A-4-401, 23A-4-706, or 23A-4-707; or
2006 (b) a hunting permit authorized by the Wildlife Board under Subsection (4).
- 2007 (3) An individual who ~~[has obtained]~~ obtains a hunting license or permit with a trial
2008 hunting authorization under Subsection (2) may use the license or permit if the
2009 individual is:
- 2010 (a) 12 years of age or older; and
2011 (b) accompanied, as defined in Subsection ~~[23-20-20]~~ 23A-4-708 (1), in the field while
2012 hunting by an individual who:
- 2013 (i) is 21 years of age or older;
2014 (ii) is eligible under state and federal law to possess a firearm and archery equipment;
2015 (iii) possesses a current Utah hunting or combination license;
2016 (iv) has satisfied applicable hunter education requirements under this chapter; and
2017 (v) possesses the written consent of the holder's parent or legal guardian, if
2018 accompanying a holder of a trial hunting authorization who is under 18 years of age.
- 2019 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2020 Wildlife Board may make rules to:
- 2021 (a) designate the types of hunting permits under Subsection (2) that may be obtained
2022 with a trial hunting authorization;
2023 (b) establish the term of a trial hunting authorization;
2024 (c) establish the number of years a person may obtain a trial hunting authorization;
2025 (d) prescribe the number of individuals using a trial hunting authorization that an

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2026 individual may accompany in the field under Subsection (3) at a single time;
2027 (e) establish the application process for an individual to obtain a trial hunting
2028 authorization; and
2029 (f) administer and enforce ~~[the provisions of]~~ this section.

2030

2031 ~~[23-19-49.]~~ 23A-4-702. **Air rifle hunting.**

2032 (1) As used in this section~~[:~~

2033 ~~(a) "Division" means the Division of Wildlife Resources.~~

2034 ~~(b) "Pre-charged]~~ , "pre-charged pneumatic air rifle" means a rifle that fires a single
2035 projectile with compressed air released from a chamber:

2036 (i) built into the rifle; and

2037 (ii) pressurized at a minimum of 2,000 pounds per square inch from an external high
2038 compression device or source, such as a hand pump, compressor, or scuba tank.

2039 (2) (a) An individual shall obtain a permit issued under this section before using a
2040 pre-charged pneumatic air rifle to hunt a species of wildlife designated by the Wildlife
2041 Board.

2042 (b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3,
2043 Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted
2044 with the use of a pre-charged pneumatic air rifle.

2045 (3) The division shall review the funding available for the regulation of hunting with
2046 pre-charged pneumatic air rifles and report the division's findings to the Natural
2047 Resources, Agriculture, and Environment Interim Committee by no later than the
2048 November 2024 interim committee meeting.

2049

2050 ~~[23-19-22.]~~ 23A-4-703. **Big game hunting permit.**

2051 (1) A person who is at least 12 years old~~[, upon paying the big game hunting permit fee~~
2052 ~~established by the Wildlife Board, paying the fee established by Subsection (4), and~~
2053 ~~possessing a valid hunting or combination license.]~~ may apply for or obtain a permit to
2054 hunt big game as provided by ~~[rules and proclamations]~~ a rule or proclamation of the

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- 2055 Wildlife Board~~[:]~~ upon:
- 2056 (a) paying the big game hunting permit fee established by the Wildlife Board;
- 2057 (b) paying the fee established by Subsection (4); and
- 2058 (c) possessing a valid hunting or combination license.
- 2059 (2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit
- 2060 consistent with the requirements of Subsection (1) if that person's 12th birthday falls
- 2061 within the calendar year for which the permit is issued.
- 2062 (b) A person may not use a permit to hunt big game before the person's 12th birthday.
- 2063 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a big game permit fee collected
- 2064 from a resident ~~[shall be used]~~ for the hunter education program as provided in Section
- 2065 ~~[23-19-17]~~ 23A-4-401 .
- 2066 (4) There is established a fee in the amount of \$5 added to ~~[each]~~ a permit under this
- 2067 section to be deposited in the Predator Control Restricted Account.
- 2068
- 2069 ~~[23-19-22.5.]~~ 23A-4-704. **Cougar or bear hunting permit.**
- 2070 (1) A person 12 years of age or older~~[, upon paying the cougar or bear hunting permit~~
- 2071 ~~fee established by the Wildlife Board and possessing a valid hunting or combination~~
- 2072 ~~license,]~~ may apply for or obtain a permit to take cougar or bear as provided by ~~[rules~~
- 2073 ~~and proclamations]~~ a rule or proclamation of the Wildlife Board~~[:]~~ upon:
- 2074 (a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and
- 2075 (b) possessing a valid hunting or combination license.
- 2076 (2) A person 11 years of age may apply for or obtain a cougar or bear hunting permit
- 2077 consistent with the requirements of Subsection (1) if that person's 12th birthday falls
- 2078 within the calendar year in which the permit is issued.
- 2079 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a cougar or bear permit fee
- 2080 collected from a resident ~~[shall be used]~~ for the hunter education program.
- 2081
- 2082 ~~[23-19-22.6.]~~ 23A-4-705. **Turkey hunting permit -- Use of fee.**
- 2083 (1) ~~[A person, upon paying the turkey permit fee established by the Wildlife Board and~~

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2084 ~~possessing a valid hunting or combination license;~~ A person may apply for or obtain a
2085 permit to take turkey as provided by ~~[rules and proclamations]~~ a rule or proclamation
2086 of the Wildlife Board~~[-]~~ upon:

2087 (a) paying the turkey permit fee established by the Wildlife Board; and

2088 (b) possessing a valid hunting or combination license.

2089 (2) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a turkey permit fee collected
2090 from a resident ~~[shall be used]~~

2091
2092 ~~[23-19-24.]~~ 23A-4-706. Resident hunting license -- Use of fee.

2093 (1) A resident~~[-, after paying the fee established by the Wildlife Board,]~~ may obtain a
2094 hunting license~~[-]~~ after paying the fee established by the Wildlife Board.

2095 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife
2096 Board's rules and proclamations:

2097 (a) take small game; and

2098 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2099 (3) Up to \$1 of the hunting license fee may be used for the hunter education program.

2100 (4) (a) Up to 50 cents of the hunting license fee may be used for the upland game
2101 program to:

2102 (i) acquire pen-raised birds; or

2103 (ii) capture and transplant upland game species.

2104 (b) The hunting license fee revenue designated for the upland game program by
2105 Subsection (4)(a) is in addition to ~~[any]~~ hunting license fee revenue that may be used
2106 for the upland game program as provided by Sections ~~[23-19-43]~~ 23A-3-207 and
2107 ~~[23-19-47]~~ 23A-3-208.

2108
2109 ~~[23-19-26.]~~ 23A-4-707. Nonresident hunting license -- Use of fee.

2110 (1) A nonresident~~[-, after paying the fee established by the Wildlife Board,]~~ may obtain a
2111 hunting license after paying the fee established by the Wildlife Board.

2112 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife

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2113 Board's rules and proclamations:

2114 (a) take small game; and

2115 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2116 (3) (a) Up to 50 cents of the hunting license fee may be used for the upland game
2117 program to:

2118 (i) acquire pen-raised birds; or

2119 (ii) capture and transplant upland game species.

2120 (b) The hunting license fee revenue designated for the upland game program by

2121 Subsection (3)(a) is in addition to [\[any\]](#) hunting license fee revenue that may be used

2122 for the upland game program as provided by Sections [\[23-19-43 and 23-19-47\]](#)

2123 [23A-3-207 and 23A-3-208](#) .

2124

2125 ~~[\[23-20-20.\]](#)~~ [23A-4-708.](#) **Children accompanied by adults while hunting with**
2126 **weapon.**

2127 (1) As used in this section:

2128 (a) "Accompanied" means at a distance within which visual and verbal communication
2129 is maintained for the purposes of advising and assisting.

2130 (b) (i) "Electronic device" means a mechanism powered by electricity that allows
2131 communication between two or more people.

2132 (ii) "Electronic device" includes a mobile telephone or two-way radio.

2133 (c) "Verbal communication" means the conveyance of information through speech that
2134 does not involve an electronic device.

2135 (2) A person younger than 14 years old who is hunting with [\[any\]](#) [a](#) weapon shall be
2136 accompanied by:

2137 (a) the person's parent or legal guardian; or

2138 (b) a responsible person who is at least 21 years old and who is approved by the
2139 person's parent or guardian.

2140 (3) A person younger than 16 years old who is hunting big game with [\[any\]](#) [a](#) weapon
2141 shall be accompanied by:

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- 2142 (a) the person's parent or legal guardian; or
2143 (b) a responsible person who is at least 21 years old and who is approved by the
2144 person's parent or guardian.
2145 (4) A person who is at least 14 years old but younger than 16 years old shall be
2146 accompanied by a person who is at least 21 years old while hunting wildlife, other than
2147 big game, with ~~[any]~~ a weapon.

2148

2149 ~~[23-20-30.]~~ **23A-4-709.** **Tagging requirements.**

- 2150 (1) The Wildlife Board may make rules that require the carcass of certain species of
2151 protected wildlife to be tagged.
2152 (2) Except as provided by the Wildlife Board by rules made in accordance with Title
2153 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of
2154 ~~[any]~~ a species of protected wildlife required to be tagged ~~[shall be tagged]~~ before the
2155 carcass is moved from or the hunter leaves the site of kill.
2156 (3) To tag a carcass, a person shall:
2157 (a) (i) completely detach the tag from the license or permit;
2158 (ii) completely remove the appropriate notches to correspond with:
2159 (A) the date the animal was taken; and
2160 (B) the sex of the animal; and
2161 (iii) attach the tag to the carcass so that the tag remains securely fastened and visible;
2162 or
2163 (b) complete an electronic tagging certification according to standards approved by the
2164 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah
2165 Administrative Rulemaking Act.
2166 (4) A person may not:
2167 (a) remove more than one notch indicating date or sex; or
2168 (b) tag more than one carcass using the same tag.

2169

2170 **Part 8. Falconry**

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2171 ~~[23-19-34.5.]~~ 23A-4-801 **Falconry certificate of registration -- Residents 12 or**
2172 **older may obtain certificate of registration -- License for falconry meet for**
2173 **nonresidents -- Wildlife Board approval required for falconry meet -- Hunting**
2174 **license required to take protected game.**

2175 (1) A resident 12 years of age or older ~~[, upon application to the division,]~~ may obtain a
2176 certificate of registration to hold falcons and engage in the sport of falconry on
2177 nongame wildlife species upon application to the division .

2178 (2) A nonresident entering Utah to participate in the sport of falconry at an organized
2179 meet shall obtain a license as provided in Section ~~[23-19-34.7]~~ 23A-4-802 .

2180 (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife
2181 Board ~~[in order]~~ to conduct an organized falconry meet.

2182 (4) (a) ~~[Any]~~ A person engaging in the sport of falconry on protected small game
2183 species shall possess, in addition to the falconry certificate of registration, a hunting
2184 license.

2185 (b) ~~[Any]~~ A nonresident who has been issued a license pursuant to Section
2186 ~~[23-19-34.7]~~ 23A-4-802 is not required to possess a hunting license ~~[in order]~~ to take
2187 small game during the five-day period of the license.

2188

2189 ~~[23-19-34.7.]~~ 23A-4-802. **Nonresident falconry meet license.**

2190 (1) A nonresident 12 years of age or older may participate in a falconry meet in this
2191 state upon payment of a fee prescribed by the Wildlife Board.

2192 (2) (a) A nonresident falconry meet license is valid only for five consecutive days, the
2193 dates to be designated on the license.

2194 (b) The holder of the license may engage in the sport of falconry on nongame wildlife
2195 species and small game species~~;~~ during the specified five-day period.

2196

2197 **Part 9. Furbearer License or Registration**

2198

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2199 ~~[23-19-27.]~~ **23A-4-901.** **Furbearer license -- Resident or nonresident.**

2200 A resident or nonresident ~~[, upon payment of the fee prescribed by the Wildlife Board,]~~
2201 may receive a license to take furbearers upon payment of the fee prescribed by the
2202 Wildlife Board.

2203
2204 ~~[23-19-31.]~~ **23A-4-902** **Resident fur dealer registration.**

2205 A resident ~~[, upon application to the Wildlife Board,]~~ may be registered as a fur dealer
2206 upon application to the Wildlife Board.

2207
2208 ~~[23-19-32.]~~ **23A-4-903.** **Nonresident fur dealer registration.**

2209 A nonresident ~~[, upon application to the wildlife board,]~~ may be registered as a fur dealer
2210 upon application to the Wildlife Board.

2211
2212 ~~[23-19-33.]~~ **23A-4-904** **Registration of fur dealer's agent.**

2213 ~~[Any]~~ A person who is employed by a fur dealer as a fur buyer in the field ~~[;]~~ ~~[upon~~
2214 ~~application to the Wildlife Board,]~~ may be registered as a fur dealer's agent upon
2215 application to the Wildlife Board.

2216
2217 ~~[23-18-5.]~~ **23A-4-905.** **Fur dealer and fur dealer's agent ~~[--Definitions]~~ --**
2218 **Certificates of registration required -- Receipts required.**

2219 (1) ~~[Any]~~ (a) A person engaging in, carrying on, or conducting, wholly or in part, the
2220 business of buying, selling, trading, or dealing, within the state, in the skins or pelts of
2221 furbearing mammals ~~[shall be deemed]~~ is considered a fur dealer within the meaning
2222 of this ~~[code]~~ title. ~~[All]~~ _

2223 (b) A fur ~~[dealers]~~ dealer shall secure a fur dealer certificate of registration from the
2224 ~~[Division of Wildlife Resources]~~ division, ~~[but]~~ ~~[no]~~ except a certificate of registration
2225 ~~[shall be]~~ is not required for _:

2226 (i) a licensed trapper or fur farmer selling skins or pelts ~~[which]~~ that the licensed

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2227 trapper or fur farmer has lawfully taken~~;~~ or raised~~;~~~~nor for any~~ ; or
2228 (ii) a person who is not a fur dealer and who purchases ~~[any such]~~ skins or pelts
2229 described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.
2230 (2) ~~[Any]~~ (a) A person who is employed by a resident or nonresident fur dealer as a
2231 fur buyer, in the field, is ~~[deemed]~~ considered a fur dealer's agent.
2232 (b) [Application] The fur dealer employing an agent shall apply for a fur dealer's agent
2233 certificate of registration~~[shall be made by the fur dealer employing the agent]~~, and ~~[no]~~
2234 an agent certificate of registration ~~[shall]~~ may not be issued until the necessary fur
2235 dealer certificate of registration has been first secured by the employer of the agent.
2236 (3) ~~[Receipts shall be issued by the]~~ The vendor shall issue a receipt to the vendee
2237 whenever the skins or pelts of furbearing mammals change ownership by virtue of sale,
2238 exchange, barter , or gift~~;~~~~and both~~ . Both the vendor and vendee shall produce
2239 ~~[this]~~ the receipt or evidence of legal transaction upon request by the ~~[Division of~~
2240 ~~Wildlife Resources]~~ division or other person authorized to enforce ~~[the provisions of]~~
2241 this ~~[code]~~ title .

Part 10. Education

~~[23-19-11.]~~ 23A-4-1001 ~~[Age restriction --]~~ **Hunter education required.**

2246 (1) (a) Except as provided in Section ~~[23-19-14.6]~~ 23A-4-701 , an individual born after
2247 December 31, 1965, may not acquire or possess a hunting license or permit unless the
2248 individual has successfully completed a division-approved hunter education course.

2249 (b) A division-approved hunter education course shall include education concerning the
2250 importance of gates and fences used in agriculture and how to properly close a gate.

2251 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2252 Wildlife Board may make rules establishing:

2253 (a) criteria and standards for approving a hunter education course, including a course
2254 offered in another state or country; and

2255 (b) procedures for verifying and documenting that an individual seeking a hunting

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2256 license or permit has successfully completed a division-approved hunter education
2257 course.

2258 ~~[(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting~~
2259 ~~license or permit in violation of the hunter education requirements in Subsection (1).~~
2260 ~~(b) A hunting license or permit obtained or possessed in violation of this section is~~
2261 ~~invalid.]~~

2262
2263 **~~[23-19-11.1.]~~ 23A-4-1002. Hunter education practical shooting test --**
2264 **Exemptions.**

2265 (1) Except as provided in Subsection (2), the Wildlife Board may require that the
2266 division-approved hunter education course required by Section ~~[23-19-11]~~ 23A-4-1001
2267 include a practical shooting test.

2268 (2) A member of the United States Armed Forces, including the Utah National Guard,
2269 is exempt from a practical shooting test that may be required under Subsection (1) if the
2270 member has passed firearms training in the United States Armed Forces or Utah
2271 National Guard.

2272 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2273 Wildlife Board may make rules establishing firearms test verification requirements.

2274
2275 **~~[23-19-12.]~~ 23A-4-1003. Instruction in hunter education -- Issuance of certificate**
2276 **of competency.**

2277 (1) The ~~[Division of Wildlife Resources]~~ division shall provide for ~~[individuals]~~ an
2278 individual interested in obtaining an instructor's certificate in hunter education a course
2279 of instruction in:

2280 (a) the safe handling of firearms;

2281 (b) conservation;

2282 (c) hunting ethics;

2283 (d) information required by Subsection ~~[23-19-11]~~ 23A-4-1001 (1)(b); and

2284 (e) related subject matter.

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2285 (2) A certified instructor may, on a voluntary basis, give instruction in the course of
2286 hunter education, as established by the ~~[Division of Wildlife Resources]~~ division, to
2287 eligible persons ~~[who]; upon the successful completion of the course;]~~ . The division
2288 shall ~~[be issued]~~ issue a certificate of competency in hunter education upon the
2289 successful completion of the course.

2290

2291 **~~[23-19-12.7.] 23A-4-1004. Instruction in bow hunter education -- Issuance of~~**
2292 **certificate of completion.**

2293 (1) The division shall establish criteria for a bow hunter education course, which may
2294 be offered by ~~[any]~~ an entity that meets the division's criteria.

2295 (2) The bow hunter education course shall include instruction in:

2296 (a) the safe use of bow hunting equipment;

2297 (b) fundamentals of bow hunting;

2298 (c) shooting and hunting techniques; and

2299 (d) hunter ethics.

2300 (3) The division shall issue a certificate of completion to a participant upon successful
2301 completion of a bow hunter education course which meets the requirements of this
2302 section and criteria established by the division.

2303

2304 **~~[23-19-11.5.] 23A-4-1005. [Age restriction--]~~ Proof of furharvester education**
2305 **required.**

2306 (1) A resident born after December 31, 1984, may not acquire or possess a furbearer
2307 license unless the individual has successfully completed a division-approved
2308 furharvester education course.

2309 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2310 Wildlife Board may make rules establishing:

2311 (a) criteria and standards for approving a furharvester education course, including a
2312 course offered in another state or country; and

2313 (b) procedures for verifying and documenting that an individual seeking a furbearer

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2314 license has successfully completed a division-approved furharvester education course.
2315 ~~[(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a~~
2316 ~~furbearer license in violation of the furharvester education requirements in Subsection~~
2317 ~~(4):~~
2318 ~~(b) A furbearer license or permit obtained or possessed in violation of this section is~~
2319 ~~invalid.]~~

2320
2321 **[23-19-12.5.] 23A-4-1006. Instruction in furharvester education -- Issuance of**
2322 **certificate of completion.**

2323 (1) The division shall provide a course of instruction in safe and responsible trapping,
2324 including instruction in:

- 2325 (a) the use of trapping devices;
2326 (b) trapping laws;
2327 (c) trapping ethics;
2328 (d) techniques in safely releasing nontarget animals;
2329 (e) firearms safety;
2330 (f) wildlife management;
2331 (g) proper catch handling;
2332 (h) trapper health and safety; and
2333 (i) ethics relating to the avoidance of conflicts with other public land users and private
2334 landowners.

2335 (2) (a) ~~[Certified instructors will]~~ A certified instructor may , on a voluntary basis, give
2336 instruction in the course of furharvester education, as established by the division.

2337 (b) Upon the successful completion of the course, ~~[each]~~ The division shall issue to
2338 the participant in the furharvester education course ~~[shall be issued]~~ a certificate of
2339 completion in furharvester education.

2340
2341 **[23-19-13.] 23A-4-1007. Hunter and furharvester education training -- Fee.**

2342 The Wildlife Board shall establish the fees to be assessed for obtaining instruction in

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2343 hunter education and furharvester education.

2344

2345 **Part 11. Licensing Violations and Enforcement**

2346

2347 ~~[23-19-5.]~~ **23A-4-1101.** Fraud, deceit, or misrepresentation in obtaining a
2348 license, permit, ~~[tag,]~~ or certificate of registration -- **Criminal penalty** .

2349 (1) ~~[It is unlawful for]~~ **A person may not** :

2350 (a) ~~[any person to]~~ obtain or attempt to obtain a license, permit, ~~[tag,]~~ or certificate of
2351 registration by fraud, deceit, or misrepresentation;

2352 (b) **if** a nonresident ~~[to]~~ , purchase a resident license; and

2353 (c) **if** a resident ~~[to]~~ , purchase a nonresident license.

2354 ~~[(2) Any license, permit, tag, or certificate of registration obtained in violation of~~
2355 ~~Subsection (1) is invalid.]~~

2356 ~~[(3) Any]~~ **(2) A** person violating Subsection (1) is guilty of a class B misdemeanor.

2357 **(3) A license, permit, or certificate of registration obtained in violation of Subsection (1)**
2358 **is invalid.**

2359 (4) A fraudulent claim of residency in another state or country does not exempt a
2360 person from the definition of resident in Section ~~[23-13-2]~~ **23A-1-101** .

2361

2362 ~~[23-19-5.5.]~~ **23A-4-1102.** Issuance of license ~~[,]~~ **or** permit ~~[, or tag]~~ prohibited for
2363 **failure to pay child support.**

2364 (1) As used in this section:

2365 (a) "Child support" means the same as that term is defined in Section 62A-11-401.

2366 (b) "Delinquent on a child support obligation" means that:

2367 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based
2368 on an administrative or judicial order;

2369 (ii) the individual has not obtained a judicial order staying enforcement of the
2370 individual's obligation on the amount in arrears; and

2371 (iii) the office has obtained a statutory judgment lien pursuant to Section 62A-11-312.5.

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- 2372 (c) "Office" means the Office of Recovery Services created in Section 62A-11-102.
- 2373 (d) "Wildlife license agent" means a person authorized under Section [\[23-19-15\]](#)
- 2374 [23A-4-501](#) to sell a license~~;~~ [or](#) permit~~;~~~~or tag~~ in accordance with this chapter.
- 2375 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
- 2376 obtain, or attempt to obtain a license~~;~~ [or](#) permit~~;~~~~or tag~~ required under this title, by
- 2377 rule made by the Wildlife Board under this title, or by an order or proclamation ~~[issued~~
- 2378 ~~in accordance with a rule made by the Wildlife Board under this title]~~.
- 2379 (b) (i) An individual who applies for, obtains, or attempts to obtain a license~~;~~ [or](#)
- 2380 permit~~;~~~~or tag~~ in violation of Subsection (2)(a) violates Section [\[23-19-5\]](#) [23A-4-1101](#) .
- 2381 (ii) A license~~;~~ [or](#) permit~~;~~~~or tag~~ obtained in violation of Subsection (2)(a) is invalid.
- 2382 (iii) An individual who takes protected wildlife with an invalid license~~;~~ [or](#) permit~~;~~~~or~~
- 2383 ~~tag~~ violates Section [\[23-20-3\]](#) [23A-5-309](#) .
- 2384 (3) (a) The license~~;~~ [and](#) permit~~;~~~~and tag~~ restrictions in Subsection (2)(a) remain
- 2385 effective until the office notifies the division that the individual who is delinquent on a
- 2386 child support obligation has:
- 2387 (i) paid the delinquency in full; or
- 2388 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive
- 2389 months with a payment schedule entered into with the office.
- 2390 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:
- 2391 (i) pay the current child support obligation in full each month; and
- 2392 (ii) pays an additional amount as assessed by the office pursuant to Section
- 2393 62A-11-320 towards the child support arrears.
- 2394 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the
- 2395 payment schedule described in Subsection (3)(b), the office may notify the division and
- 2396 the individual is considered to be an individual who is delinquent on a child support
- 2397 obligation and cannot obtain a new license~~;~~ [or](#) permit~~;~~~~or tag~~ without complying with
- 2398 this Subsection (3).
- 2399 (d) If an individual fails to comply with the payment schedule described in Subsection
- 2400 (3)(b) for one month of the 12-month period because of a transition to new

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- 2401 employment, the individual may obtain a license[;] or permit[; ~~or tag~~] and is considered
2402 in compliance with this Subsection (3) if the individual:
- 2403 (i) provides the office with information regarding the individual's new employer within 30
2404 days from the day on which the missed payment was due;
- 2405 (ii) pays the missed payment within 30 days from the day on which the missed
2406 payment was due; and
- 2407 (iii) complies with the payment schedule for all other payments owed for child support
2408 within the 12-month period.
- 2409 (4) (a) The division or a wildlife license agent may not knowingly issue a license[;] or
2410 permit[; ~~or tag~~] under this title to an individual identified by the office as delinquent on a
2411 child support obligation until notified by the office that the individual has complied with
2412 Subsection (3).
- 2413 (b) The division is not required to hold or reserve a license[;] ro permit[; ~~or tag~~]
2414 opportunity withheld from an individual pursuant to Subsection (4)(a) for purposes of
2415 reissuance to that individual upon compliance with Subsection (3).
- 2416 (c) The division may immediately reissue to another qualified person a license[;] or
2417 permit[; ~~or tag~~] opportunity withheld from an individual identified by the office as
2418 delinquent on a child support obligation pursuant to Subsection (4)(a).
- 2419 (5) The office and division shall automate the process for the division or a wildlife
2420 license agent to be notified whether an individual is delinquent on a child support
2421 obligation or has complied with Subsection (3).
- 2422 (6) The office is responsible to provide [any] administrative or judicial review required
2423 incident to the division issuing or denying a license[;] or permit[; ~~or tag~~] to an individual
2424 under Subsection (4).
- 2425 (7) The denial or withholding of a license[;] or permit[; ~~or tag~~] under this section is not
2426 a suspension or revocation of license and permit privileges for purposes of:
- 2427 (a) Section ~~[23-19-9]~~ 23A-4-1106 ;
- 2428 (b) Subsection ~~[23-20-4]~~ 23A-5-311 (1); and
- 2429 (c) Section ~~[23-25-6]~~ 23A-2-505 .

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2430 (8) This section does not modify a court action to withhold, suspend, or revoke a
2431 recreational license under Sections 62A-11-107 and 78B-6-315.

2432

2433 ~~[23-19-6.]~~ 23A-4-1103. **Imitating or counterfeiting license unlawful**~~[--Violation--~~
2434 **Penalty]** -- Criminal penalty .

2435 ~~[It is unlawful to]~~ (1) A person may not imitate or counterfeit ~~[any]~~ a license, permit,
2436 tag, or certificate of registration for the purpose of defrauding the state ~~[of Utah]~~ or for
2437 evading the purposes and provisions of this ~~[code]~~ title. ~~[Any]~~

2438 (2) A person who violates ~~[any provision of]~~ this section is guilty of a class A
2439 misdemeanor.

2440

2441 **23A-4-1104. Violation of hunter education requirements** -- Criminal penalty .

2442 (1) An individual may not obtain, attempt to obtain, or possess a hunting license or
2443 permit in violation of the hunter education requirements in Subsection 23A-4-1001(1).

2444 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2445 (3) A hunting license or permit obtained or possessed in violation of Section
2446 23A-4-1101 is invalid.

2447

2448 **23A-4-1105. Violation of furharvester education requirements** -- Criminal penalty.

2449 (1) An individual may not obtain, attempt to obtain, or possess a furbearer license in
2450 violation of the furharvester education requirements in Subsection 23A-4-1005(1).

2451 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2452 (3) A furbearer license or permit obtained or possessed in violation of this section is
2453 invalid.

2454

2455 ~~[23-19-9.]~~ 23A-4-1106. **Suspension of license or permit privileges** -- Suspension
2456 **of certificates of registration.**

2457 (1) As used in this section:

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- 2458 (a) "License or permit privileges" means the privilege of applying for, purchasing, and
2459 exercising the benefits conferred by a license or permit issued by the division.
- 2460 (b) "Livestock guardian dog" means the same as that term is defined in Section
2461 76-6-111.
- 2462 (2) A hearing officer, appointed by the division, may suspend a person's license or
2463 permit privileges if:
- 2464 (a) in a court of law, the person:
- 2465 (i) is convicted of:
- 2466 (A) violating this title or a rule of the Wildlife Board;
- 2467 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in an
2468 activity regulated under this title;
- 2469 (C) violating Section 76-6-111; or
- 2470 (D) violating Section 76-10-508 while engaged in an activity regulated under this title;
- 2471 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no
2472 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or
- 2473 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person
2474 enters into a diversion agreement which suspends the prosecution of the offense; and
- 2475 (b) the hearing officer determines the person committed the offense intentionally,
2476 knowingly, or recklessly, as defined in Section 76-2-103.
- 2477 (3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing officer
2478 shall consider in determining:
- 2479 (i) the type of license or permit privileges to suspend; and
- 2480 (ii) the duration of the suspension.
- 2481 (b) The Wildlife Board shall ensure that the guidelines established under Subsection
2482 (3)(a) are consistent with Subsections (4), (5), and (6).
- 2483 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a
2484 person's license or permit privileges according to Subsection (2) for a period of time not
2485 to exceed:
- 2486 (a) seven years for:

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- 2487 (i) a felony conviction;
- 2488 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is
- 2489 held in abeyance pursuant to a plea in abeyance agreement; or
- 2490 (iii) being charged with an offense punishable as a felony, the prosecution of which is
- 2491 suspended pursuant to a diversion agreement;
- 2492 (b) five years for:
- 2493 (i) a class A misdemeanor conviction;
- 2494 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,
- 2495 which plea is held in abeyance pursuant to a plea in abeyance agreement; or
- 2496 (iii) being charged with an offense punishable as a class A misdemeanor, the
- 2497 prosecution of which is suspended pursuant to a diversion agreement;
- 2498 (c) three years for:
- 2499 (i) a class B misdemeanor conviction;
- 2500 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor
- 2501 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 2502 (iii) being charged with an offense punishable as a class B misdemeanor, the
- 2503 prosecution of which is suspended pursuant to a diversion agreement; and
- 2504 (d) one year for:
- 2505 (i) a class C misdemeanor conviction;
- 2506 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,
- 2507 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 2508 (iii) being charged with an offense punishable as a class C misdemeanor, the
- 2509 prosecution of which is suspended according to a diversion agreement.
- 2510 (5) The hearing officer may double a suspension period established in Subsection (4)
- 2511 for offenses:
- 2512 (a) committed in violation of an existing suspension or revocation order issued by the
- 2513 courts, division, or Wildlife Board; or
- 2514 (b) involving the unlawful taking of a trophy animal, as defined in Section [\[23-13-2\]](#)
- 2515 [23A-1-101](#) .

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2516 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license
2517 or permit privileges for a particular license or permit only once for each single criminal
2518 episode, as defined in Section 76-1-401.

2519 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the
2520 suspension periods of [any] license or permit privileges of the same type suspended,
2521 according to Subsection (2), may run consecutively.

2522 (c) If a hearing officer suspends, according to Subsection (2), license or permit
2523 privileges of the type that have been previously suspended by a court, a hearing officer,
2524 or the Wildlife Board and the suspension period has not expired, the suspension
2525 periods may run consecutively.

2526 (7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of
2527 applying for, purchasing, and exercising the benefits conferred by a certificate of
2528 registration if:

2529 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as
2530 defined in Section 76-2-103, violated:

2531 (A) this title;

2532 (B) a rule or order of the Wildlife Board;

2533 (C) the terms of a certificate of registration; or

2534 (D) the terms of a certificate of registration application or agreement; or

2535 (ii) the person, in a court of law:

2536 (A) is convicted of an offense that the hearing officer determines bears a reasonable
2537 relationship to the person's ability to safely and responsibly perform the activities
2538 authorized by the certificate of registration;

2539 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a
2540 reasonable relationship to the person's ability to safely and responsibly perform the
2541 activities authorized by the certificate of registration, and the plea is held in abeyance in
2542 accordance with a plea in abeyance agreement; or

2543 (C) is charged with an offense that the hearing officer determines bears a reasonable
2544 relationship to the person's ability to safely and responsibly perform the activities

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2545 authorized by the certificate of registration, and prosecution of the offense is suspended
2546 in accordance with a diversion agreement.

2547 (b) ~~[All certificates]~~ A hearing officer shall suspend a certificate of registration for the
2548 harvesting of brine shrimp eggs, as defined in Section 59-23-3, ~~[shall be suspended by~~
2549 ~~a hearing officer,]~~ if the hearing officer determines the holder of the ~~[certificates]~~
2550 certificate of registration has violated Section 59-23-5.

2551 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the
2552 adjudicative functions provided in this section.

2553 (b) The director may not appoint a division employee who investigates or enforces
2554 wildlife violations.

2555 (9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply
2556 for, purchase, or exercise the benefits conferred by a license, permit, or certificate of
2557 registration.

2558 (b) The courts shall promptly notify the division of ~~[any]~~ suspension orders or
2559 recommendations entered.

2560 (c) The division, upon receiving notification of suspension from the courts, shall prohibit
2561 the person from applying for, purchasing, or exercising the benefits conferred by a
2562 license, permit, or certification of registration for the duration and of the type specified in
2563 the court order.

2564 (d) The hearing officer shall consider ~~[any]~~ a recommendation made by a sentencing
2565 court concerning suspension before issuing a suspension order.

2566 ~~[(10) (a) A person may not apply for, purchase, possess, or attempt to exercise the~~
2567 ~~benefits conferred by any permit, license, or certificate of registration specified in an~~
2568 ~~order of suspension while that order is in effect.~~

2569 ~~(b) Any license possessed or obtained in violation of the order shall be considered~~
2570 ~~invalid.~~

2571 ~~(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.]~~

2572 ~~[(11)]~~ (10) Before suspension under this section, ~~[a person shall be]~~ the division shall
2573 give a person :

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2574 (a) ~~[given]~~ written notice of ~~[any]~~ action the division intends to take; and

2575 (b) ~~[provided with]~~ an opportunity for a hearing.

2576 ~~[(12)] (11)~~ (a) A person may file an appeal of a hearing officer's decision with the
2577 Wildlife Board.

2578 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and
2579 any written documentation submitted at the hearing.

2580 (c) The Wildlife Board may:

2581 (i) take no action;

2582 (ii) vacate or remand the decision; or

2583 (iii) amend the period or type of suspension.

2584 ~~[(13)] (12)~~ The division shall suspend and reinstate all hunting, fishing, trapping, and
2585 falconry privileges consistent with ~~[Title 23,]~~ Chapter ~~[25]~~ 2, Part 5, Wildlife Violator
2586 Compact.

2587 ~~[(14)] (13)~~ The Wildlife Board may make rules to implement this section in
2588 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2589

2590 **23A-4-1107. Violation of suspension -- Criminal penalty.**

2591 (1) A person may not apply for, purchase, possess, or attempt to exercise the benefits
2592 conferred by a permit, license, or certificate of registration specified in an order of
2593 suspension while that order is in effect.

2594 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

2595 (3) A license possessed or obtained in violation of the order is invalid.

2596

2597 ~~[23-19-9.1.]~~ **23A-4-1108. Court-ordered action against a license.**

2598 The division shall promptly withhold, suspend, restrict, or reinstate the use of a license
2599 issued under this chapter if so ordered by a court.

2600

2601 ~~[23-19-9.5.]~~ **23A-4-1109. Warrant outstanding or failure to comply with citation --**
2602 **Person not entitled to license, permit, ~~[tag;]~~ or certificate.**

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- 2603 (1) A person may not purchase a license, permit, ~~[tag;]~~ or certificate of registration if:
- 2604 (a) there is an outstanding Utah warrant against ~~[him]~~ the person for failure to appear
- 2605 in answer to a summons for a violation of:
- 2606 (i) ~~[a provision of]~~ this title; or
- 2607 (ii) a rule, proclamation, or order of the Wildlife Board; or
- 2608 (b) ~~[he has failed]~~ the person fails to comply with a wildlife citation in a state which is a
- 2609 party to the Wildlife Violator Compact set forth in ~~[Title 23;]~~ Chapter ~~[25;]~~ 2, Part 5,
- 2610 Wildlife Violator Compact.
- 2611 (2) The division may allow a person referred to in Subsection (1) to purchase a license,
- 2612 permit, ~~[tag;]~~ or certificate of registration if satisfactory proof is given that:
- 2613 (a) the warrant is no longer outstanding; or
- 2614 (b) ~~[he]~~ the person has complied with the wildlife citation.

2615

2616 **CHAPTER 5. ENFORCEMENT AND VIOLATIONS**

2617

2618 **Part 1. General Provisions**

2619

2620 **23A-5-101. Definitions.**

2621 Reserved.

2622

2623 **Part 2. Enforcement**

2624

2625 ~~[23-20-1;]~~ 23A-5-201. **Enforcement authority of conservation officers -- Seizure**

2626 **and disposition of property.**

- 2627 (1) ~~[Conservation officers]~~ A conservation officer of the division shall enforce~~[the~~
- 2628 ~~provisions of]~~ this title with the same authority and following the same procedures as
- 2629 other law enforcement officers.
- 2630 (2) (a)~~[Conservation officers]~~ A conservation officer shall seize ~~[any]~~ protected wildlife

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2631 illegally taken or held.

2632 (b) (i) Upon determination of a defendant's guilt by the court~~[.]~~ :

2633 ~~(A) the court shall confiscate the~~ protected wildlife ~~[shall be confiscated by the court]~~ ;

2634 and

2635 ~~[sold or otherwise disposed of by the division]~~ (B) the division shall sell or otherwise

2636 dispose of the protected wildlife .

2637 (ii) Proceeds of ~~[the sales]~~ a sale under this section shall be deposited in the Wildlife

2638 Resources Account.

2639 (iii) Migratory wildfowl may not be sold, but ~~[shall be given]~~ the division shall give the

2640 migratory wildfowl to a charitable institution or ~~[used for]~~ for other charitable

2641 purposes.

2642 (3) (a) ~~[Conservation officers]~~ A conservation officer may seize and impound a vehicle

2643 used for the unlawful taking or possessing of protected wildlife for any of the following

2644 purposes:

2645 (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;

2646 (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search

2647 warrant; or

2648 (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or

2649 possessed.

2650 (b) The division shall store ~~[any]~~ a seized vehicle in a public or private garage, state

2651 impound lot, or other secured storage facility.

2652 (4) A seized vehicle shall be released to the owner no later than 30 days after the date

2653 the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing

2654 of wildlife by a person who is charged with committing a felony under this title.

2655 (5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the

2656 owner used the vehicle for the unlawful taking or possessing of wildlife and is found by

2657 a court to be guilty of a violation of this title.

2658 (b) The owner of a seized vehicle is not liable for the payment of any impound fee or, if

2659 the fees have been paid, is entitled to reimbursement of the fees paid, if:

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- 2660 (i) no charges are filed or all charges are dropped ~~[which]~~ that involve the use of the
2661 vehicle for the unlawful taking or possessing of wildlife;
- 2662 (ii) the person charged with using the vehicle for the unlawful taking or possessing of
2663 wildlife is found by a court to be not guilty; or
- 2664 (iii) the owner did not consent to a use of the vehicle ~~[which]~~ that violates this chapter.

2665

2666 ~~[23-20-1.5.]~~ 23A-5-202. **Powers of law enforcement section** ~~[--Employees].~~

2667 (1) The chief and assistant chief of the law enforcement section, an enforcement
2668 ~~[agents, and]~~ agent, or conservation ~~[officers]~~ officer of the law enforcement section
2669 within the ~~[Division of Wildlife Resources]~~ division are vested with the powers of law
2670 enforcement officers throughout ~~[all of]~~ the counties of the state with exception of the
2671 power to serve civil process and:

2672 (a) may serve criminal process, arrest, and prosecute ~~[violators]~~ a violator of ~~[any]~~ a
2673 law of this state; and

2674 (b) ~~[shall have]~~ has the same right as other law enforcement officers to require aid in
2675 executing ~~[their]~~ the duties.

2676 (2) The powers and duties conferred by this section upon employees of the law
2677 enforcement section of the ~~[Division of Wildlife Resources]~~ division shall be
2678 supplementary to and in no way a limitation on the powers and duties of other law
2679 enforcement officers in the state.

2680

2681 ~~[23-20-2.]~~ 23A-5-203. **Special deputies -- Appointment -- Duties.**

2682 The director ~~[of the Division of Wildlife Resources is authorized to]~~ may appoint
2683 ~~[persons]~~ a person, on a temporary basis, as a special ~~[deputies]~~ deputy. ~~[These~~
2684 ~~special deputies shall have the authority to enforce provisions of this code]~~ ~~[and all~~
2685 ~~rules and regulations promulgated under this code.]~~ A special deputy may enforce this
2686 title and rules made under this title.

2687

2688 ~~[23-20-10.]~~ 23A-5-204. **Butcher, locker or storage plant to require proper tag or**

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2689 **donation slip.**

2690 ~~[It is unlawful for a]~~ A butcher or owner or employee of a locker plant or storage plant
2691 ~~[to]~~ may not receive for processing or storage the carcass of ~~[any]~~ protected wildlife
2692 that by law or regulation is required to be tagged, unless the carcass is properly tagged
2693 or is accompanied with a valid donation slip.

2694

2695 ~~[23-20-16:]~~ 23A-5-205. **Enforcement -- Procedure.**

2696 In enforcing the misdemeanor or felony provisions of this ~~[code]~~ title, ~~[the]~~ a peace
2697 officer shall follow ~~[the procedures and requirements of]~~ Title 53, Chapter 13, Peace
2698 Officer Classifications.

2699

2700 ~~[23-20-28:]~~ 23A-5-206. **Search warrants.**

2701 (1) A search warrant may be issued by a magistrate to search for ~~[any]~~ property ~~[which]~~
2702 that may constitute evidence of ~~[any violation of the provisions of this code]~~ a violation
2703 of this title, rules, ~~[regulations,]~~ or proclamations of the Wildlife Board upon an affidavit
2704 of ~~[any]~~ a person.

2705 (2) The search warrant shall be directed to a conservation officer or a peace officer,
2706 directing the officer to search for evidence and to bring ~~[it]~~ the evidence before the
2707 magistrate.

2708 (3) A search warrant may not be issued except upon probable cause supported by oath
2709 or affirmation, particularly describing the place, person, or thing to be searched for and
2710 the person or thing to be seized.

2711 (4) The warrant shall be served in the daytime, unless there is reason to believe that
2712 the service of the search warrant is required immediately because a person may:

2713 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

2714 (b) destroy or conceal evidence of the commission of ~~[any]~~ a violation; or

2715 (c) injure another person or damage property.

2716 (5) ~~[The]~~ Notwithstanding Subsection (4), a search warrant may be served at night if:

2717 (a) there is reason to believe that a violation may occur at night; or

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2718 (b) the evidence of the violation may not be available to the officers serving the warrant
2719 during the day.

2720

2721 ~~[23-20-25.]~~ 23A-5-207. **Exhibition of license, permit, tag , or device required**~~[--~~
2722 **Misdemeanor] -- Criminal penalty .**

2723 (1) ~~[Any]~~ A person while engaged in ~~[any]~~ an activity regulated under this title, shall
2724 ~~[be required upon demand of any]~~ exhibit the following at the request of conservation
2725 officer or ~~[any]~~ other peace officer ~~[to exhibit]:~~

2726 (a) the required license, permit, or tag;

2727 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity
2728 regulated under this title; or

2729 (c) ~~[any]~~ wildlife in that person's possession.

2730 (2) ~~[Any]~~ A conservation officer who has a reasonable belief that a person is engaged
2731 in ~~[any]~~ an activity regulated under this title may stop and temporarily detain that
2732 person ~~[in order]~~ to demand and inspect:

2733 (a) the required license, permit, or tag;

2734 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity
2735 regulated under this title; or

2736 (c) ~~[any]~~ wildlife in that person's possession.

2737 (3) ~~[Any]~~ A person ~~[who]~~ is subject to the penalties of Section 23A-5-301 if the person
2738 fails to produce for examination to ~~[an]~~ a correction officer or other peace officer any
2739 of the required licenses, permits, tags, devices or apparatuses used for ~~[any]~~ an
2740 activity regulated under this title or ~~[any]~~ wildlife in that person's possession~~[is guilty of~~
2741 a class B misdemeanor].

2742

2743 **Part 3. Violations**

2744

2745 ~~[23-13-11.]~~ 23A-5-301. **Violations in general -- Aiding or assisting violation .**

2746 (1) Except as otherwise provided in this title:

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2747 ~~[(1)]~~ (a) a violation of ~~[any provision of]~~ this title is a class B misdemeanor; and
2748 ~~[(2)]~~ (b) a violation of ~~[any]~~ a rule of the Wildlife Board, made in accordance with
2749 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the
2750 Wildlife Board is an infraction.

2751 (2)(a) A person may not aid or assist another person to violate this title or a rule made
2752 by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah
2753 Administrative Rulemaking Act.

2754 (b) The penalty for violating this Subsection (2) is the same as for the provision or rule
2755 for which aid or assistance is given.

2756

2757 ~~[23-13-4.]~~ 23A-5-302. **Captivity of protected wildlife unlawful.**

2758 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not hold in captivity at any time ~~[any]~~
2759 protected wildlife except as provided by this ~~[code]~~ title or rules ~~[and regulations of]~~
2760 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
2761 Administrative Rulemaking Act .

2762 (2) A person who violates this section is subject to the penalty provided in Section
2763 23A-5-301.

2764

2765 ~~[23-13-5.]~~ 23A-5-303. **Importation or exportation and release of wildlife unlawful.**

2766 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not:

2767 (a) import into or export from the state ~~[of Utah any]~~ a species of live native or exotic
2768 wildlife ; or ~~[to]~~ _

2769 (b) possess or release from captivity ~~[any]~~ ~~[such]~~ imported live wildlife ~~[except as]~~
2770 described in Subsection (1)(a).

2771 (2) Notwithstanding Subsection (1), a person may engage in an act described in
2772 Subsection (1) if:

2773 (a) provided for in this ~~[code]~~ title or the rules ~~[and regulations of]~~ made by the
2774 Wildlife Board ~~[without]~~ in accordance with Title 63G, Chapter 3, Utah Administrative
2775 Rulemaking Act; and

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2776 (b) the person first ~~[securing]~~ secures written permission from the division~~[of Wildlife~~
2777 Resources].

2778 (3) A person who violates this section is subject to the penalty provided in Section
2779 23A-5-301.

2780
2781 ~~[23-13-13.]~~ 23A-5-304. **Commercialization of wildlife unlawful.**

2782 ~~[It shall be unlawful for any person to]~~ ~~[utilize]~~ (1) A person may not use wildlife as a
2783 commercial venture for financial gain except as provided in this ~~[code]~~ title or under
2784 rules~~[and regulations]~~ ~~[of]~~ made by the Wildlife Board in accordance with Title 63G,
2785 Chapter 3, Utah Administrative Rulemaking Act .

2786 (2) A person who violates this section is subject to the penalty provided in Section
2787 23A-5-301.

2788
2789 ~~[23-13-14.]~~ 23A-5-305. **Release of wildlife unlawful ~~[--Penalty]~~ -- Criminal**
2790 **penalty .**

2791 (1) (a) A person may not release or transplant a live terrestrial or aquatic wildlife into
2792 the wild:

2793 (i) without a certificate of registration issued by the division authorizing the release; or
2794 (ii) except as provided in this title and rules ~~[and regulations]~~~~[established]~~ made by
2795 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative
2796 Rulemaking Act.

2797 (b) The division may only authorize the transplanting of big game, turkeys, wolves,
2798 threatened or endangered species, or sensitive species as provided in Section
2799 ~~[23-14-21]~~ 23A-2-209 .

2800 (2) Except as provided in Subsection ~~[(3)]~~ 23A-5-306 , a person who violates
2801 Subsection (1) is guilty of a class A misdemeanor.

2802 ~~[(3) A person who knowingly and without lawful authority imports, transports, or~~
2803 ~~releases a live species of wildlife that the person knows is listed as threatened or~~
2804 ~~endangered, or is a candidate to be listed under the Endangered Species Act, 16~~

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2805 ~~U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an~~
2806 ~~area of the state not currently known to be occupied by a reproducing population of that~~
2807 ~~species is guilty of a third degree felony.]~~

2808
2809 **23A-5-306. Import, transport, or release of threatened or endangered species --**
2810 **Criminal penalty.**

2811 (1) A person may not knowingly and without lawful authority import, transport, or
2812 release a live species of wildlife that the person knows is listed as threatened or
2813 endangered, or is a candidate to be listed under the Endangered Species Act, 16
2814 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an
2815 area of the state not currently known to be occupied by a reproducing population of that
2816 species.

2817 (2) A person who violates Subsection (1) is guilty of a third degree felony.

2818
2819 ~~[23-13-18.]~~ **23A-5-307. Use of a computer or other device to remotely hunt**
2820 **wildlife prohibited -- Trail cameras -- Criminal penalty.**

2821 (1) As used in this section, "trail camera" means a device that is not held or manually
2822 operated by a person and is used to capture images, video, or location data of wildlife
2823 using heat or motion to trigger the device.

2824 ~~[(1)]~~ (2) A person may not use a computer or other device to remotely control the
2825 aiming and discharge of a firearm or other weapon for hunting an animal.

2826 ~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class A misdemeanor.

2827 ~~[[3] (a) As used in this Subsection (3), "trail camera" means a device that is not held or~~
2828 ~~manually operated by a person and is used to capture images, video, or location data of~~
2829 ~~wildlife using heat or motion to trigger the device.]]~~

2830 ~~[(b)]~~ (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2831 Act, the Wildlife Board shall make rules regulating the use of trail cameras.

2832 ~~[(e)]~~ (b) The division shall provide an annual report to the Natural Resources,
2833 Agriculture, and Environment Interim Committee regarding rules made or changed in

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2834 accordance with this Subsection (3).

2835 (c) A person who violates rules made by the Wildlife Board under this Subsection (3) is
2836 subject to the penalty provided in Section 23A-5-301.

2837

2838 ~~[23-13-19.]~~ 23A-5-308. **Administering substances to protected wildlife prohibited**
2839 **-- Exceptions -- Criminal penalty .**

2840 (1) For purposes of this section:

2841 (a) "Administer" means the application of a substance by any method, including:

2842 (i) injection;

2843 (ii) inhalation;

2844 (iii) ingestion; or

2845 (iv) absorption.

2846 (b) "Agricultural producer" means a person who produces an agricultural product.

2847 (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.

2848 (d) "Substance" means a chemical or organic substance that:

2849 (i) pacifies;

2850 (ii) sedates;

2851 (iii) immobilizes;

2852 (iv) harms;

2853 (v) kills;

2854 (vi) controls fertility; or

2855 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

2856 (2) Except as authorized by Subsection ~~[(3)]~~ (4) or a rule made by the Wildlife Board
2857 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act , a person
2858 may not administer or attempt to administer a substance to protected wildlife.

2859 (3) A person who violates this section is subject to the penalty provided in Section
2860 23A-5-301.

2861 ~~[(3)]~~ (4) (a) A division employee or a person with written permission from the division
2862 may administer a substance to protected wildlife if that employee or person administers

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2863 the substance to promote wildlife management and conservation.

2864 (b) One or more of the following may administer a substance to protected wildlife that
2865 the person is authorized by this title, the Wildlife Board, or the division to possess:

2866 (i) a licensed veterinarian;

2867 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or

2868 (iii) a person who is following written instructions for veterinary care from a licensed
2869 veterinarian.

2870 ~~[(4)]~~ ~~[A]~~ (5) Notwithstanding the other provisions of this section, a person is not liable
2871 under this section for administering a substance, notwithstanding the substance has an
2872 effect described in Subsection (1)(d) on protected wildlife, if:

2873 (a) an agricultural producer administers the substance:

2874 (i) for the sole purpose of producing an agricultural product and not for the purpose of
2875 affecting protected wildlife in a manner described in Subsection (1)(d);

2876 (ii) consistent with generally accepted agricultural practices; and

2877 (iii) in compliance with applicable local, state, and federal law; or

2878 (b) the protected wildlife presents an immediate threat of death or serious bodily injury
2879 to a person.

2880

2881 ~~[23-20-3.]~~ 23A-5-309. **Taking, transporting, selling, or purchasing protected**
2882 **wildlife illegal except as authorized -- ~~[Penalty]~~ -- Criminal penalty .**

2883 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board,
2884 a person may not:

2885 (a) take protected wildlife or ~~[its]~~ wildlife parts;

2886 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export
2887 protected wildlife or ~~[its]~~ wildlife parts;

2888 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or ~~[its]~~
2889 wildlife parts without having previously procured the necessary licenses, permits,

2890 ~~[tags,]~~ federal stamps, certificates of registration, authorizations, and receipts required
2891 in this title or a rule, proclamation, or order of the Wildlife Board;

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- 2892 (d) take protected wildlife with [\[any\]](#) a weapon, ammunition, implement, tool, device,
2893 or any part of any of these not specifically authorized in this title or a rule, proclamation,
2894 or order of the Wildlife Board;
- 2895 (e) possess while in pursuit of protected wildlife [\[any\]](#) a weapon, ammunition,
2896 implement, tool, device, or any part of any of these not specifically authorized in this
2897 title or a rule, proclamation, or order of the Wildlife Board;
- 2898 (f) take protected wildlife using [\[any\]](#) a method, means, process, or practice not
2899 specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 2900 (g) take protected wildlife outside the season dates, location boundaries, and daily time
2901 frames established in rule, proclamation, or order of the Wildlife Board;
- 2902 (h) take protected wildlife in excess of the bag and possession limits established in
2903 rule, proclamation, or order of the Wildlife Board;
- 2904 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,
2905 proclamation, or order of the Wildlife Board, or by executive order of the [\[division\]](#)
2906 director pursuant to Subsection [\[23-14-8\]](#) 23A-2-203 (4);
- 2907 (j) practice falconry or capture, possess, or use birds in falconry;
- 2908 (k) take [\[any\]](#) wildlife from an airplane or any other airborne vehicle or device or [\[any\]](#) a
2909 motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational
2910 vehicles;
- 2911 (l) hold in captivity at any time any live protected wildlife;
- 2912 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 2913 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 2914 (o) release captured or captive wildlife into the wild;
- 2915 (p) use spotlighting to take protected wildlife;
- 2916 (q) employ or use a means of concealment or camouflage while taking protected
2917 wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife
2918 Board;
- 2919 (r) possess or use bait or other attractant to take protected wildlife which is prohibited
2920 in this title or a rule, proclamation, or order of the Wildlife Board;

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- 2921 (s) use ~~[any]~~ a decoy or recorded or electronically amplified call which is prohibited in
2922 this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
2923 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp
2924 eggs;
- 2925 (u) ~~[utilize]~~ use protected wildlife for commercial purposes or financial gain as
2926 prohibited by Section 23A-5-304 ;
- 2927 (v) enter, establish, or hold a contest or tournament involving the taking of protected
2928 wildlife;
- 2929 (w) operate or participate in a commercial hunting area as described in Section
2930 ~~[23-17-6]~~ 23A-12-202 ; or
- 2931 (x) operate or participate in a cooperative wildlife management unit as defined in
2932 Section ~~[23-23-2]~~ 23A-7-101 .
- 2933 (2) Possession of protected wildlife without a valid license, permit, ~~[tag,]~~ certificate of
2934 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was
2935 illegally taken and is illegally held in possession.
- 2936 (3) A person is ~~[guilty of a class B misdemeanor]~~ subject to the penalty under Section
2937 23A-5-301 if the person:
- 2938 (a) violates ~~[any provision of]~~ Subsection (1); and
2939 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).
- 2940
- 2941 ~~[23-20-3-5.]~~ 23A-5-310. **Taking protected wildlife while trespassing -- ~~[Penalty]~~ -**
2942 **- Criminal penalty .**
- 2943 (1) A person may not take or permit ~~[his]~~ the person's dog to take, while in violation of
2944 Subsection ~~[23-20-14]~~ 23A-5-317 (2):
- 2945 (a) protected wildlife or ~~[their]~~ protected wildlife parts;
2946 (b) an occupied nest of protected wildlife; or
2947 (c) an egg of protected wildlife.
- 2948 (2) A person ~~[is guilty of a class B misdemeanor if he or she violates any provision of]~~
2949 who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301. .

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2950 ~~[23-20-4.]~~ 23A-5-311. **Wanton destruction of protected wildlife -- [Penalties] --**

2951 **Criminal penalty** .

2952 (1) A person is guilty of wanton destruction of protected wildlife if that person:

2953 (a) commits an act in violation of :

2954 (i) Section ~~[23-13-4]~~ 23A-5-302 [;] ;

2955 (ii) ~~[23-13-5]~~ Section 23A-5-303 [;] ;

2956 (iii) ~~[23-13-13]~~[;] ~~[23-15-6 through 23-15-9]~~ Section 23A-5-304 ;

2957 (iv) Sections 23A-9-302 through 23A-9-305;

2958 (v) Section ~~[23-16-5]~~[;] 23A-11-201; or

2959 (vi) Subsection ~~[23-20-3]~~ 23A-5-309 (1);

2960 (b) captures, injures, or destroys protected wildlife; and

2961 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section

2962 76-2-103;

2963 (ii) intentionally abandons protected wildlife or a carcass;

2964 (iii) commits the offense at night with the use of a weapon;

2965 (iv) is under a court or division revocation of a license, [tag;] permit, or certificate of

2966 registration; or

2967 (v) acts for pecuniary gain.

2968 ~~[(2) Subsection (1) does not apply to actions taken in accordance with:~~

2969 ~~(a) Title 4, Chapter 14, Utah Pesticide Control Act;~~

2970 ~~(b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or~~

2971 ~~(c) Section 23-16-3.1.]~~

2972 ~~[(3) Wanton]~~ (2) A person who commits wanton destruction of wildlife is [punishable]

2973 guilty of :

2974 (a) [as] a third degree felony if:

2975 (i) the aggregate value of the protected wildlife determined by the values in Subsection

2976 ~~[(4)]~~ (3) is more than \$500; or

2977 (ii) a trophy animal was captured, injured, or destroyed;

2978 (b) [as] a class A misdemeanor if the aggregate value of the protected wildlife,

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2979 determined by the values established in Subsection ~~[(4)]~~ (3) is more than \$250, but
2980 does not exceed \$500; and

2981 (c) ~~[as]~~ a class B misdemeanor if the aggregate value of the protected wildlife
2982 determined by the values established in Subsection ~~[(4)]~~ (3) is \$250 or less.

2983 ~~[(4)]~~ (3) Regardless of the restitution amounts imposed under Subsection ~~[23-20-4.5]~~
2984 23A-5-312 (2), the following values are assigned to protected wildlife for the purpose of
2985 determining the offense for wanton destruction of wildlife:

2986 (a) \$1,000 per animal for:

2987 (i) bison;

2988 (ii) bighorn sheep;

2989 (iii) rocky mountain goat;

2990 (iv) moose;

2991 (v) bear;

2992 (vi) peregrine falcon;

2993 (vii) bald eagle; or

2994 (viii) endangered species;

2995 (b) \$750 per animal for:

2996 (i) elk; or

2997 (ii) threatened species;

2998 (c) \$500 per animal for:

2999 (i) cougar;

3000 (ii) golden eagle;

3001 (iii) river otter; or

3002 (iv) gila monster;

3003 (d) \$400 per animal for:

3004 (i) pronghorn antelope; or

3005 (ii) deer;

3006 (e) \$350 per animal for bobcat;

3007 (f) \$100 per animal for:

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- 3008 (i) swan;
- 3009 (ii) sandhill crane;
- 3010 (iii) turkey;
- 3011 (iv) pelican;
- 3012 (v) loon;
- 3013 (vi) egrets;
- 3014 (vii) herons;
- 3015 (viii) raptors, except those that are threatened or endangered;
- 3016 (ix) Utah milk snake; or
- 3017 (x) Utah mountain king snake;
- 3018 (g) \$35 per animal for furbearers, except:
- 3019 (i) bobcat;
- 3020 (ii) river otter; and
- 3021 (iii) threatened or endangered species;
- 3022 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3023 largemouth bass, smallmouth bass, and wiper;
- 3024 (i) \$15 per animal for game birds, except:
- 3025 (i) turkey;
- 3026 (ii) swan; and
- 3027 (iii) sandhill crane;
- 3028 (j) \$10 per animal for game fish not listed in Subsection ~~(4)~~ (3) (h);
- 3029 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 3030 (l) \$5 per animal for protected wildlife not listed.
- 3031 ~~(5)~~ (4) For purposes of sentencing for a ~~[wildlife]~~ violation under this section, a
- 3032 person who has been convicted of a third degree felony under Subsection ~~(3)~~ (2) (a)
- 3033 is not subject to the mandatory sentencing requirements prescribed in Subsection
- 3034 76-3-203.8(4).
- 3035 ~~(6)~~ (5) As part of a sentence imposed, the court shall impose a sentence of
- 3036 incarceration of not less than 20 consecutive days for a person convicted of a third

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3037 degree felony under Subsection ~~[(3)]~~ (2)(a)(ii) who captured, injured, or destroyed a
3038 trophy animal for pecuniary gain.

3039 ~~[(7)]~~ (6) If a person has already been convicted of a third degree felony under
3040 Subsection ~~[(3)]~~ (2)(a)(ii) once, each separate additional offense under Subsection
3041 ~~[(3)]~~ (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of
3042 incarceration of not less than 20 consecutive days.

3043 ~~[(8)]~~ (7) The court may not sentence a person subject to Subsection ~~[(6) or (7)]~~ (5) or
3044 (6) to less than 20 consecutive days of incarceration or suspend the imposition of the
3045 sentence unless the court finds mitigating circumstances justifying lesser punishment
3046 and makes that finding a part of the court record.

3047 (8) Subsection (1) does not apply to actions taken in accordance with:

3048 (a) Title 4, Chapter 14, Utah Pesticide Control Act;

3049 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

3050 (c) Section 23A-8-403.

3051

3052 ~~[23-20-4.5.] 23A-5-312. [Illegal taking, possession, or wanton destruction of~~
3053 ~~protected wildlife -- Restitution -- Reimbursable damages -- Assessment by~~
3054 ~~magistrates]~~ Restitution -- **Disposition of money.**

3055 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton
3056 destruction of protected wildlife, other than a trophy animal, the court may order the
3057 defendant to pay restitution:

3058 (a) as set forth in Subsection (2); or

3059 (b) in a greater or lesser amount than the amount established in Subsection (2).

3060 (2) Suggested minimum restitution values for protected wildlife are as follows:

3061 (a) \$1,000 per animal for:

3062 (i) bison;

3063 (ii) bighorn sheep;

3064 (iii) rocky mountain goat;

3065 (iv) moose;

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- 3066 (v) bear;
- 3067 (vi) peregrine falcon;
- 3068 (vii) bald eagle; or
- 3069 (viii) endangered species;
- 3070 (b) \$750 per animal for:
 - 3071 (i) elk; or
 - 3072 (ii) threatened species;
- 3073 (c) \$500 per animal for:
 - 3074 (i) golden eagle;
 - 3075 (ii) river otter; or
 - 3076 (iii) gila monster;
- 3077 (d) \$400 per animal for:
 - 3078 (i) pronghorn antelope; or
 - 3079 (ii) deer;
- 3080 (e) \$350 per animal for:
 - 3081 (i) cougar; or
 - 3082 (ii) bobcat;
- 3083 (f) \$100 per animal for:
 - 3084 (i) swan;
 - 3085 (ii) sandhill crane;
 - 3086 (iii) turkey;
 - 3087 (iv) pelican;
 - 3088 (v) loon;
 - 3089 (vi) egrets;
 - 3090 (vii) herons;
 - 3091 (viii) raptors, except those that are threatened or endangered;
 - 3092 (ix) Utah milk snake; or
 - 3093 (x) Utah mountain king snake;
- 3094 (g) \$35 per animal for furbearers, except:

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- 3095 (i) bobcat;
- 3096 (ii) river otter; and
- 3097 (iii) threatened or endangered species;
- 3098 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3099 largemouth bass, smallmouth bass, and wiper;
- 3100 (i) \$15 per animal for game birds, except:
- 3101 (i) turkey;
- 3102 (ii) swan; and
- 3103 (iii) sandhill crane;
- 3104 (j) \$10 per animal for game fish not listed in Subsection (2)(h);
- 3105 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 3106 (l) \$5 per animal for protected wildlife not listed.
- 3107 (3) If the court finds that restitution is inappropriate or if the value imposed is less than
- 3108 the suggested minimum value as provided in Subsection (2), the court shall make the
- 3109 reasons for the decision part of the court record.
- 3110 (4) (a) The court shall order a person convicted of a third degree felony under
- 3111 Subsection ~~[23-20-4(3)]~~ 23A-5-311(2) (a)(ii) to pay restitution in accordance with
- 3112 Subsection (4)(b).
- 3113 (b) The minimum restitution value for a trophy animal is as follows:
- 3114 (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
- 3115 (ii) \$8,000 per animal for deer;
- 3116 (iii) \$8,000 per animal for elk;
- 3117 (iv) \$6,000 per animal for moose or mountain goat;
- 3118 (v) \$6,000 per animal for bison; and
- 3119 (vi) \$2,000 per animal for pronghorn antelope.
- 3120 (5) Restitution paid under Subsection (4) shall be remitted to the division and deposited
- 3121 in the Wildlife Resources Account.
- 3122 (6) ~~[Restitution money shall be used by the division]~~ The division shall use restitution
- 3123 money for activities and programs to help stop poaching, including:

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- 3124 (a) educational programs on wildlife crime prevention;
- 3125 (b) acquisition and development of wildlife crime detection equipment;
- 3126 (c) operation and maintenance of anti-poaching projects; and
- 3127 (d) wildlife law enforcement training.
- 3128 (7) If restitution is required ~~[it]~~ , restitution shall be in addition to:
- 3129 (a) a fine or penalty imposed for a violation of ~~[any provision of]~~ this title; and
- 3130 (b) a remedial action taken to revoke or suspend a person's license, permit, ~~[tag]~~ or
- 3131 certificate of registration.
- 3132 (8) A judgment imposed under this section constitutes a lien when recorded in the
- 3133 judgment docket and shall have the same effect and is subject to the same rules as a
- 3134 judgment for money in a civil action.

3135

3136 ~~[23-20-4.7.]~~ 23A-5-313. **Habitual wanton destruction of protected wildlife --[**

3137 **~~Third degree felony]~~ Criminal penalty .**

3138 (1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no

3139 contest plea, and guilty or no contest plea entered in a plea in abeyance agreement

3140 under Title 77, Chapter 2a, Pleas in Abeyance.

3141 ~~[(4)]~~ (2) A person ~~[is guilty of]~~ commits habitual wanton destruction of protected

3142 wildlife if the person:

- 3143 (a) takes a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311 ; and
- 3144 (b) within seven years of the day on which the violation described in Subsection ~~[(4)]~~
- 3145 (2) (a) occurs, has twice been convicted of taking a big game animal in violation of
- 3146 Section ~~[23-20-4]~~ 23A-5-311 .

3147 ~~[(2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty plea,~~

3148 ~~no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement~~

3149 ~~under Title 77, Chapter 2a, Pleas in Abeyance.]~~

3150 (3) ~~[Habitual]~~ A person who commits habitual wanton destruction of protected wildlife

3151 is guilty of a third degree felony.

3152

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3153 ~~[23-20-8.]~~ 23A-5-314. **Waste of wildlife unlawful -- Criminal penalty .**

3154 ~~[Except]~~ (1) A person may not waste or permit to be wasted protected wildlife or a part
3155 of protected wildlife except as otherwise provided .:

3156 (a) in this title~~[-,for-by]]~~ .:

3157 (b) by rule made by the Wildlife Board under this title~~[-]~~ and in accordance with Title
3158 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3159 (c) by an order or proclamation ~~[issued in accordance with a rule made by the Wildlife~~
3160 ~~Board under this title][, a person may not waste or permit to be wasted protected wildlife~~
3161 ~~or a part of protected wildlife].~~

3162 (2) A person who violates this section is subject to the penalty provided in Section
3163 23A-5-301.

3164

3165 ~~[23-20-12.]~~ 23A-5-315. **Airplanes or terrestrial or aquatic vehicles -- Use in**
3166 **taking wildlife unlawful -- Exceptions -- Criminal penalty .**

3167 ~~(1) [It is unlawful for any person to take any]~~ A person may not take wildlife from an
3168 airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic
3169 vehicle, including snowmobiles and other recreational vehicles, except as provided by
3170 this ~~[code]~~ title or in the rules ~~[and regulations of]~~ made by the Wildlife Board in
3171 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act .

3172 (2) A person who violates this section is subject to the penalty provided in Section
3173 23A-5-301.

3174 ~~[(2)]~~ (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an
3175 individual validly licensed to hunt ~~[may be authorized]~~ , to hunt from a vehicle under
3176 terms and conditions specified by the Wildlife Board if the individual has:

3177 (a) paraplegia; or

3178 (b) a disability that permanently confines the individual to a wheelchair or the use of
3179 crutches.

3180

3181 ~~[23-20-13.]~~ 23A-5-316. **Signs or equipment -- Damage or destruction unlawful --**

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3182 **Criminal penalty** .

3183 (1) A person may not:

3184 ~~[(1)]~~ (a) shoot at, shoot, deface, damage, remove, or destroy ~~[any division signs or~~
3185 ~~placards]~~ a division sign or placard located in ~~[any part of]~~ this state; or

3186 ~~[(2)]~~ (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed
3187 ~~[any]~~ equipment or devices owned, controlled, or operated by the ~~[Division of Wildlife~~
3188 ~~Resources]~~ division .

3189 (2) A person who violates this section is subject to the penalty provided in Section
3190 23A-5-301.

3191

3192 ~~[23-20-14.]~~ 23A-5-317. ~~[Definitions--]~~ **Posted property -- Hunting by permission**
3193 **-- Entry on private land while hunting or fishing -- Violations -- [Penalty] --**
3194 **Criminal penalty -- Prohibitions inapplicable to officers.**

3195 (1) As used in this section:

3196 (a) "Cultivated land" means land that is readily identifiable as:

3197 (i) land whose soil is loosened or broken up for the raising of crops;

3198 (ii) land used for the raising of crops; or

3199 (iii) pasturage which is artificially irrigated.

3200 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

3201 ~~[(c)]~~ (b) "Permission" means written authorization from the owner or person in charge
3202 to enter upon private land that is either cultivated or properly posted, and shall include:

3203 (i) the signature of the owner or person in charge;

3204 (ii) the name of the person being given permission;

3205 (iii) the appropriate dates; and

3206 (iv) a general description of the property.

3207 ~~[(d)]~~ (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright
3208 orange, or fluorescent paint are clearly displayed:

3209 (i) at ~~[at]~~ the corners, fishing streams crossing property lines, roads, gates, and
3210 rights-of-way entering the land; or

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- 3211 (ii) in a manner that would reasonably be expected to be seen by a person in the area.
3212 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:
3213 (i) without permission, enter upon privately owned land that is cultivated or properly
3214 posted;
3215 (ii) enter or remain on privately owned land if the person has notice to not enter or
3216 remain on the privately owned land; or
3217 (iii) obstruct ~~[any]~~ an entrance or exit to private property.
3218 (b) A person has notice to not enter or remain on privately owned land if:
3219 (i) the person is directed to not enter or remain on the land by:
3220 (A) the owner of the land;
3221 (B) the owner's employee; or
3222 (C) a person with apparent authority to act for the owner; or
3223 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
3224 would recognize as intended to exclude intruders.
3225 (c) The division shall provide "hunting by permission cards" to a landowner upon the
3226 landowner's request.
3227 (d) A person may not post:
3228 (i) private property the person does not own or legally control; or
3229 (ii) land that is open to the public as provided by Section ~~[23-21-4]~~ 23A-6-402.
3230 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in
3231 Section 23A-5-301 and liable for the civil damages described in Subsection (7).
3232 ~~[(3)]~~ (4) (a) A person convicted of violating Subsection (2)(a) may have the person's
3233 license, ~~[tag;]~~ certificate of registration, or permit, relating to the activity engaged in at
3234 the time of the violation, revoked by a hearing officer.
3235 (b) A hearing officer may construe ~~[any]~~ a subsequent conviction ~~[which]~~ that occurs
3236 within a five-year period as a flagrant violation and may prohibit the person from
3237 obtaining a new license, ~~[tag;]~~ certificate of registration, or permit for a period of up to
3238 five years.
3239 ~~[(4)]~~ (5) Subsection (2)(a) does not apply to peace or conservation officers in the

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3240 performance of their duties.

3241 ~~[(5)]~~ (6) (a) The division shall provide information regarding owners' rights and

3242 ~~[sportsmen's]~~ duties:

3243 (i) to anyone holding ~~[licenses, certificates of registration, tags, or permits]~~ a license,

3244 certificate of registration, or permit to take wildlife; and

3245 (ii) by using the public media and other sources.

3246 (b) The Wildlife Board shall state restrictions in this section relating to trespassing

3247 ~~[shall be stated in]~~ [all] in the hunting and fishing proclamations issued by the Wildlife

3248 Board.

3249 ~~[(6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor~~

3250 ~~and liable for the civil damages described in Subsection (7).]~~

3251 (7) In addition to an order for restitution under Section 77-38b-205, a person who

3252 commits a violation of Subsection (2)(a) or (d) may also be liable for:

3253 (a) the greater of:

3254 (i) statutory damages in the amount of three times the value of damages resulting from

3255 the violation of Subsection (2)(a) or (d) ; or

3256 (ii) \$500~~[-, whichever is greater];~~ and

3257 (b) reasonable attorney fees not to exceed \$250, and court costs.

3258 (8) Civil damages under Subsection (7) may be collected in a separate action by the

3259 property owner or the property owner's assignee.

3260

3261 ~~[23-20-15.]~~ 23A-5-318. **Destruction of signs or inclosure on private land**

3262 **unlawful.**

3263 ~~[It is unlawful for any person]~~ (1) A person may not, without the consent of the owner

3264 or person in charge of ~~[any]~~ privately owned land, ~~[to]~~ :

3265 (a) tear down, mutilate, or destroy ~~[any]~~ a sign, signboard , or other notice ~~[which]~~

3266 that regulates trespassing for purposes of hunting, trapping, or fishing on this land; or

3267 ~~[to, without such consent,]~~

3268 (b) tear down, deface, or destroy ~~[any]~~ :

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3269 (i) a fence or other inclosure on ~~[this] the~~ privately owned land~~;~~ ~~;~~ or ~~[any]~~
3270 (ii) a gate or bars belonging to ~~[any such]~~ a fence or inclosure on the privately owned
3271 land .

3272 (2) A person who violates this section is subject to the penalty provided in Section
3273 23A-5-301.

3274
3275 ~~[23-20-18:]~~ **23A-5-319.** Interference with, intimidation or harassment of officer
3276 **unlawful.**

3277 ~~[It is unlawful for any person to]~~ (1) A person may not interfere with, intimidate , or
3278 harass a conservation officer or special deputy in the lawful performance of ~~[his] the~~
3279 conservation officer's or special deputy's duty.

3280 (2) A person who violates this section is subject to the penalty provided in Section
3281 23A-5-301.

3282
3283 ~~[23-20-19:]~~ **23A-5-320.** Failure to stop at road blocks or checking stations
3284 **unlawful.**

3285 ~~[It is unlawful for any person to]~~ (1) A person may not fail to stop at~~[Division of Wildlife~~
3286 ~~Resources road blocks or checking stations where]~~ a division road block or checking
3287 station when a stop sign or red or blue light is displayed.

3288 (2) A person who violates this section is subject to the penalty provided in Section
3289 23A-5-301.

3290
3291 ~~[23-20-29:]~~ **23A-5-321.** Interference with hunting prohibited -- Action to recover
3292 **damages -- Exceptions -- Criminal penalty .**

3293 (1) A person ~~[is guilty of a class B misdemeanor who intentionally interferes]~~ may not
3294 interfere with the right of a person licensed and legally hunting under Chapter ~~[49] 4,~~
3295 Licenses, Permits, Certificates of Registration, and Tags , to take wildlife by driving,
3296 harassing, or intentionally disturbing ~~[any] a~~ species of wildlife for the purpose of

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3297 disrupting a legal hunt, trapping, or predator control.

3298 (2) A person who violates this section is subject to the penalty provided in Section
3299 23A-5-301.

3300 [~~(2)~~ [Any] (3) A directly affected person or the state may bring an action to recover
3301 civil damages resulting from a violation of Subsection (1) or a restraining order to
3302 prevent a potential violation of Subsection (1).

3303 [~~(3)~~ (4) This section does not apply to incidental interference with a hunt caused by
3304 lawful activities including ranching, mining, and recreation.

3305

3306 ~~[23-20-29.5.]~~ 23A-5-322. **Interference with hunters or hunting activity --**
3307 ~~[Prosecution under criminal code]~~ Criminal penalty .

3308 A person who intentionally interferes with a person who is licensed and taking wildlife
3309 legally under ~~[the provision of Title 23, Chapter 19]~~ Chapter 4 , Licenses, Permits,
3310 Certificates of Registration, and Tags, or disrupts an activity involving a legal hunt,
3311 trapping, falconry, or predator control may be charged with a violation under Section
3312 76-9-102 if that interference or disruption constitutes a violation under Section
3313 76-9-102.

3314

3315 **CHAPTER 6. LANDS AND WATERS FOR WILDLIFE PURPOSES**

3316

3317 **Part 1. General Provisions**

3318

3319 ~~[23-21-.5.]~~ 23A-6-101. **Definitions.**

3320 As used in this chapter:

3321 (1) (a) "General plan" means a document that a municipality or county adopts that
3322 sets forth general guidelines for proposed future development of the land within the
3323 municipality or county ~~[and]~~ .

3324 (b) "General plan" includes what is commonly referred to as a "master plan."

3325 (2) "Management plan" means a document prepared in accordance with this chapter

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3326 that describes how one or more tracts of land owned or managed by the ~~[Division of~~
3327 ~~Wildlife Resources]~~ division are to be used.

3328 ~~[(3) "Regional advisory council" means a council created pursuant to Section~~
3329 ~~23-14-2.6.]~~

3330 ~~[(4)]~~ (3) "Wildlife management area" means:

3331 (a) a single tract of land owned or managed by the division; or

3332 (b) two or more tracts of land owned or managed by the division that are within close
3333 proximity of each other and managed as a single unit.

3334

3335 **Part 2. Acquisition**

3336

3337 ~~[23-21-1.]~~ 23A-6-201. **Acquisition of lands, waters and rights-of-way** ~~[-- Authority~~
3338 ~~of division].~~

3339 The ~~[Division of Wildlife Resources shall have the power to]~~ division may acquire
3340 lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange,
3341 contribution, or any other lawful means, for authorized activities of the ~~[Division of~~
3342 ~~Wildlife Resources]~~ division as outlined by this ~~[code]~~ title and the rules ~~[and~~
3343 ~~regulations of]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3,
3344 Utah Administrative Rulemaking Act.

3345

3346 ~~[23-21-1.5.]~~ 23A-6-202. **Acquisition of real property held in private ownership --**
3347 **Published notice and governor's approval required.**

3348 (1) The ~~[Division of Wildlife Resources]~~ division may not acquire title to real property
3349 held in private ownership without first:

3350 (a) publishing a notice of the proposed acquisition:

3351 (i) in a newspaper of general circulation in the county in which the property is located;
3352 and

3353 (ii) as required in Section 45-1-101; and

3354 (b) obtaining the approval of the governor.

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- 3355 (2) ~~[The requirements of]~~ Subsection (1) ~~[apply]~~ applies whether title to real property
3356 held in private ownership is acquired through a purchase, donation, or other means.
- 3357 (3) In the case of a proposed purchase of private property, the division may publish
3358 notice ~~[may be published]~~ after earnest money is paid.
- 3359 (4) The published notice shall inform the public regarding:
- 3360 (a) the proposed use of the ~~[land]~~ real property ;
- 3361 (b) any conditions on the acquisition of the ~~[land]~~ real property placed by donors, the
3362 federal government, sellers, or others specifying how the ~~[land]~~ [must] real property is to
3363 be used;
- 3364 (c) any changes to existing land uses that are anticipated; and
- 3365 (d) the public comment submission process for comments on the proposed acquisition.
- 3366 (5) The governor shall:
- 3367 (a) submit a notification of the proposed acquisition to:
- 3368 (i) the county executive of the county in which the real property is located;
- 3369 (ii) the legislators of the legislative districts in which the ~~[lands are]~~ real property is
3370 located; and
- 3371 (iii) the School and Institutional Trust Lands Administration; and
- 3372 (b) invite those notified to submit ~~[any]~~ comments on the proposed acquisition.
- 3373 (6) After considering comments on the proposed acquisition, the governor may :
- 3374 (a) approve the acquisition in whole or in part ; or
- 3375 (b) disapprove the acquisition.

3376

3377 ~~[23-21-2.]~~ **23A-6-203.** **Payments in lieu of property taxes on property purchased**
3378 **by division.**

- 3379 ~~[Prior to]~~ (1) Before the purchase of ~~[any]~~ real property held in private ownership, the
3380 ~~[Division of Wildlife Resources]~~ division shall :
- 3381 (a) first submit the proposition to the county legislative body in a regular open public
3382 meeting in the county where the real property is located ; and ~~[shall]~~
- 3383 (b) by contractual agreement with the county legislative body, approved by the

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3384 executive director ~~[of the] [Department of Natural Resources]~~ , agree to pay an amount
3385 of money in lieu of property taxes to the county.

3386 (2) The division shall, by contractual agreement with the county legislative body in
3387 which ~~[any]~~ real property previously acquired from private ownership and now owned
3388 by the division is located, agree to pay annually an amount of money in lieu of wildlife
3389 resource fine money, previously paid to the county.

3390 ~~[Payments]~~ (3) A payment provided for in this section ~~[will]~~ may not :

3391 (a) exceed what the regularly assessed real property taxes would be if the ~~[land]~~ real
3392 property had remained in private ownership; and ~~[these payments may not]~~

3393 (b) include ~~[any]~~ an amount for buildings, installations, fixtures, improvements or
3394 personal property located upon the ~~[land]~~ real property or for those acquired,
3395 constructed , or placed by the division after ~~[it]~~ the division acquires the ~~[land]~~ real
3396 property .

3397

3398 ~~[23-21-6.]~~ 23A-6-204. **Acquisition of lands by United States for migratory bird**
3399 **refuges.**

3400 (1) (a) The ~~[consent of the state of Utah is given]~~ state consents to acquisition by the
3401 United States of ~~[such]~~ the areas of land or water in the state, as the United States
3402 may ~~[deem]~~ consider necessary, by and with the consent of the county legislative body
3403 of the county where the land or water are located and after approval of application,
3404 subject to the laws of the state ~~[of Utah]~~ for water rights, for the establishment and
3405 maintenance of migratory waterfowl refuges in accordance with and for the purpose of
3406 the ~~[Act of Congress approved February 18, 1929, entitled "]~~ Migratory Bird
3407 Conservation Act^[1] , 16 U.S.C. Sec. 715 to 715s, as amended , and ~~[the Act of~~
3408 Congress approved March 16, 1935, entitled "] the Migratory Bird Hunting Stamp
3409 Act,^[2] 16 U.S.C. Sec. 718a to 718k, as amended~~[-and]~~~~[the same may be used by the~~
3410 United States] .

3411 (b) The United States may use the land or water described in this Subsection (1) as
3412 refuge for migratory birds, reserving~~[-however;]~~ to the state ~~[of Utah]~~ jurisdiction, both

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3413 civil and criminal, of persons upon the areas ~~[so]~~ acquired except so far as the
3414 punishment of offenses against the United States are concerned.

3415 (2) ~~[Nothing in this section shall be]~~ (a) This section may not be construed to impose
3416 ~~[under]~~ upon the state or ~~[any]~~ an agency of ~~[it any]~~ the state an obligation to
3417 convey to the United States any interest in land or water owned or controlled by the
3418 state, except upon appropriate terms and for adequate consideration.

3419 (b) The reservation to the state of coal and other minerals in lands sold by ~~[it]~~ the
3420 state within areas so established and easements retained by the state to prospect for,
3421 mine, and remove the same are declared to be subject to rules and regulations
3422 prescribed from time to time by the Secretary of the Interior for the occupation, use,
3423 operation, protection, and administration of these areas as refuges for migratory birds.

3424

3425 **Part 3. Management Plans**

3426

3427 ~~[23-21-2.1.]~~ 23A-6-301. **Management plans.**

3428 (1) The division shall prepare a management plan for each wildlife management area.
3429 Upon adoption of a management plan by the ~~[division]~~ director, the division shall
3430 manage the lands ~~[shall be]~~~~[managed]~~ within the wildlife management area in
3431 accordance with the management plan.

3432 (2) ~~[Each]~~ A management plan shall include:

3433 (a) a statement of the proposed or anticipated uses;

3434 (b) a description of ~~[any]~~ management limitations or conditions covering the wildlife
3435 management area;

3436 (c) an inventory of the existing conditions;

3437 (d) a statement of the desired future condition of the wildlife management area;

3438 (e) a list of strategies that may be implemented to achieve the desired future condition;
3439 and

3440 (f) a description of any reallocation of forage, water, or other resource appurtenant to
3441 the land within the wildlife management area .

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3442 **[23-21-2.2.] 23A-6-302. Preparation of management plans -- Participation by**
3443 **interested persons and local and tribal governments -- Compatibility with local**
3444 **government plans and existing rights.**

3445 (1) The division shall invite persons who may have an interest in how the land in a
3446 wildlife management area is managed to participate in the management planning
3447 process.

3448 (2) Those persons may include:

3449 (a) persons who use, or may use, the land in a wildlife management area for:

3450 (i) agriculture, mining, or other commercial pursuits;

3451 (ii) hunting or fishing;

3452 (iii) recreation; or

3453 (iv) other uses;

3454 (b) adjacent or nearby landowners or residents; or

3455 (c) other interested parties.

3456 (3) The division shall invite local government officials to participate in the management
3457 planning process.

3458 (4) In preparing a management plan, the division shall seek to make land uses
3459 compatible with:

3460 (a) local government general plans and zoning and land use ordinances; and

3461 (b) existing rights of others within the wildlife management area.

3462 (5) (a) If the land in a wildlife management area is located within or adjacent to tribal
3463 lands, the division shall invite tribal government officials to participate in the
3464 management planning process.

3465 (b) Participation by tribal officials in the development of management plans for lands
3466 owned by the division does not waive the tribe's sovereignty.

3467
3468 **[23-21-2.3.] 23A-6-303. Review and adoption of management plans.**

3469 (1) The division shall submit [the] a draft management plan to the Resource
3470 Development Coordinating Committee created in Section 63L-11-401 and the Habitat

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- 3471 Council created by the division for their review and recommendations.
- 3472 (2) The division shall submit ~~[the]~~ a draft management plan and any
- 3473 recommendations received from the Resource Development Coordinating Committee
- 3474 and the Habitat Council to:
- 3475 (a) the regional advisory council for the wildlife region in which the lands covered by the
- 3476 management plan are located; and
- 3477 (b) the regional advisory council for ~~[any]~~ a wildlife region that may be affected by the
- 3478 management plan.
- 3479 (3) ~~[Each]~~ A regional advisory council reviewing ~~[the]~~ a draft management plan may
- 3480 make recommendations to the ~~[division]~~ director.
- 3481 (4) The ~~[division director has authority to]~~ director may adopt the management plan,
- 3482 adopt the management plan with amendments, or reject the management plan.
- 3483 (5) (a) At the request of the ~~[division]~~ director or ~~[any]~~ a member of the Wildlife
- 3484 Board, the Wildlife Board may review a management plan to determine whether the
- 3485 plan is consistent with ~~[board]~~ Wildlife Board policies.
- 3486 ~~[(6)]~~ (b) The ~~[division]~~ director may amend a management plan in accordance with
- 3487 recommendations made by the Wildlife Board.

3488

3489 ~~[23-21-2.4.]~~ 23A-6-304. **Procedure to revise a management plan.**

- 3490 (1) ~~[Any]~~ A person seeking a revision of a management plan may request the regional
- 3491 advisory council in the region where the land in a wildlife management area is located
- 3492 to consider the proposal to revise the management plan. The regional advisory
- 3493 council shall consider the proposal and advise the division.
- 3494 (2) The process specified in Sections ~~[23-21-2.2]~~ 23A-6-302 and ~~[23-21-2.3]~~
- 3495 23A-6-303 shall be used to revise a management plan.

3496

3497 ~~[23-21-2.5.]~~ 23A-6-305. **Change in land use where a management plan is not in**

3498 **effect -- Notification to affected persons -- Compatibility with local government**

3499 **plans.**

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3500 (1) If a management plan has not been adopted by the [division] director for a tract of
3501 land owned by the division, the division may not change [any] an existing right to use
3502 the land until the division notifies those who may be affected by the change and local
3503 government officials.

3504 (2) When changing [any] an existing right to use the land, the division shall seek to
3505 make uses of division-owned land compatible with local government general plans and
3506 zoning and land use ordinances.

3507

3508 **Part 4. Use of Land**

3509

3510 ~~[23-21-2.6.-]~~ 23A-6-401. **Target shooting prohibitions.**

3511 (1) As used in this section:

3512 (a) "County sheriff" means the individual holding the office of county sheriff in the
3513 portion of a wildlife management area where target shooting will be, or is, prohibited
3514 under this section.

3515 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

3516 ~~[(e)]~~ (b) "Extremely hazardous" means categorized as "extreme" under a nationally
3517 recognized standard for rating fire danger.

3518 (2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for
3519 target shooting within all or part of a wildlife management area if the director finds, and
3520 the county sheriff agrees, that conditions in that portion of the wildlife management area
3521 are extremely hazardous.

3522 (3) A prohibition under this section:

3523 (a) shall undergo a formal review by the director and the county sheriff every 14 days;

3524 (b) may not prohibit an individual from legally possessing a firearm or lawfully
3525 participating in a hunt; and

3526 (c) may only remain in place for as long as extremely hazardous conditions exist in the
3527 area that is subject to the prohibition.

3528 (4) The director and the county sheriff shall:

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3529 (a) via a written document, agree to the terms of a prohibition under this section,
3530 including:

3531 (i) the exact area where target shooting is prohibited; and

3532 (ii) the date when the prohibition becomes effective; and

3533 (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).
3534

3535

[23-21-4.] 23A-6-402. Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

3536

3537 (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of
3538 access to [ah] lands owned by the state, including those lands lying below the official
3539 government meander line or high water line of navigable waters, for the purpose of
3540 hunting, trapping, or fishing.

3541 (2) When [any] a department or agency of the state leases or sells [any-lands] land
3542 belonging to the state [of Utah] lying below the official government meander line or the
3543 high water line of the navigable waters within the state, the lease, contract of sale, or
3544 deed shall contain a provision that:

3545 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing
3546 during the lawful season, except as provided by Section 65A-2-5; and

3547 (b) [no charge may be made by] the lessee, contractee, or grantee [to] may not charge
3548 [any] a person who desires to go upon the land for the purpose of hunting, trapping,
3549 or fishing.

3550 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or
3551 fishing as provided in this title for other lands and waters.
3552

3553

[23-21-5.] 23A-6-403. State-owned lands authorized for use as wildlife management areas, fishing waters , and for other recreational activities.

3554

3555 (1) The Wildlife Board [is authorized to] may use any and all unsurveyed state-owned
3556 lands below the 1855 meander line of the Great Salt Lake within the following
3557 townships for the creation, operation, maintenance and management of wildlife

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3558 management areas, fishing waters and other recreational activities:
3559 Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West,
3560 S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South,
3561 Range 4 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.;
3562 Township 1 North, Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West,
3563 S.L.B. and M.; Township 2 North, Range 3 West, S.L.B. and M.; Township 2 North,
3564 Range 2 West, S.L.B. and M.; Township 2 North, Range 1 West, S.L.B. and M.;
3565 Township 3 North, Range 3 West, S.L.B. and M.; Township 3 North, Range 2 West,
3566 S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township 4 North,
3567 Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.;
3568 Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and
3569 M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West,
3570 S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B.
3571 and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 4
3572 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7
3573 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.;
3574 Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West,
3575 S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North,
3576 Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.;
3577 Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West,
3578 S.L.B. and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North,
3579 Range 11 West, S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.;
3580 Township 11 North, Range 9 West, S.L.B. and M.; Township 11 North, Range 8 West,
3581 S.L.B. and M.; North 1/2 of Township 10 North, Range 10 West, S.L.B. and M.; North
3582 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North 1/2 of Township 10
3583 North, Range 8 West, S.L.B. and M.
3584 (2) (a) The Wildlife Board shall establish a wildlife management area known as the
3585 "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands
3586 below the 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township

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3587 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and
3588 M.; Sections 1, 2, 11, 12 of Township 7 North, Range 4 West, S.L.B. and M.; Township
3589 7 North, Range 3 West, S.L.B. and M.; Sections 20, 21, 29, 30, 31 of Township 8 North,
3590 Range 2 West, S.L.B. and M.[:] [excepting] , except for the following:

3591 (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird Refuge;
3592 (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl Management
3593 Area;

3594 (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and

3595 (iv) lands within the May 14, 2019, boundaries of state mineral leases.

3596 (b) The division shall execute a memorandum of understanding with the Division of
3597 Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands
3598 described in Subsection (2)(a) as a wildlife management area.

3599 (c) The division shall manage the state-owned lands described in Subsection (2)(a) as
3600 a wildlife management area and consistent with:

3601 (i) the beneficial purposes identified in Subsection (2)(d); and

3602 (ii) a management plan created consistent with the procedures in this chapter for a
3603 management plan.

3604 (d) The division shall manage the Willard Spur Waterfowl Management Area for the
3605 following beneficial purposes:

3606 (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals,
3607 shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake
3608 ecosystem and the Great Salt Lake ecosystem's surrounding wetlands;

3609 (ii) preserving and enhancing the natural function, vegetation, and water flows under
3610 existing or acquired water rights to provide productive habitat for the species listed in
3611 Subsection (2)(d)(i);

3612 (iii) providing recreational opportunity for traditional marsh-related activities, including
3613 hunting, fishing, trapping, and wildlife viewing; and

3614 (iv) providing public access in the management area for purposes of hunting, fishing,
3615 trapping, and wildlife viewing, including access with airboats and other small watercraft.

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3616 (e) The division shall provide the habitat, recreational opportunities, and public access
3617 described in Subsection (2)(d) without construction or use of an impounding dike,
3618 impounding levee, or other impounding structure.

3619 (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not
3620 prohibit year-round public airboat and small watercraft access in the management area
3621 except in selected areas during limited periods of time to protect habitat, nesting birds,
3622 or vulnerable wildlife.

3623

3624 **[23-21-7.] 23A-6-404. Unlawful uses and activities on division lands.**

3625 (1) Except as authorized by statute, rule, contractual agreement, special use permit,
3626 certificate of registration, or public notice, a person may not on division land:

3627 (a) remove, extract, use, consume, or destroy [any] an improvement or cultural or
3628 historic resource;

3629 (b) remove, extract, use, consume, or destroy [any] sand, gravel, cinder, ornamental
3630 rock, or other common mineral resource, or vegetation resource, except a person may
3631 collect for noncommercial uses up to 250 pounds per calendar year of common rock or
3632 gravel lying on the surface of the ground;

3633 (c) allow livestock to graze;

3634 (d) remove [any] a plant or portion of a plant for commercial gain purposes;

3635 (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;

3636 (f) enter, use, or occupy division land as part of a group of more than 25 people, except
3637 a group may include up to 50 persons if the group consists of extended family
3638 members;

3639 (g) enter, use, or occupy division land while engaged in or part of an organized event;

3640 (h) use, occupy, destroy, move, or construct [any] a structure, including ~~[fences, water~~
3641 ~~control devices, roads, survey and section markers, or signs]~~ a fence, water control
3642 device, road, survey and section marker, or sign;

3643 (i) prohibit, prevent, or obstruct public entry on division lands when public entry is
3644 authorized by the division;

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- 3645 (j) attempt to manage or control division lands in a manner inconsistent with division
3646 management plans, rules, or policies;
- 3647 (k) solicit, promote, negotiate, barter, sell, or trade ~~[any]~~ a product or service on, or
3648 obtained from, division lands for commercial gain;
- 3649 (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the
3650 area is posted for a different duration;
- 3651 (m) light a fire without taking adequate precaution to prevent spreading of the fire or
3652 leave a fire unattended;
- 3653 (n) use ~~[fireworks, explosives, poisons, herbicides, insecticides, or pesticides]~~ a
3654 fireworks, explosive, poison, herbicide, insecticide, or pesticide;
- 3655 (o) use a motorized ~~[vehicles]~~ vehicle of any kind except as authorized by
3656 declaration, management plan, or posting; or
- 3657 (p) use division lands for ~~[any]~~ a purpose that violates applicable land use restrictions
3658 imposed by statute, rule, or by the division.
- 3659 (2) A person ~~[or entity which]~~ who unlawfully uses division lands is liable for damages
3660 in the amount of:
- 3661 (a) the value of the resource removed, destroyed, or extracted;
- 3662 (b) the amount of damage caused; and
- 3663 (c) whichever is greater of:
- 3664 (i) the value of ~~[any]~~ losses or expenses caused as a result of interference with
3665 authorized activities; or
- 3666 (ii) the consideration which would have been charged by the division for use of the land
3667 during the period of trespass.
- 3668 (3) This section does not apply to division employees or division volunteers while acting
3669 in the lawful performance of ~~[their]~~ the employees' or volunteers' duties.
- 3670 (4) Except as otherwise provided by statute, the criminal penalty for a violation of ~~[any~~
3671 provision of] this section is prescribed in Section ~~[23-13-11]~~ 23A-5-301 .

3672

3673 **CHAPTER 7. COOPERATIVE WILDLIFE MANAGEMENT UNITS**

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3674

3675 **Part 1. General Provisions**

3676

3677 ~~[23-23-2.]~~ **23A-7-101.** **Definitions.**

3678 As used in this chapter:

3679 (1) "Cooperative wildlife management unit" ~~[or "unit"]~~ means a generally contiguous
3680 area of land that is:

3681 (a) open for hunting small game, waterfowl, cougar, turkey, or big game ~~[which is]~~ ;
3682 and

3683 (b) registered in accordance with this chapter and rules of the Wildlife Board.

3684 (2) ~~[(a)]~~ "Cooperative wildlife management unit agent" means a person appointed by a
3685 landowner, landowner association, or landowner association operator to perform the
3686 functions described in Section ~~[23-23-9]~~ 23A-7-207 .

3687 ~~[(b) For purposes of this chapter, a cooperative wildlife management unit agent may~~
3688 ~~not:~~

3689 ~~(i) be appointed by the division or the state;~~

3690 ~~(ii) be an employee or agent of the division;~~

3691 ~~(iii) receive compensation from the division or the state to act as a cooperative wildlife~~
3692 ~~management unit agent; or~~

3693 ~~(iv) act as a peace officer or perform any duties of a peace officer without qualifying as~~
3694 ~~a peace officer under Title 53, Chapter 13, Peace Officer Classifications.]~~

3695 (3) "Cooperative wildlife management unit authorization" means a card, label, ticket, or
3696 other identifying document authorizing the possessor to hunt small game or waterfowl in
3697 a cooperative wildlife management unit.

3698 (4) "Cooperative wildlife management unit permit" means a permit authorizing the
3699 possessor to hunt cougar, turkey, or big game in a cooperative wildlife management
3700 unit.

3701 ~~[(5) "Division" means the Division of Wildlife Resources.]~~

3702 ~~[(6)]~~ (5) "Landowner association" means a landowner or an organization of owners of

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3703 private lands who operates a cooperative wildlife management unit.
3704 ~~[(7)(a)]~~ (6) "Landowner association operator" means a person designated by a
3705 landowner association to operate the cooperative wildlife management unit.

3706 ~~[(b) For purposes of this chapter, a landowner association operator may not:~~
3707 ~~(i) be appointed by the division; or~~
3708 ~~(ii) be an employee or agent of the division.]~~

3709
3710 ~~[23-23-3.]~~ 23A-7-102. **Rulemaking authority of Wildlife Board.**

3711 The Wildlife Board ~~[is authorized to]~~ may make and enforce rules applicable to
3712 cooperative wildlife management units organized for the hunting of small game,
3713 waterfowl, cougar, turkey, or big game that in ~~[its]~~ the Wildlife Board's judgment are
3714 necessary to administer and enforce ~~[the provisions of]~~ this chapter.

3715
3716 ~~[23-23-4.]~~ 23A-7-103. **Purposes of wildlife management units .**

3717 ~~[Cooperative]~~ A cooperative wildlife management ~~[units are]~~ unit is established to:

- 3718 (1) provide income to landowners;
3719 (2) create satisfying hunting opportunities;
3720 (3) increase wildlife resources;
3721 (4) provide adequate protection to landowners who open their lands for hunting; and
3722 (5) provide access to public and private lands for hunting.

3723
3724 **Part 2. Requirements**

3725
3726 ~~[23-23-4.]~~ 23A-7-201. **Operation by landowner association.**

3727 (1) A landowner association shall operate a cooperative wildlife management unit as
3728 prescribed by this chapter and the rules of the Wildlife Board.

3729 (2) For purposes of this chapter, a landowner association operator may not:

- 3730 (a) be appointed by the division; or
3731 (b) be an employee or agent of the division.

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3732 **[23-23-5.] 23A-7-202. Certificate of registration -- Renewal.**

3733 (1) A landowner association may not establish or operate a cooperative wildlife
3734 management unit without first obtaining a certificate of registration from the Wildlife
3735 Board.

3736 (2) The Wildlife Board may renew annually certificates of registration if the landowner
3737 association has previously complied with this chapter and the rules of the Wildlife Board
3738 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act .

3739

3740 **[23-23-6.] 23A-7-203. Season dates -- Boundaries -- Review by councils and
3741 ~~board~~ Wildlife Board.**

3742 (1) The Wildlife Board shall establish season dates and boundaries for each
3743 cooperative wildlife management unit.

3744 (2) Season dates may differ from general statewide season dates.

3745 (3) At least every five years, the relevant regional advisory council and Wildlife Board
3746 shall review a cooperative wildlife management [units] unit containing public land [will
3747 be reviewed by the regional advisory councils and the Wildlife Board].

3748

3749 **[23-23-7.] 23A-7-204. Permits -- Acreage and lands that may be included --
3750 Posting of boundaries.**

3751 (1) The division shall provide cooperative wildlife management unit authorizations for
3752 hunting small game or waterfowl to the cooperative wildlife management unit, free of
3753 charge.

3754 (2) At least 50% of the cooperative wildlife management unit authorizations for hunting
3755 small game or waterfowl provided to a cooperative wildlife management unit shall be
3756 offered for sale to the general public at the times and places designated on the
3757 application for a certificate of registration.

3758 (3) (a) [Cooperative] A cooperative wildlife management [units] unit organized for
3759 hunting small game or waterfowl shall consist of private land.

3760 (b) At least 75% of the acreage within the boundaries of [each] a cooperative wildlife

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3761 management unit organized for the hunting of small game or waterfowl shall be open to
3762 hunting by holders of valid authorizations.

3763 (4) (a) The division may issue cooperative wildlife management unit permits for hunting
3764 cougar, turkey, or big game to permittees:

3765 (i) qualifying through a public drawing; or

3766 (ii) named by the cooperative wildlife management unit operator.

3767 (b) The Wildlife Board may specify by rule , made in accordance with Title 63G,
3768 Chapter 3, Utah Administrative Rulemaking Act, those persons who are eligible to draw
3769 a cooperative wildlife management unit permit in a public drawing.

3770 (5) (a) [Cooperative] A cooperative wildlife management [units] unit organized for
3771 hunting cougar, turkey, or big game shall consist of private land to the extent
3772 practicable. Public land may be included within a cooperative wildlife management unit
3773 if:

3774 (i) the public land is completely surrounded by private land or is otherwise inaccessible
3775 to the general public;

3776 (ii) including public land is necessary to establish a readily identifiable boundary; or

3777 (iii) including public land is necessary to achieve cougar, turkey, or big game
3778 management objectives.

3779 (b) If [any] public land is included within a cooperative wildlife management unit:

3780 (i) the landowner association shall meet applicable federal or state land use
3781 requirements on the public land; and

3782 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities
3783 made available to the general public to reflect the proportion of public lands to private
3784 lands within the cooperative wildlife management unit.

3785 (6) [Each] A landowner association shall:

3786 (a) clearly post [at] the boundaries of the cooperative wildlife management unit by
3787 displaying signs containing information prescribed by rule of the Wildlife Board at the
3788 locations specified in Subsection [23-20-14] 23A-5-317 (1)[(d)] (c); and

3789 (b) provide a written copy of [its] the landowner association's guidelines to each

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3790 holder of an authorization or permit.

3791

3792 ~~[23-23-7-5.]~~ 23A-7-205. **Landowner association to provide comparable hunting**
3793 **opportunities.**

3794 A landowner association shall provide ~~[each]~~ a holder of an authorization or permit a
3795 comparable hunting opportunity in terms of hunting area and number of days.

3796

3797 ~~[23-23-8.]~~ 23A-7-206. **Compensation for damage -- Claims.**

3798 (1) A landowner participating in a cooperative wildlife management unit who incurs
3799 damages caused by a hunter on ~~[his or her]~~ the landowner's land may submit a claim
3800 and receive compensation for the claim from money received for cooperative wildlife
3801 management unit authorization or permit fees collected by the landowner association.

3802 ~~[(1) These claims]~~ (2) The claims under Subsection (1) shall:

3803 (a) be paid first and have priority over all other obligations of the landowner
3804 association;

3805 (b) be reviewed, investigated, and paid by the landowner association; and

3806 (c) not exceed annual revenues of a cooperative wildlife management unit.

3807 ~~[(2)]~~ (3) A landowner participating in a cooperative wildlife management unit who
3808 incurs damages caused by a hunter on ~~[his or her]~~ the landowner's land may not hold
3809 the state liable for compensation.

3810

3811 ~~[23-23-9.]~~ 23A-7-207. **Agents -- Appointment -- Identification -- Refusal of entry**
3812 **by agent.**

3813 (1) A landowner association may appoint one or more cooperative wildlife
3814 management unit agents to protect private property of the cooperative wildlife
3815 management unit.

3816 (2) ~~[Each]~~ A cooperative wildlife management unit agent shall wear or have in ~~[his or~~
3817 ~~her]~~ the cooperative wildlife management unit agent's possession a form of
3818 identification prescribed by the Wildlife Board ~~[which]~~ that indicates ~~[he or she]~~ that

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3819 the individual is a cooperative wildlife management unit agent.

3820 (3) A cooperative wildlife management unit agent may refuse entry into private lands
3821 within a cooperative wildlife management unit to any person, except an owner of land
3822 within the cooperative wildlife management unit and ~~[his or her]~~ the landowner's
3823 employees, who:

3824 (a) does not have in ~~[his or her]~~ the person's possession a cooperative wildlife
3825 management unit authorization or permit;

3826 (b) endangers or has endangered human safety;

3827 (c) damages or has damaged private property within a cooperative wildlife
3828 management unit; or

3829 (d) fails or has failed to comply with reasonable rules of a landowner association.

3830 (4) In performing the functions described in this section, a cooperative wildlife
3831 management unit agent shall comply with the relevant laws of this state.

3832 (5) For purposes of this chapter, a cooperative wildlife management unit agent may
3833 not:

3834 (a) be appointed by the division or the state;

3835 (b) be an employee or agent of the division;

3836 (c) receive compensation from the division or the state to act as a cooperative wildlife
3837 management unit agent; or

3838 (d) act as a peace officer or perform the duties of a peace officer without qualifying as
3839 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

3840
3841 ~~[23-23-10.]~~ 23A-7-208. **Possession of permits and licenses by hunter --**

3842 **Restrictions.**

3843 (1) A person may not hunt in a cooperative wildlife management unit without having in
3844 ~~[his or her]~~ the person's possession:

3845 (a) a valid cooperative wildlife management unit authorization or permit or other permit
3846 as authorized by the ~~[wildlife board]~~ Wildlife Board; and

3847 (b) the necessary hunting licenses~~;~~ ~~[tags]~~~~[-and stamps]~~.

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3848 (2) A cooperative wildlife management unit authorization or permit:
3849 (a) entitles the holder to hunt only in the cooperative wildlife management unit specified
3850 on the authorization or permit pursuant to rules and proclamations of the Wildlife Board
3851 and does not entitle the holder to hunt on any other private or public land; and
3852 (b) constitutes written permission for trespass as required under Section ~~[23-20-14]~~
3853 23A-5-317.

3854
3855 ~~[23-23-11.]~~ 23A-7-209. **Failure to comply with rules and requirements.**

3856 A person shall leave private property within a cooperative wildlife management unit
3857 immediately, upon request of a landowner, landowner association operator, or
3858 cooperative wildlife management unit agent, if that person:

- 3859 (1) does not have in that person's possession a cooperative wildlife management unit
3860 authorization or permit;
3861 (2) endangers or has endangered human safety;
3862 (3) damages or has damaged private property within a cooperative wildlife
3863 management unit; or
3864 (4) fails or has failed to comply with reasonable rules of a landowner association.

3865
3866 ~~[23-23-12.]~~ 23A-7-210. **Damage or destruction of property.**

3867 A person on the land of another person may not intentionally damage, disarrange, or
3868 destroy that person's property.

3869
3870 ~~[23-23-13.]~~ 23A-7-211. **Violation of chapter -- Class B misdemeanor.**

3871 Any person who violates ~~[any provision of]~~ this chapter is guilty of a class B
3872 misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

3873
3874 ~~[23-23-14.]~~ 23A-7-212. **Landowner protection under Landowner Liability Act.**

3875 ~~[Landowners who participate]~~ A landowner who participates in a cooperative wildlife
3876 management ~~[units shall have]~~ unit has the full protection afforded under Title 57,

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3877 Chapter 14, Limitations on Landowner Liability.

3878

3879 **CHAPTER 8. WILDLIFE DAMAGE**

3880

3881 **Part 1. General Provisions**

3882

3883 **23A-8-101. Definitions.**

3884 As used in this chapter:

3885 (1) "72 hours" means a time period that begins with the hour a request for action is
3886 made pursuant to Section 23A-8-402 and ends 72 hours later with the exclusion of any
3887 hour that occurs on the day of a legal holiday that is on a Monday or Friday and listed in
3888 Section 63G-1-301.

3889 (2) "Cultivated crops" means:

3890 (a) annual or perennial crops harvested from or on cleared and planted land;

3891 (b) perennial orchard trees on cleared and planted land;

3892 (c) crop residues that have forage value for livestock; and

3893 (d) pastures.

3894 (3) "Damage" means injury to or loss.

3895 (4) "Depredation" means an act causing damage or death.

3896 (5) "Depredation mitigation plan" means the plan described in Subsection
3897 23A-8-402(2).

3898 (6) "Growing season" means the portion of a year in which local conditions permit
3899 normal plant growth.

3900 (7) "Livestock" means cattle, sheep, horses, goats, or turkeys.

3901 (8) "Management unit" means a prescribed area of contiguous land designated by the
3902 division for the purpose of managing a species of big game animal.

3903 (9) "Mitigation review panel" means the panel created under Section 23A-8-404.

3904 (10)(a) For purposes of Part 2, Damage in General, "predator" means a mountain lion
3905 or bear.

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3906 (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear,
3907 and coyote.

3908 (11) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey
3909 and does not include a privately owned or domestic turkey.

3910 (12) "Wildlife Services Program" means a program of the United States Department of
3911 Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property,
3912 and natural resources, and to safeguard human health and safety.

3913 (13) "Wildlife specialist" means a United States Department of Agriculture, Wildlife
3914 Services specialist.

3915 (14) (a) "Wolf" means the gray wolf Canis lupus.

3916 (b) "Wolf" does not mean a wolf hybrid with a domestic dog.

3917

3918 **Part 2. Damage in General**

3919

3920 ~~[23-24-1.]~~ 23A-8-201. **Procedure to obtain compensation for livestock damage**
3921 **done by bear, mountain lion, wolf, or eagle.**

3922 ~~[(1) As used in this section:~~

3923 ~~(a) "Damage" means injury to or loss of livestock:~~

3924 ~~(b) "Division" means the Division of Wildlife Resources:~~

3925 ~~(c) "Livestock" means cattle, sheep, goats, or turkeys:~~

3926 ~~(d) (i) "Wolf" means the gray wolf Canis lupus:~~

3927 ~~(ii) "Wolf" does not mean a wolf hybrid with a domestic dog:]~~

3928 ~~[(2)]~~ (1) (a) (i) Except as provided by Subsection ~~[(2)]~~ (1) (a)(ii), if livestock are
3929 damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive
3930 compensation for the fair market value of the damage to the livestock .

3931 (ii) The owner of livestock may not receive compensation if the livestock is damaged
3932 by a wolf within an area where a wolf is endangered or threatened under the
3933 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

3934 (b) To obtain ~~[this]~~ compensation under this section , the owner of the damaged

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3935 livestock shall notify the division of the damage as soon as possible, but no later than
3936 four days after the damage to the livestock is discovered.

3937 (c) The owner shall notify the division each time [any] damage to livestock is
3938 discovered.

3939 ~~[(3)]~~ (2) The livestock owner shall file a proof of loss form, provided by the division, no
3940 later than 30 days after the original notification of damage to livestock was given to the
3941 division by the owner.

3942 ~~[(4)]~~ (3) (a) (i) The division, with the assistance of the Department of Agriculture and
3943 Food shall:

3944 (A) within 30 days after the owner files the proof of loss form, either accept or deny the
3945 claim for damages; and

3946 (B) subject to Subsections ~~[(4)]~~ (3)(a)(ii) through ~~[(4)]~~ (3)(a)(iv), pay ~~[all]~~ the
3947 accepted claims to the extent money appropriated by the Legislature is available for this
3948 purpose.

3949 (ii) Money appropriated from the Wildlife Resources Account may be used to provide
3950 compensation for only up to 50% of the fair market value of [any] damaged livestock.

3951 (iii) Money appropriated from the Wildlife Resources Account may not be used to
3952 provide compensation for livestock damaged by an eagle or a wolf.

3953 (iv) The division may not pay [any] an eagle damage claim until the division has paid
3954 all accepted mountain lion and bear livestock damage claims for the fiscal year.

3955 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a
3956 livestock owner unless the owner has filed a completed livestock form and the
3957 appropriate fee as outlined in Section 4-23-107 for the immediately preceding and
3958 current year.

3959 (c) (i) Unless the division denies a claim for the reason identified in Subsection ~~[(4)]~~ (3)
3960 (b), the owner may appeal the decision to a panel consisting of one person selected by
3961 the owner, one person selected by the division, and a third person selected by the first
3962 two panel members.

3963 (ii) The panel shall decide whether the division should pay all of the claim, a portion of

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3964 the claim, or none of the claim.

3965 (5) ~~[By following the procedures and requirements of Title 63G, Chapter 3, Utah~~
3966 ~~Administrative Rulemaking Act, the]~~ The Wildlife Board may make rules, in
3967 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
3968 enforce rules to administer and enforce this section.

3969

3970 ~~[23-24-2.]~~ **23A-8-202.** **Livestock depredation by predators.**

3971 ~~[(1) As used in this section:~~

3972 ~~(a) "Depredation" means an act causing damage or death.~~

3973 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

3974 ~~[(c) "Division" means the Division of Wildlife Resources.]~~

3975 ~~(d) "Livestock" means cattle, sheep, goats, horses, or turkeys.~~

3976 ~~(e) "Predator" means a mountain lion or bear.~~

3977 ~~[(f) "Wildlife Board" means the board created in Section 23-14-2.]~~

3978 ~~(g) "Wildlife Services Program" means a program of the United States Department of~~
3979 ~~Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property,~~
3980 ~~and natural resources, and to safeguard human health and safety.~~

3981 ~~(h) "Wildlife specialist" means a United States Department of Agriculture, Wildlife~~
3982 ~~Services specialist.]~~

3983 ~~[(2)]~~ **(1)** If a predator harasses, chases, disturbs, harms, attacks, or kills livestock,
3984 within 96 hours of the act:

3985 (a) in a depredation case, the livestock owner, an immediate family member, or an
3986 employee of the livestock owner on a regular payroll and not specifically hired to take
3987 a predator, may take predators subject to the requirements of this section;

3988 (b) a landowner or livestock owner may notify the division of the depredation or human
3989 health and safety concerns, who may authorize a local hunter to take the offending
3990 predator or notify a wildlife specialist; or

3991 (c) the livestock owner may notify a wildlife specialist of the depredation who may take
3992 the depredating predator.

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3993 ~~[(3)]~~ (2) A depredating predator may be taken at any time by a wildlife specialist,
3994 supervised by the Wildlife Services Program, while acting in the performance of the
3995 wildlife specialist's assigned duties and in accordance with procedures approved by the
3996 division.

3997 ~~[(4)]~~ (3) (a) A depredating predator may be taken by an individual authorized in
3998 Subsection ~~[(2)]~~ (1) (a):

3999 (i) with a weapon authorized by the division, pursuant to rules made by the Wildlife
4000 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
4001 taking the predator; or

4002 (ii) only using snares:

4003 (A) with written authorization from the director;

4004 (B) subject to the conditions and restrictions set out in the written authorization; and

4005 (C) if the division verifies that there has been a chronic depredation situation when
4006 numerous livestock have been killed by a predator as described in rule made by the
4007 Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4008 Act.

4009 (b) An individual authorized in Subsection ~~[(2)]~~ (1) (a) to take depredating predators
4010 may take no more than two bears per incident.

4011 ~~[(5)]~~ (4) (a) In accordance with Subsection ~~[(5)]~~ (4) (b), the division may issue a
4012 depredation permit to take a predator on specified private lands and public land grazing
4013 allotments with a chronic depredation situation when numerous livestock have been
4014 killed by predators.

4015 (b) The division may:

4016 (i) issue one or more depredation permits to an affected livestock owner or a designee
4017 of the affected livestock owner, provided that the livestock owner does not receive
4018 monetary consideration from the designee for the opportunity to use the depredation
4019 permit;

4020 (ii) determine the legal weapons and methods of taking allowed; and

4021 (iii) specify the area and season that the depredation permit is valid.

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4022 ~~[(6)]~~ (5) (a) A predator taken under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) remains the
4023 property of the state and shall be delivered to a division office or employee with 96
4024 hours of the take.

4025 (b) The division may issue a predatory damage permit to a person who has taken a
4026 depredating predator under Subsection ~~[(2)]~~ (1)(a) that authorizes the individual to
4027 keep the carcass.

4028 (c) An individual who takes a predator under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) may
4029 acquire and use a limited entry permit or harvest objective permit in the same year.

4030 (d) Notwithstanding Subsections ~~[(6)]~~ (5)(b) and (c), a person may retain no more
4031 than one predator carcass annually.

4032 ~~[(7)]~~ (6) Money derived from the sale of a predator taken under this section shall be
4033 deposited into the Wildlife Resources Account created in Section ~~[23-14-13]~~23A-3-201 .

4034 ~~[(8)]~~ (7) Nothing in this section prohibits the division from permitting the removal of a
4035 bear causing damage to cultivated crops on cleared and planted land pursuant to rule
4036 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
4037 Administrative Rulemaking Act.

4038 ~~[(9)]~~ (8) Nothing is this section prohibits receiving compensation for livestock damage
4039 done by a bear, mountain lion, wolf, or eagle in accordance with Section ~~[23-24-1]~~
4040 23A-8-201 .

4041

4042 ~~[23-18-4.]~~ 23A-8-203. **Beaver damage -- Authorization to kill or trap.**

4043 ~~[Whenever]~~ (1) When it is apparent that beaver are doing damage to, or are a menace
4044 to, private property, ~~[any]~~ a landowner or tenant may request authorization to kill or
4045 trap the beaver~~[so involved; and the Wildlife Board is empowered to]~~ .

4046 (2) The Wildlife Board may grant ~~[such]~~ authorization described in Subsection (1)
4047 under conditions prescribed by ~~[it]~~ the Wildlife Board .

4048

4049 **Part 3. Damage by Birds**

4050

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4051 ~~[23-17-4.]~~ 23A-8-301. **Crop damage by pheasants -- Notice to division --**

4052 **Damages for destroyed crops -- Limitations -- Appraisal.**

4053 ~~[Whenever]~~ (1) When pheasants ~~[are damaging]~~ damage cultivated crops on cleared
4054 and planted land, the owner of ~~[such]~~ the cultivated crops shall immediately upon
4055 discovery of ~~[such]~~ the damage notify the ~~[Division of Wildlife Resources]~~ division ~~[-~~
4056 ~~This notice shall be made]~~ both orally and in writing.

4057 (2) Upon being notified of ~~[such]~~ the damage to cultivated crops, the ~~[Division of~~
4058 ~~Wildlife Resources]~~ division shall, as far as possible, control ~~[such]~~ the damage.

4059 (3) When pheasants damage or destroy cultivated crops on cleared and planted land,
4060 the division may pay to the crop owner for the actual damage not to exceed \$200
4061 yearly, if the owner notifies the division of the damage within 48 hours after the damage
4062 is discovered.

4063 (4) Subject to Subsection (5), the crop owner and the division shall make an appraisal
4064 of the damage as soon after notification as possible. If the crop owner and the division
4065 are unable to agree on the fair and equitable damage, they shall call upon a third party,
4066 consisting of one or more persons acquainted with the crops concerned and pheasants,
4067 to appraise the damage.

4068 (5) If a provision of this section conflicts with the requirements of the federal
4069 Pittman-Robertson Act or the regulations issued under that act, the provisions relating
4070 to damage claims are void.

4071

4072 ~~[23-17-5.1.]~~ 23A-8-302. **Damage by turkeys.**

4073 ~~[(1) As used in this section, "turkey" means a wild, free-ranging turkey and does not~~
4074 ~~include a privately owned or domestic turkey.]~~

4075 ~~[(2)]~~ (1) (a) If a turkey materially damages private property, the landowner or lessee of
4076 the property may:

4077 (i) notify the division of the damage; and

4078 (ii) request that the division take action to mitigate the damage.

4079 (b) The landowner or lessee of the damaged property shall allow division staff

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4080 reasonable access to the damaged property to verify and mitigate the damage.

4081 ~~[(3)]~~ (2) (a) Within 72 hours after receiving a request for action under Subsection ~~[(2)]~~

4082 (1)(a)(ii), the division shall investigate the damaged property and, if it appears that

4083 material damage by a turkey may continue, the division shall begin to:

4084 (i) remove or drive off the turkeys causing the damage; or

4085 (ii) implement a damage mitigation and prevention plan with the written approval of the

4086 landowner or lessee of the property.

4087 (b) As part of a damage mitigation and prevention plan described in Subsection ~~[(3)]~~

4088 (2)(a)(ii), the division may:

4089 (i) schedule a depredation hunt;

4090 (ii) issue a permit to the landowner or lessee to, during a general or special season

4091 hunt authorized by the Wildlife Board, take a turkey on the property;

4092 (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation

4093 permit to, during a general or special season hunt authorized by the Wildlife Board, take

4094 a turkey on the property;

4095 (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a

4096 turkey that causes damage to the property;

4097 (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a

4098 turkey that causes damage to the property; or

4099 (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise

4100 prohibited to take a turkey under this title, if traditional weapons and methods are

4101 unsuitable for the location of the property due to local law or public safety concerns.

4102 (c) If the division takes an action described in Subsection ~~[(3)]~~(2)(b)(ii) or (iii), the

4103 division shall specify the number and sex of turkeys the landowner or lessee is

4104 authorized to take in accordance with Subsection ~~[(3)]~~ (2)(b)(ii) or (iii).

4105 (d) If a landowner or lessee takes a turkey under Subsection ~~[(3)]~~ (2)(b)(ii), the

4106 division and the landowner or lessee shall jointly determine the number of turkeys the

4107 landowner or lessee may retain.

4108 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

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4109 the Wildlife Board may make rules necessary to administer ~~[the provisions of]~~ this
4110 section.

4111

4112 **Part 4. Damage by Big Game**

4113

4114 ~~[23-16-2.]~~ **23A-8-401.** **Removal of big game animals doing damage.**

4115 The director ~~[of the division] [of Wildlife Resources]~~ may authorize the removal of big
4116 game animals when ~~[they]~~ **the big game animals** are doing actual damage. ~~[Animals~~
4117 ~~so]~~ **The division shall sell or otherwise dispose of a big game animal** removed
4118 **pursuant to this section** ~~[shall be sold or otherwise disposed of by the] [Division of~~
4119 ~~Wildlife Resources]~~ , and ~~[any]~~ money derived from the sale of these animals shall be
4120 placed in the Wildlife Resources Account.

4121

4122 ~~[23-16-3.]~~ **23A-8-402.** **Damage to cultivated crops, livestock forage, fences, or**
4123 **irrigation equipment by big game animals -- Notice to division -- Depredation**
4124 **mitigation plan.**

4125 (1) (a) If on private land big game animals damage cultivated crops, livestock forage,
4126 fences, or irrigation equipment, the landowner or lessee shall immediately, upon
4127 discovery of the damage, request that the division take action to alleviate the
4128 depredation problem.

4129 (b) The landowner or lessee shall allow division personnel reasonable access to the
4130 property sustaining damage to verify and alleviate the depredation problem.

4131 (2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a),
4132 the division shall investigate the situation, and if it appears that depredation by big
4133 game animals may continue, the division shall:

4134 (i) remove the big game animals causing depredation; or

4135 (ii) implement a depredation mitigation plan that is approved, in writing, by the
4136 landowner or lessee.

4137 (b) A depredation mitigation plan may provide for any or all of the following:

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- 4138 (i) the scheduling of a depredation hunt;
- 4139 (ii) issuing permits to the landowners or lessees, to take big game animals causing
- 4140 depredation during a general or special season hunt authorized by the Wildlife Board;
- 4141 (iii) allowing landowners or lessees to designate recipients who may obtain a mitigation
- 4142 permit to take big game animals on the landowner's or lessee's land during a general or
- 4143 special season hunt authorized by the Wildlife Board; or
- 4144 (iv) a description of how the division will assess and compensate the landowner or
- 4145 lessee under Section ~~[23-16-4]~~ 23A-8-305 for damage to cultivated crops, fences, or
- 4146 irrigation equipment.
- 4147 (c) (i) The division shall specify the number and sex of the big game animals that may
- 4148 be taken pursuant to Subsections (2)(b)(ii) and (iii).
- 4149 (ii) ~~[Control efforts shall be directed]~~ The division shall direct control efforts toward
- 4150 antlerless animals, if possible.
- 4151 (d) [A] The director or the director's designee shall approve a permit issued for an
- 4152 antlered animal ~~[shall be approved by the division director or the director's designee]~~.
- 4153 (e) The division and the landowner or lessee shall jointly determine the number of big
- 4154 game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee
- 4155 may retain possession.
- 4156 (f) In determining appropriate remedial action under this Subsection (2), the division
- 4157 shall consider:
- 4158 (i) the extent of damage experienced or expected in a single growing season; and
- 4159 (ii) [any] revenue the landowner derives from:
- 4160 (A) participation in a cooperative wildlife management unit;
- 4161 (B) use of landowner association permits;
- 4162 (C) use of mitigation permits; and
- 4163 (D) charging for hunter access.
- 4164 (3) [Any] A landowner or lessee shall determine a fee for accessing the owner's or
- 4165 lessee's land ~~[shall be determined by the landowner or lessee]~~.
- 4166 (4) (a) If the landowner or lessee who approved the depredation mitigation plan under

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4167 Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the
4168 landowner or lessee may revoke the landowner's or lessee's approval of the plan and
4169 again request that the division take action pursuant to Subsection (2)(a)(i).

4170 (b) ~~[A]~~ The division shall consider a subsequent request for action provided under
4171 Subsection (4)(a) ~~[shall be considered]~~ to be a new request for purposes of the 72-hour
4172 time limit specified in Subsection (2)(a).

4173 (5) (a) The division may enter into a conservation lease with the owner or lessee of
4174 private lands for a fee or other remuneration as compensation for depredation.

4175 (b) ~~[Any]~~ A conservation lease entered into under this section shall provide that the
4176 claimant may not unreasonably restrict hunting on the land or passage through the land
4177 to access public lands for the purpose of hunting, if those actions are necessary to
4178 control or mitigate damage by big game animals.

4179

4180 ~~[23-16-3-1]~~ 23A-8-403. **Landowner or lessee ~~[authorized to]~~ may kill big game**
4181 **animals.**

4182 (1) (a) A landowner or lessee may kill big game animals damaging ~~[those]~~ cultivated
4183 crops on private land if:

4184 (i) it is necessary to protect cultivated crops;

4185 (ii) 72 hours has expired since a request for action is given pursuant to Subsection
4186 ~~[23-16-3]~~ 23A-8-402 (1)(a);

4187 (iii) the landowner or lessee has provided or sent written notice of an intent to kill the
4188 big game animal to the nearest regional office of the division ;

4189 (iv) the landowner or lessee kills the big game animal within 90 days, or a longer
4190 period, if approved, in writing, by the division, after having requested that the division
4191 take action to prevent depredation under Subsection ~~[23-16-3]~~ 23A-8-402 (1)(a); and
4192 (v) the killing is not prohibited by Subsection (2)(a) or (3).

4193 (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner
4194 or lessee shall notify the division of the killing.

4195 (c) The carcass of a big game animal killed under Subsection (1)(a) is the property of

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- 4196 the division and the division shall dispose of the carcass.
- 4197 (d) Money derived from the sale of big game animals killed shall be placed in the
- 4198 Wildlife Resources Account created in Section ~~[23-14-13]~~ 23A-3-201 .
- 4199 (e) A landowner or lessee who kills big game animals pursuant to this section shall:
- 4200 (i) make reasonable effort to prevent the big game animals from wasting; and
- 4201 (ii) provide the division reasonable access to the landowner's or lessee's land to
- 4202 retrieve and dispose of the big game animals.
- 4203 (2) (a) The [division] director may prohibit the killing of big game animals under
- 4204 Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the
- 4205 division take action to remove depredating big game animals, the division:
- 4206 (i) determines that the restitution value of the big game animal or animals, as
- 4207 established under Section ~~[23-20-4.5]~~ 23A-5-312 , is more than twice the estimated
- 4208 value of the cultivated crops that have been or will be damaged or consumed within a
- 4209 single growing season;
- 4210 (ii) determines that the prohibition is consistent with the management plan established
- 4211 under Section ~~[23-16-7]~~ 23A-11-301 ;
- 4212 (iii) notifies the landowner or lessee of the prohibition; and
- 4213 (iv) offers the landowner or lessee a depredation mitigation plan.
- 4214 (b) A landowner or lessee who is offered a depredation mitigation plan may:
- 4215 (i) accept the plan in writing; or
- 4216 (ii) refuse to accept the plan and appeal the plan, in writing, to the [division] director.
- 4217 (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a),
- 4218 the [division] director may prohibit [any] further killing of big game animals if:
- 4219 (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or
- 4220 (b) the mitigation review panel reviews and approves the depredation mitigation plan.
- 4221
- 4222 ~~[23-16-3.2.]~~ 23A-8-404. **Mitigation review panel.**
- 4223 (1) A mitigation review panel may be convened to review:
- 4224 (a) a depredation mitigation plan; or

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- 4225 (b) division action under Section ~~[23-16-4]~~ 23A-8-405 .
- 4226 (2) Membership of the mitigation review panel shall consist of:
- 4227 (a) the ~~[division]~~ director or the director's designee;
- 4228 (b) (i) the commissioner of the Department of Agriculture and Food or the
- 4229 commissioner's designee; or
- 4230 (ii) a representative of agricultural interests appointed by the commissioner of the
- 4231 Department of Agriculture and Food; and
- 4232 (c) a representative of Utah State University Extension Service appointed by the Vice
- 4233 President and Dean for University Extension.
- 4234 (3) (a) The ~~[division]~~ director shall convene a mitigation review panel if:
- 4235 (i) a landowner or lessee appeals a depredation mitigation plan under Subsection
- 4236 ~~[23-16-3-1]~~ 23A-8-403 (2)(b)(ii);
- 4237 (ii) the ~~[division]~~ director requests review of a depredation mitigation plan; or
- 4238 (iii) the division receives a petition of an aggrieved party to a final division action under
- 4239 Section ~~[23-16-4]~~ 23A-8-405 .
- 4240 (b) Within five business days of an appeal under Subsection ~~[23-16-3-1]~~ 23A-8-403
- 4241 (2)(b)(ii) or a division request for review, the mitigation review panel shall review the
- 4242 depredation mitigation plan and approve or modify the plan.
- 4243 (c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii) in
- 4244 accordance with rules made by the Wildlife Board under Subsection ~~[23-16-4]~~
- 4245 23A-8-405 (6).
- 4246 (4) Judicial review of a mitigation review panel action under this section is governed by
- 4247 Title 63G, Chapter 4, Administrative Procedures Act.
- 4248
- 4249 ~~[23-16-4-]~~ 23A-8-405. **Compensation for damage to crops, fences, or irrigation**
- 4250 **equipment -- Limitations -- Appeals.**
- 4251 (1) The division may provide compensation to claimants for damage caused by big
- 4252 game animals to:
- 4253 (a) cultivated crops on private land;

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- 4254 (b) fences on private land; or
- 4255 (c) irrigation equipment on private land.
- 4256 (2) To be eligible to receive compensation as provided in this section, the claimant
- 4257 shall:
- 4258 (a) notify the division of the damage within 72 hours after the damage is discovered;
- 4259 and
- 4260 (b) allow division personnel reasonable access to the property to verify and alleviate
- 4261 the depredation problem.
- 4262 (3) (a) The ~~[appraisal of the damage shall be made by]~~ [the] claimant and the division
- 4263 shall make an appraisal of the damage as soon after notification as possible.
- 4264 (b) In determining damage payment, the division and claimant shall consider:
- 4265 (i) the extent of damage experienced; and
- 4266 (ii) ~~[any]~~ revenue the landowner derives from:
- 4267 (A) participation in a cooperative wildlife management unit;
- 4268 (B) use of landowner association permits;
- 4269 (C) use of mitigation permits; and
- 4270 (D) charging for hunter access.
- 4271 (c) The division and claimant may not include speculative damages or claims of future
- 4272 value in an appraisal or damage payment beyond the growing season when the
- 4273 damage occurred under this section.
- 4274 (d) In determining how to assess and compensate for damages to cultivated crops, the
- 4275 ~~[division's determination shall be based]~~ division shall base the division's determination
- 4276 on the:
- 4277 (i) estimated number of big game animals that damaged or consumed cultivated crops;
- 4278 (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;
- 4279 (iii) local market value of the cultivated crops that actually have been or will be
- 4280 damaged or consumed by big game animals;
- 4281 (iv) replacement value of an equivalent aged tree for perennial orchard trees; and
- 4282 (v) other documented costs directly incurred by the landowner or lessee because of

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4283 damage to cultivated crops by big game animals.

4284 (e) If the claimant and the division are unable to agree on a fair and equitable damage
4285 payment, the claimant and division shall designate a third party, consisting of one or
4286 more persons familiar with the crops, fences, or irrigation equipment and the type of big
4287 game animals doing the damage, to appraise the damage.

4288 (4) (a) The total amount of compensation that may be provided by the division pursuant
4289 to this section and the total cost of fencing materials provided by the division to prevent
4290 crop damage may not exceed the legislative appropriation for fencing material and
4291 compensation for damaged crops, fences, and irrigation equipment.

4292 (b) (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided
4293 in Subsection (3), unless the claim brings the total amount of claims submitted by the
4294 claimant in the fiscal year to an amount in excess of \$1,000.

4295 (ii) A claim for damage to irrigation equipment may be paid after appraisal of the
4296 damage as provided in Subsection (3).

4297 (c) (i) A claim in excess of \$1,000, or claim that brings the total amount of claims
4298 submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be
4299 treated as follows:

4300 (A) \$1,000 may be paid pursuant to the conditions of this section; and

4301 (B) the amount in excess of \$1,000 may not be paid until the total amount of the
4302 approved claims of all the claimants and expenses for fencing materials for the fiscal
4303 year are determined.

4304 (ii) If the total exceeds the amount appropriated by the Legislature pursuant to
4305 Subsection (4)(a), claims in excess of \$1,000, or a claim that brings the total amount of
4306 a claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

4307 (5) The division may deny or limit compensation if the claimant:

4308 (a) fails to exercise reasonable care and diligence to avoid the loss or minimize the
4309 damage;

4310 (b) fails to provide the division reasonable access to the property;

4311 (c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;

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4312 (d) unreasonably restricts hunting on land under the claimant's control or passage
4313 through the land to access public lands for the purpose of hunting, after receiving
4314 written notification from the division of the necessity of allowing the hunting or access to
4315 control or mitigate damage by big game animals; or

4316 (e) fails to provide supporting evidence of cultivated crop values and claimed costs to
4317 the division during the damage appraisal process.

4318 (6) (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3,
4319 Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying
4320 procedures for the appeal of division actions under this section.

4321 (b) Upon the petition of an aggrieved party to a final division action, a mitigation review
4322 panel may review the action on the record and issue an order modifying or rescinding
4323 the division action.

4324 (c) A mitigation review panel may appoint a third party designated under Subsection
4325 (3)(e) for purposes of taking evidence and making recommendations for an order of the
4326 mitigation review panel. The mitigation review panel shall consider the
4327 recommendations of the designated third party in making decisions.

4328 (d) A mitigation review panel's review of final agency action and judicial review of final
4329 action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative
4330 Procedures Act.

4331

4332 **CHAPTER 9. AQUATIC WILDLIFE**

4333

4334 **Part 1. General Provisions**

4335

4336 **23A-9-101. Definitions.**

4337 Reserved

4338

4339 **Part 2. Requirements**

4340

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4341 **[23-15-4.] 23A-9-201.** Screens or other devices required -- Failure to install after
4342 **notice a misdemeanor.**

4343 ~~[It is unlawful for any person, company or corporation to]~~ (1) A person may not take
4344 ~~[any]~~ water from the state streams, lakes , or reservoirs for power purposes, or for
4345 waterworks, without first furnishing and maintaining suitable screens or other devices to
4346 prevent fish from entering ~~[such]~~ the power plants, millraces , or waterworks system ~~;~~
4347 ~~said]~~ .

4348 (2) A screen or other ~~[devices]~~ device is to be built and maintained under the direction
4349 of the ~~[board]~~ Wildlife Board and at the expense of ~~[said]~~ the owner or ~~[operators]~~
4350 operator .

4351 ~~[The failure of any person, firm or corporation]~~ (3) A person who fails to install a
4352 screen or device within 30 days after the Wildlife Board gives notice in writing ~~[so to do~~
4353 ~~has been given by the board is]~~ to install the screen or device is guilty of a class B
4354 misdemeanor.

4355
4356 **[23-15-5.] 23A-9-202.** Notice of intention to drain or divert waterway.

4357 ~~[Any person, company or corporation]~~ (1) A person owning or controlling ~~[any]~~ an
4358 irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into ~~[any]~~ a
4359 state waterway containing protected aquatic wildlife ~~[who]~~ ~~[shall desire]~~ shall provide the
4360 notice described in Subsection (2) if the person:

4361 (a) desires to drain ~~[any such]~~ the waterway~~;~~ ; or ~~[who]~~ ~~[shall intend]~~ .

4362 (b) intends to divert sufficient water from ~~[any]~~ a state waterway endangering the
4363 protected aquatic wildlife ~~[therein;]~~ in the state waterway.

4364 (2) If the conditions described in Subsection (1) are met, the person shall give five
4365 days' written notice to the ~~[Division of Wildlife Resources prior to]~~ division before the
4366 diversion, except that under emergency conditions the division shall give reasonable
4367 notice ~~[shall be given]~~ .

4368
4369 **[23-15-10.] 23A-9-203.** Private fish pond.

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- 4370 (1) A private fish pond is not required to obtain a certificate of registration from the
4371 division to receive fish from an aquaculture facility if:
- 4372 (a) the pond is properly screened as provided in Subsection (3)(c); and
4373 (b) the fish species being stocked is authorized by this chapter or rules of the Wildlife
4374 Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4375 Act.
- 4376 (2) (a) Except as provided in Subsection (2)(b), a private fish pond or a short-term
4377 fishing event may not be developed or held on:
- 4378 (i) a natural lake;
4379 (ii) a natural flowing stream; or
4380 (iii) a reservoir constructed on a natural stream channel.
- 4381 (b) The division may authorize a private fish pond on a natural lake or reservoir
4382 constructed on a natural stream channel upon inspecting and determining:
- 4383 (i) the pond and inlet source of the pond neither contain wild game fish nor are likely to
4384 support ~~[such species]~~ wild game fish in the future;
4385 (ii) the pond and the pond's intended use will not jeopardize conservation of aquatic
4386 wildlife populations or lead to the privatization or commercialization of aquatic wildlife;
4387 (iii) the pond is properly screened as provided in Subsection (3)(c) and otherwise in
4388 compliance with the requirements of this title, rules of the Wildlife Board, and applicable
4389 law; and
- 4390 (iv) the pond is not vulnerable to flood or high water events capable of compromising
4391 the pond's inlet or outlet screens allowing escapement of privately owned fish into
4392 waters of the state.
- 4393 (c) ~~[Any]~~ An authorization issued by the division under Subsection (2)(b) shall be in
4394 the form of a certificate of registration.
- 4395 (3) A person who owns or operates a private fish pond may receive a fish from an
4396 aquaculture facility if:
- 4397 (a) the aquaculture facility has a health approval number required by Section 4-37-501;
4398 (b) the species, strain, and reproductive capability of the fish is authorized by the

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- 4399 Wildlife Board in accordance with Subsection (4) for stocking in the area where the
4400 private fish pond is located;
- 4401 (c) the private fish pond is screened in accordance with the Wildlife Board's rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
4402 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
4403 prevent the fish from moving into or out of the private fish pond;
- 4404 (d) the fish is not:
- 4405 (i) released from the private fish pond; or
4406 (ii) transported live to another location; and
- 4407 (e) the person provides the aquaculture facility with a signed statement that the private
4408 fish pond is in compliance with this section.
- 4409 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4410 Wildlife Board may make rules that:
- 4411 (a) specify the screen requirements to prevent the movement of fish into or out of the
4412 private fish pond;
- 4413 (b) specify the fish species that may not be stocked in a private fish pond located in the
4414 state;
- 4415 (c) establish a location or region where a specified species, strain, and reproductive
4416 capability of fish may be stocked in a private fish pond; and
- 4417 (d) specify procedures and requirements for authorizing development of a private fish
4418 pond, fee fishing facility, or aquaculture facility on a natural lake, natural flowing stream,
4419 or reservoir on a natural stream channel pursuant to Subsection (2) and Section
4420 4-37-111.
- 4421 (5) The division may inspect a private fish pond to verify compliance with this section
4422 and rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah
4423 Administrative Rulemaking Act .
- 4424
- 4425 ~~[23-15-13:]~~ **23A-9-204. Operation of aquaculture and fee fishing facilities.**
- 4426 A person may engage in the following activities as provided by Title 4, Chapter 37,
4427 Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture

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4428 and Food and Wildlife Board:

4429 (1) acquisition, importation, or possession of aquatic animals intended for use in an
4430 aquaculture or fee fishing facility;

4431 (2) transportation of aquatic animals to or from an aquaculture facility or to a fee fishing
4432 facility;

4433 (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility;
4434 and

4435 (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing
4436 facility.

4437

4438 **Part 3. Prohibitions**

4439

4440 ~~[23-15-3.]~~ **23A-9-301.** **Diversion of water prohibited -- Exception for flood**
4441 **control.**

4442 ~~[[Except in anticipation of and to provide for the carrying away and the safe disposal of~~
4443 ~~natural storm and flood waters, [no person may]]~~ (1) Except as provided in Subsection
4444 (2), a person may not, without existing rights, divert so much water from ~~[any]~~ a
4445 natural stream, lake, pond , or natural lake or pond, the natural storage content of
4446 which has been increased by the construction of a dam, that the diversion unduly
4447 endangers protected aquatic wildlife.

4448 (2) A person may divert waters in manner that would otherwise violate Subsection (1)
4449 in anticipation of and to provide for the carrying away and the safe disposal of natural
4450 storm and flood waters.

4451

4452 ~~[23-15-6.]~~ **23A-9-302.** **Pollution of waters unlawful.**

4453 ~~[It is unlawful for any person to pollute any waters deemed necessary by]~~ (1) A person
4454 may not pollute waters:

4455 (a) the Wildlife Board considers necessary for wildlife purposes ; or ~~[any waters]~~

4456 (b) containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies

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4457 (Ephemoptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis
4458 flies (Trichoptera), spongilla flies (Neuroptera), and crustaceans. [~~Provided further that~~
4459 each]

4460 (2) Each day of pollution [~~shall constitute~~] constitutes a separate offense.

4461

4462 **[23-15-7.] 23A-9-303. Taking protected aquatic wildlife or eggs unlawful except**
4463 **as authorized.**

4464 [~~It is unlawful for any person to take any~~] A person may not take protected aquatic
4465 wildlife or eggs of [~~same~~] aquatic wildlife in [~~any of~~] the waters of this state, except as
4466 provided by this [~~code~~] title or the rules [~~and regulations~~] of the Wildlife Board made in
4467 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act .

4468

4469 **[23-15-8.] 23A-9-304. Seining or selling aquatic wildlife unlawful except as**
4470 **authorized.**

4471 [~~It is unlawful form person to~~] Except as prescribed by this title or rules of the Wildlife
4472 Board made in accordance with Title 63G, Chapter 3, Utah Administrative Procedures
4473 Act, a person may not seine :

4474 (1) for any kind of protected aquatic wildlife in [~~any of~~] the waters of this state ; or

4475 (2) to sell protected aquatic wildlife [~~except as prescribed by this title or rules of the~~
4476 ~~Wildlife Board~~].

4477

4478 **[23-15-9.] 23A-9-305. Possession or transportation of live aquatic wildlife**
4479 **unlawful except as authorized -- Exceptions.**

4480 [~~It is unlawful for any person to~~] (1) A person may not possess or transport live
4481 protected aquatic wildlife except as provided by this [~~code~~] title or the rules [~~and~~

4482 regulations] of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah
4483 Administrative Rulemaking Act .

4484 (2) This section does not apply to tropical and goldfish species intended for exhibition

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4485 or commercial purposes. ~~[Operators]~~
4486 (3) An operator of a properly registered private fish pond may transport live aquatic
4487 wildlife specified by the Wildlife Board in the operator's certificate of registration.

4488

4489 **CHAPTER 10. AQUATIC INVASIVE SPECIES INTERDICTION**

4490

4491 **Part 1. General Provisions**

4492

4493 ~~[23-27-102.]~~ 23A-10-101 **Definitions.**

4494 As used in this chapter:

4495 ~~[(1) "Board" means the Wildlife Board.]~~

4496 ~~[(2) (1)~~ (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that
4497 may carry or contain a Dreissena mussel.

4498 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a
4499 personal watercraft, a container, a trailer, a live well, or a bilge area.

4500 ~~[(3) (2)~~ "Decontaminate" means to:

4501 (a) drain and dry ~~[all]~~ non-treated water; and

4502 (b) chemically or thermally treat in accordance with rule.

4503 ~~[(4) "Director" means the director of the division.]~~

4504 ~~[(5) "Division" means the Division of Wildlife Resources.]~~

4505 ~~[(6) (3)~~ "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,
4506 including a zebra mussel, a quagga mussel, and Conrad's false mussel.

4507 ~~[(7) (4)~~ "Equipment" means an article, tool, implement, or device capable of carrying
4508 or containing:

4509 (a) water; or

4510 (b) a Dreissena mussel.

4511 ~~[[8) (5) "Executive director" means the executive director of the [Department of~~
4512 ~~Natural Resources] department.]~~

4513 ~~[(9) (5)~~ "Facility" means a structure that is located within or adjacent to a water body.

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4514 ~~[(10)]~~ (6) "Infested water" means a geographic region, water body, facility, or water
4515 supply system within or outside the state that the ~~[board]~~ Wildlife Board identifies in
4516 rule as carrying or containing a Dreissena mussel.

4517 ~~[(11)]~~ (7) "Vessel" means the same as that term is defined in Section 73-18-2.

4518 ~~[(12)]~~ (8) "Water body" means natural or impounded surface water, including a
4519 stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

4520 ~~[(13)]~~ (9) (a) "Water supply system" means a system that treats, conveys, or
4521 distributes water for irrigation, industrial, waste water treatment, or culinary use.

4522 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

4523 (c) "Water supply system" does not include a water body.

4524

4525 **Part 2. Invasive Species Prohibited**

4526

4527 ~~[23-27-201.]~~ 23A-10-201. **Invasive species prohibited -- Administrative**
4528 **inspection authorized.**

4529 (1) Except as authorized in this title or a ~~[board]~~ Wildlife Board rule or order, a person
4530 may not:

4531 (a) possess, import, export, ship, or transport a Dreissena mussel;

4532 (b) release, place, plant, or cause to be released, placed, or planted a Dreissena
4533 mussel in a water body, facility, or water supply system; or

4534 (c) transport a conveyance or equipment that has been in an infested water within the
4535 previous 30 days without decontaminating the conveyance or equipment.

4536 (2) ~~[A]~~ Except as provided in Subsection (3), a person who violates Subsection (1):

4537 (a) is strictly liable;

4538 (b) is guilty of an infraction; and

4539 (c) shall reimburse the state for ~~[all]~~ the costs associated with detaining, quarantining,
4540 and decontaminating the conveyance or equipment.

4541 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A
4542 misdemeanor.

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4543 (4) A person may not proceed past or travel through an inspection station or
4544 administrative checkpoint, as described in Section ~~[23-27-301]~~ 23A-10-301, while
4545 transporting a conveyance during an inspection station's or administrative checkpoint's
4546 hours of operations without presenting the conveyance for inspection.

4547 (5) A person who violates Subsection (4) is guilty of a class B misdemeanor.
4548

4549 ~~[23-27-202.]~~ 23A-10-202. **Reporting of invasive species required.**

4550 (1) A person who discovers a Dreissena mussel within this state or has reason to
4551 believe a Dreissena mussel may exist at a specific location shall immediately report the
4552 discovery to the division.

4553 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.
4554

4555

Part 3. Enforcement

4556

4557 ~~[23-27-301.]~~ 23A-10-301. **Division's power to prevent invasive species**
4558 **infestation.**

4559 To eradicate and prevent the infestation of a Dreissena mussel, the division may:

4560 (1) (a) establish inspection stations located at or along:

4561 (i) highways, as defined in Section 72-1-102;

4562 (ii) ports of entry, if the Department of Transportation authorizes the division to use the
4563 port of entry; and

4564 (iii) publicly accessible:

4565 (A) boat ramps; and

4566 (B) conveyance launch sites; and

4567 (b) temporarily stop, detain, and inspect a conveyance or equipment that:

4568 (i) the division reasonably believes is in violation of Section ~~[23-27-201]~~ 23A-10-201 ;

4569 (ii) the division reasonably believes is in violation of Section ~~[23-27-306]~~ 23A-10-305 ;

4570 (iii) is stopped at an inspection station; or

4571 (iv) is stopped at an administrative checkpoint;

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4572 (2) conduct an administrative checkpoint in accordance with Section 77-23-104;

4573 (3) detain and quarantine a conveyance or equipment as provided in Section

4574 ~~[23-27-302]~~ 23A-10-302 ;

4575 (4) order a person to decontaminate a conveyance or equipment; and

4576 (5) inspect the following that may contain a Dreissena mussel:

4577 (a) a water body;

4578 (b) a facility; and

4579 (c) a water supply system.

4580

4581 ~~[23-27-302.]~~ 23A-10-302. **Conveyance or equipment detainment or quarantine.**

4582 (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a
4583 conveyance or equipment if:

4584 (a) the division, agent, or peace officer:

4585 (i) finds the conveyance or equipment contains a Dreissena mussel; or

4586 (ii) reasonably believes that the person transporting the conveyance or equipment is in
4587 violation of Section ~~[23-27-201]~~ 23A-10-201 ; or

4588 (b) the person transporting the conveyance or equipment refuses to submit to an
4589 inspection authorized by Section ~~[23-27-301]~~ 23A-10-301 .

4590 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

4591 (a) up to five days; or

4592 (b) the period of time necessary to:

4593 (i) decontaminate the conveyance or equipment; and

4594 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

4595

4596 ~~[23-27-303.]~~ 23A-10-303. **Closing a water body, facility, or water supply system.**

4597 (1) Except as provided by Subsection (6), if the division detects or suspects a
4598 Dreissena mussel is present in a water body, a facility, or a water supply system, the
4599 director or the director's designee may, with the concurrence of the executive director,
4600 order:

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- 4601 (a) the water body, facility, or water supply system closed to a conveyance or
4602 equipment;
- 4603 (b) restricted access by a conveyance or equipment to a water body, facility, or water
4604 supply system; or
- 4605 (c) a conveyance or equipment that is removed from or introduced to the water body,
4606 facility, or water supply system to be inspected, quarantined, or decontaminated in a
4607 manner and for a duration necessary to detect and prevent the infestation of a
4608 Dreissena mussel.
- 4609 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division
4610 shall:
- 4611 (a) provide a written update to the operator of the water body, facility, or water supply
4612 system every 10 days on the division's effort to address the Dreissena infestation; and
4613 (b) post the update on the division's website.
- 4614 (3) (a) The ~~[board]~~ Wildlife Board shall develop procedures to ensure proper
4615 notification of a state, federal, or local agency that is affected by a Dreissena mussel
4616 infestation.
- 4617 (b) The notification shall include:
- 4618 (i) the reasons for the closure, quarantine, or restriction; and
4619 (ii) methods for providing updated information to the agency.
- 4620 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or
4621 closure location, the director shall consult with the person with the jurisdiction, control,
4622 or management responsibility over the water body, facility, or water supply system to
4623 avoid or minimize disruption of economic and recreational activity.
- 4624 (5) (a) A person that operates a water supply system shall cooperate with the division
4625 to implement a measure to:
- 4626 (i) avoid infestation by a Dreissena mussel; and
4627 (ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply
4628 system.
- 4629 (b) (i) If a Dreissena mussel is detected, the water supply system's operator, in

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4630 cooperation with the division, shall prepare and implement a plan to control or eradicate
4631 a Dreissena mussel within the water supply system.

4632 (ii) A plan required by Subsection (5)(b)(i) shall include a:

4633 (A) method for determining the scope and extent of the infestation;

4634 (B) method to control or eradicate the Dreissena mussel;

4635 (C) method to decontaminate the water supply system containing the Dreissena
4636 mussel;

4637 (D) systematic monitoring program to determine a change in the infestation; and

4638 (E) requirement to update or revise the plan in conformity with a scientific advance in
4639 the method of controlling or eradicating a Dreissena mussel.

4640 (6) (a) The division may not close or quarantine a water supply system if the operator
4641 has prepared and implemented a plan to control or eradicate a Dreissena mussel in
4642 accordance with Subsection (5).

4643 (b) (i) The division may require the operator to update a plan.

4644 (ii) If the operator fails to update or revise a plan, the division may close or quarantine
4645 the water supply system in accordance with this section.

4646

4647 ~~[23-27-304.]~~ **23A-10-304.** **Aquatic invasive species fee.**

4648 (1) (a) Except as provided in Subsection (1)(b), there is imposed an annual nonresident
4649 aquatic invasive species fee of \$20 on ~~[each]~~ a vessel ~~[in-order]~~ to launch or operate a
4650 vessel in waters of this state if:

4651 (i) the vessel is owned by a nonresident; and

4652 (ii) the vessel would otherwise be subject to registration requirements under Section
4653 73-18-7 if the vessel were owned by a resident of this state.

4654 (b) ~~[The provisions of]~~ Subsection (1)(a) ~~[do]~~ does not apply if the vessel is owned
4655 and operated by a state or federal government agency and the vessel is used within the
4656 course and scope of the duties of the agency.

4657 (c) The division shall administer and collect the fee described in Subsection (1)(a), and
4658 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account

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4659 created in Section ~~[23-27-305]~~ 23A-3-211 .

4660 (2) Before launching a vessel on the waters of this state, a nonresident shall pay the
4661 aquatic invasive species fee as described in Subsection (1), and the vessel owner shall
4662 successfully complete an aquatic invasive species education course offered by the
4663 division.

4664 (3) (a) The division shall study options and feasibility of implementing an automated
4665 system capable of scanning, photographing, and providing real-time information
4666 regarding a conveyance's or equipment's last :

4667 (i) ~~[last]~~ entry into a body of water; and
4668 (ii) ~~[last]~~ decontamination.

4669 (b) The study described in Subsection (3)(a) shall evaluate the system's capability of:

4670 (i) operation with or without the use or supervision of personnel;
4671 (ii) operation 24 hours per day;
4672 (iii) capturing a state assigned number on a vessel or conveyance as described in
4673 Section 73-18-6;
4674 (iv) preserving photographic evidence of:
4675 (A) a conveyance's state assigned bow number;
4676 (B) a conveyance's or equipment's entry into a body of water, including the global
4677 positioning system location of where the conveyance is photographed; and
4678 (C) decontamination of the conveyance or equipment;
4679 (v) identifying a conveyance or equipment not owned by a resident that is entering a
4680 body of water in this state; and
4681 (vi) collecting the fee described in Subsection (1).

4682 ~~[(c) The division shall present a report of the study and findings described in~~
4683 ~~Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment~~
4684 ~~Interim Committee before November 30, 2020.]~~

4685 ~~[(d)]~~ (c) Based on the findings of the study described in this Subsection (3), the
4686 division shall implement a pilot program to provide the services described in this
4687 Subsection (3) on or before May 1, 2021.

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4688 (4) The ~~[board]~~ Wildlife Board may increase fees assessed under Subsection (1), so
4689 long as:

4690 (a) the fee for nonresidents described in Subsection (1) is no less than the resident fee
4691 described in Section 73-18-26; and

4692 (b) the fee is confirmed in the legislative fee schedule.

4693 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4694 ~~[board]~~ Wildlife Board may make rules establishing procedures for:

4695 (a) proof of payment and other methods of verifying compliance with this section;

4696 (b) special requirements applicable on interstate water bodies in this state; and

4697 (c) other provisions necessary for the administration of the program.

4698

4699 ~~[23-27-306.]~~ 23A-10-305. **Removal of drain plug or similar device during**
4700 **transport.**

4701 (1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in
4702 the state, a person shall:

4703 (a) remove the plugs and similar devices that prevent drainage of raw water systems
4704 on the conveyance; and

4705 (b) to the extent feasible, drain ~~[at]~~ the water from live wells, bilges, ballast tanks, or
4706 similar compartments on the conveyance.

4707 (2) A person who fails to comply with Subsection (1) is guilty of a class C
4708 misdemeanor.

4709

4710 **Part 4. Administration**

4711

4712 ~~[23-27-401.]~~ 23A-10-401. **Rulemaking authority.**

4713 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4714 ~~[board]~~ Wildlife Board may make rules that:

4715 (1) establish the procedures and requirements for decontaminating a conveyance or
4716 equipment to prevent the introduction and infestation of a Dreissena mussel;

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- 4717 (2) establish the requirements necessary to provide proof that a conveyance or
4718 equipment is decontaminated;
- 4719 (3) establish the notification procedures required in Section ~~[23-27-303]~~ 23A-10-303 ;
- 4720 (4) identify the geographic area, water body, facility, or water supply system that is
4721 infested by Dreissena mussels;
- 4722 (5) establish a procedure and protocol in cooperation with the Department of
4723 Transportation for stopping, inspecting, detaining, and decontaminating a conveyance
4724 or equipment at a port-of-entry in accordance with Section ~~[23-27-304]~~ 23A-10-301 ;
4725 and
- 4726 (6) are necessary to administer and enforce ~~[the provisions of]~~ this chapter.

Part 5. Statewide Aquatic Invasive Species Emergency Response Plan

~~[23-27-501.]~~ 23A-10-501. **Aquatic Invasive Species Emergency Response Plan.**

(1) As used in this section:

(a) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee.

(b) "Emergency response plan" means the statewide aquatic invasive species emergency response plan developed by the division in accordance with this part.

(2) The division shall develop a statewide aquatic invasive species emergency response plan to address the potential spread of aquatic invasive species throughout the state.

(3) In developing the emergency response plan, the division shall coordinate with public and private entities that may be necessary or helpful to remediating the potential spread of aquatic invasive species throughout the state.

(4) The emergency response plan shall:

(a) designate the division as the entity that ~~[will coordinate]~~ coordinates the implementation of the emergency response plan;

(b) provide for annual review of the emergency response plan by the division;

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4746 (c) provide that the emergency response plan may only be implemented if the division
4747 detects aquatic invasive species, including Dreissena mussels, at a water body, facility,
4748 or water supply system within the state; and

4749 (d) define what constitutes a detection of aquatic invasive species at a water body,
4750 facility, or water supply system.

4751 ~~[(5) On or before August 1, 2021, the division shall submit to the committee the~~
4752 ~~following:~~

4753 ~~(a) the emergency response plan;~~

4754 ~~(b) proposed legislation that may be necessary to effectuate the emergency response~~
4755 ~~plan or to increase the effectiveness of the emergency response plan; and~~

4756 ~~(c) an analysis and estimate of the cost to implement the emergency response plan.~~

4757 ~~[(6) After receiving the items described in Subsection (5), the committee may:~~

4758 ~~(a) recommend to the Legislature that the plan be implemented;~~

4759 ~~(b) return the plan to the division for further study and evaluation;~~

4760 ~~(c) draft legislation proposed or requested by the division; or~~

4761 ~~(d) take action to further the funding of the emergency response plan.]~~

4762 ~~[(7) (5) If an event requires the implementation of the emergency response plan, the~~
4763 ~~division shall report on that event and the implementation of the emergency response~~
4764 ~~plan to the committee.~~

4765

4766 **CHAPTER 11. BIG GAME**

4767

4768 **Part 1. General Provisions**

4769

4770 ~~[23-16-1.1.]~~ 23A-11-101. **Definitions.**

4771 As used in this chapter:

4772 ~~[(1) "72 hours" means a time period that begins with the hour a request for action is~~

4773 ~~made pursuant to Section 23-16-3 and ends 72 hours later with the exclusion of any~~

4774 ~~hour that occurs on the day of a legal holiday that is on a Monday or Friday and listed in~~

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4775 ~~Section 63G-1-301.]~~

4776 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,
4777 and bison.

4778 (2) "Cultivated crops" means:

4779 (a) annual or perennial crops harvested from or on cleared and planted land;

4780 (b) perennial orchard trees on cleared and planted land;

4781 (c) crop residues that have forage value for livestock; and

4782 (d) pastures.

4783 ~~[(3) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).~~

4784 ~~(4) "Growing season" means the portion of a year in which local conditions permit~~
4785 ~~normal plant growth.]~~

4786 ~~[(5) (3) "Management unit" means a prescribed area of contiguous land designated~~
4787 ~~by the division for the purpose of managing a species of big game animal.~~

4788 (4) "Predator" means a cougar, bear, and coyote.

4789 ~~[(6) "Mitigation review panel" means the panel created under Section 23-16-3.2.]~~

4790

4791 **Part 2. Limits on Hunting**

4792

4793 ~~[23-16-5.]~~ 23A-11-201. **Limit of one of [any] species of big game during license**
4794 **year -- Invalid and forfeited permit [or tag].**

4795 (1) A person may take only one of [any] a species of big game during a license year,
4796 regardless of how many licenses or permits the person obtains, except as otherwise
4797 provided by this title or [proclamations] a proclamation of the Wildlife Board.

4798 (2) (a) If a person kills a big game animal in violation of this title, while attempting to
4799 exercise the benefits of a big game permit [or big game tag], the big game permit [or big
4800 game tag] is invalid and the person shall forfeit the big game permit [or big game tag] to
4801 the division.

4802 (b) This Subsection (2) does not apply if:

4803 (i) a citation is issued for a rule violation described in Subsection (2)(a); or

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- 4804 (ii) a warning citation for a violation described in Subsection (2)(a) is issued.
- 4805 (3) The division may grant a season extension to a valid, unfilled big game permit
- 4806 opportunity that was invalidated and forfeited under Subsection (2) if:
- 4807 (a) the criminal charges associated with the big game permit forfeiture are dismissed,
- 4808 with prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;
- 4809 (b) the person issued the big game permit that is forfeited requests the division in
- 4810 writing within 60 days of a final action dismissing or acquitting that person of the
- 4811 criminal charges that led to the big game permit forfeiture;
- 4812 (c) the season extension is granted for the same species and sex, hunt unit, and
- 4813 season dates associated with the forfeited big game permit, as established by the
- 4814 Wildlife Board in the hunt year of the extension; and
- 4815 (d) the extension occurs in the first season immediately following dismissal of or
- 4816 acquittal on the criminal charges described in Subsection (3)(a).

4817

4818 **[23-16-6.] 23A-11-202. Commencement date of general rifle deer season.**

4819 The general rifle deer season may not commence each year before October 1.

4820

4821 **[23-16-11.] 23A-11-203 Big game baiting prohibited.**

4822 (1) As used in this section:

4823 (a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the

4824 behavior of wildlife for the purpose of taking or attempting to take big game.

4825 (ii) "Bait" does not include:

4826 (A) the use of salt, mineral blocks, or other commonly used types of livestock

4827 supplements placed in the field by agricultural producers for normal agricultural

4828 purposes; or

4829 (B) standing crops, natural vegetation, harvested croplands, or lands or areas where

4830 seeds or grains have been scattered solely as the result of a normal agricultural

4831 planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

4832 (b) "Baited area" means [\[att\]](#) land within a 50-yard radius of the site where bait is

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- 4833 placed, including the site where bait is placed.
- 4834 (2) Unless authorized by a certificate of registration, ~~[it is unlawful to]~~ a person may not :
- 4835 (a) bait big game;
- 4836 (b) take big game in a baited area; or
- 4837 (c) take big game that has been lured to or is traveling from a baited area.
- 4838 (3) The division may only issue a certificate of registration to allow for the baiting of big
- 4839 game if the division determines that baiting is necessary to :
- 4840 (a) alleviate substantial big game depredation on cultivated crops ; or ~~[to]~~
- 4841 (b) facilitate the removal of deer causing property damage within cities or towns.

4842

4843 ~~[23-20-33;]~~ 23A-11-204. **Limitation on compensating people to locate big game**

4844 **animals.**

- 4845 (1) As used in this section:
- 4846 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is
- 4847 paid, loaned, given, granted, donated, or transferred to a person for or in consideration
- 4848 of locating or monitoring the location of big game animals.
- 4849 (b) "Retain" or "retained" means a written or oral agreement for the delivery of outfitting
- 4850 services or hunting guide services between an outfitter or hunting guide and the
- 4851 recipient of those services.
- 4852 (2) Except as provided in Subsections (3) and (4), a person may not compensate
- 4853 another person to locate or monitor the location of big game animals on public land in
- 4854 connection with or furtherance of taking a big game animal under this title.
- 4855 (3) A person may compensate a registered outfitter or hunting guide ~~[, as defined in~~
- 4856 Section 58-79-102;] to help the person locate and take a big game animal on public
- 4857 land if:
- 4858 (a) the outfitter or hunting guide is registered and in good standing under Title 58,
- 4859 Chapter 79, Hunting Guides and Outfitters Registration Act;
- 4860 (b) the person has retained the outfitter or hunting guide and is the recipient of the
- 4861 outfitting services and hunting guide services, as defined in Section 58-79-102;

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- 4862 (c) the person possesses the licenses and permits required to take a big game animal;
4863 (d) the person retains and uses not more than one outfitter or hunting guide in
4864 connection with taking a big game animal; and
4865 (e) the retained outfitter or hunting guide uses no more than one compensated
4866 individual in locating or monitoring the location of big game animals on public land.
4867 (4) A registered outfitter or registered hunting guide in good standing may
4868 compensate another person to locate or monitor the location of big game animals on
4869 public land if:
4870 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting
4871 services or hunting guide services to assist the recipient take a big game animal on
4872 public land;
4873 (b) the recipient possesses the licenses and permits required to take a big game
4874 animal;
4875 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist
4876 in taking the same species and sex of big game animal; and
4877 (d) the outfitter or hunting guide compensates not more than one other individual to
4878 locate or monitor the location of big game animals in connection with assisting the
4879 recipient take a big game animal on public land.
4880 (5) A violation of:
4881 (a) this section constitutes an unlawful take under Section ~~[23-20-3]~~ 23A-5-309 ; and
4882 (b) Subsection (4) constitutes unlawful conduct under Sections 58-1-501, 58-1-502,
4883 and 58-79-501.

4884
4885 **~~[23-20-31.]~~ 23A-11-205. Requirement to wear hunter orange -- Exceptions.**

- 4886 (1) As used in this section:
4887 (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
4888 except as provided in Subsection (1)(a)(ii).
4889 (ii) "Centerfire rifle hunt" does not include:
4890 (A) a bighorn sheep hunt;

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- 4891 (B) a mountain goat hunt;
- 4892 (C) a bison hunt;
- 4893 (D) a moose hunt;
- 4894 (E) a hunt requiring the hunter to possess a statewide conservation permit; or
- 4895 (F) a hunt requiring the hunter to possess a statewide sportsman permit.
- 4896 (b) "Statewide conservation permit" means a permit:
- 4897 (i) issued by the division;
- 4898 (ii) distributed through a nonprofit organization founded for the purpose of promoting
- 4899 wildlife conservation; and
- 4900 (iii) valid:
- 4901 (A) on open hunting units statewide; and
- 4902 (B) for the species of big game and time period designated by the Wildlife Board.
- 4903 (c) "Statewide sportsman permit" means a permit:
- 4904 (i) issued by the division through a public draw; and
- 4905 (ii) valid:
- 4906 (A) on open hunting units statewide; and
- 4907 (B) for the species of big game and time period designated by the Wildlife Board.
- 4908 (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material
- 4909 while hunting ~~[any]~~ a species of big game, except as provided in Subsection (3).
- 4910 (b) ~~[Hunter]~~ A person shall wear hunter orange material ~~[shall be worn]~~ on the head,
- 4911 chest, and back.
- 4912 (3) A person is not required to wear the hunter orange material described in Subsection
- 4913 (2):
- 4914 (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the
- 4915 same area:
- 4916 (i) archery;
- 4917 (ii) muzzle-loader;
- 4918 (iii) mountain goat;
- 4919 (iv) bighorn sheep;

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- 4920 (v) bison; or
4921 (vi) moose; or
4922 (b) as provided by a rule of the Wildlife Board made in accordance with Title 63G,
4923 Chapter 3, Utah Administrative Rulemaking Act.

4924

4925 **Part 3. Management**

4926

4927 ~~[23-16-7.]~~ 23A-11-301. **Deer and elk management plans -- Division to confer with**
4928 **others -- Target herd size objectives -- ~~[Completion date--]~~ Reports.**

4929 (1) The ~~[Division of Wildlife Resources]~~ division shall:

4930 (a) prepare a management plan for each deer and elk herd unit in the state; and

4931 (b) submit the plans to the Wildlife Board for ~~[their]~~ the Wildlife Board's approval.

4932 (2) Upon approval of a plan by the Wildlife Board, the division shall manage the herd
4933 unit ~~[shall be managed]~~ in accordance with the management plan.

4934 (3) In preparing ~~[the plans]~~ a management plan, the division shall confer with federal
4935 and state land managers, private landowners, sportsmen, and ranchers.

4936 (4) (a) ~~[Each]~~ A management plan shall establish target herd size objectives.

4937 (b) In establishing target herd size objectives, the division and ~~[board]~~ Wildlife Board
4938 shall among other factors:

4939 (i) consider available information on each unit's range carrying capacity and ownership;
4940 and

4941 (ii) seek to balance relevant multiple uses for the range.

4942 (5) Until a management plan for a herd unit is prepared in accordance with this section
4943 and approved by the ~~[board]~~ Wildlife Board, the division shall manage the herd unit
4944 ~~[shall be managed]~~ to maintain the herd size as range conditions and available data
4945 dictate.

4946 ~~[(6) (a) Management plans shall be prepared by the division and approved by the~~
4947 ~~board by the following dates:~~

4948 ~~(i) May 1, 1994 for elk; and~~

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4949 ~~(ii) May 1, 1996 for deer.~~
4950 ~~(b) The division shall make:~~
4951 ~~(i) an annual progress report on the management plans to the Energy, Natural~~
4952 ~~Resources and Agriculture Interim Committee until the plans are completed; and~~
4953 ~~(ii) a final report to the committee:~~
4954 ~~(A) at the committee's May 1994 meeting for elk; and~~
4955 ~~(B) at the committee's May 1996 meeting for deer.]~~
4956 ~~[(7) [The management plans may be revised as the division or board determines~~
4957 ~~necessary. Any] (6) The division or Wildlife Board may revise a management plan as~~
4958 ~~the division or Wildlife Board determines necessary. A revised plan shall be prepared~~
4959 ~~in accordance with Subsections (3) and (4).~~

4960
4961 **[23-16-10.] 23A-11-302. Big game protection -- Director authority.**

4962 (1) It is the policy of the state that big game animals are of great importance to the
4963 citizens of the state, the citizen's quality of life, and the long term sustainability of the
4964 herds for future generations.

4965 ~~[(2) As used in this section:~~

4966 ~~(a) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,~~
4967 ~~and bison.~~

4968 ~~(b) "Director" means the director of the Division of Wildlife Resources.~~

4969 ~~(c) "Management unit" means a prescribed area of contiguous land designated by the~~
4970 ~~Division of Wildlife Resources for the purpose of managing a species of big game~~
4971 ~~animal.~~

4972 ~~(d) "Predator" means a cougar, bear, and coyote.]~~

4973 ~~[(3) (2) (a) Unless the condition described in Subsection [(3) (2) (b) is determined,~~
4974 ~~the director shall take immediate action to reduce the number of predators within a~~
4975 ~~management unit when the big game population is under the established herd size~~
4976 ~~objective for that management unit.~~

4977 ~~(b) Subsection [(3) (2) (a) does not apply if the [Division of Wildlife Resources]~~

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4978 division determines that predators are not significantly contributing to the big game
4979 population being under the herd size objective for the management unit.

4980 (4) Immediate action under Subsection (3) includes any of the following management
4981 tools:

4982 (a) increasing take permits [~~or tags~~] for cougar and bear until the herd size objective is
4983 met;

4984 (b) allowing big game hunters to harvest predators with the appropriate permit during a
4985 big game hunting season, including issuing over-the-counter predator permits;

4986 (c) professional trapping and predator control by the United States Department of
4987 Agriculture Wildlife Services, private contracts, and the general public, including aerial
4988 control measures; and

4989 (d) other management tools as determined by the director.

4990 (5) The director shall annually give a status report on predator control measures
4991 implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, to
4992 the Natural Resources, Agriculture, and Environmental Quality Appropriations
4993 Subcommittee and Natural Resources, Agriculture, and Environment Interim
4994 Committee.

4995

4996 **Part 4. Mule Deer Protection**

4997

4998 [~~23-30-102~~] 23A-11-401. **Definitions.**

4999 As used in this [~~chapter~~] part :

5000 (1) "General predator control" means a predatory animal removal effort by the division
5001 to reduce predatory animal numbers for the benefit of mule deer.

5002 (2) [~~"Predatory~~] Notwithstanding Section 23A-8-101, "predatory animal" means a
5003 coyote.

5004 (3) "Targeted predator control" means a predatory animal removal effort by the
5005 division:

5006 (a) to reduce predatory animal numbers in an area where mule deer predation occurs;

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5007 and

5008 (b) that focuses on specific locations and certain times.

5009

5010 ~~[23-30-104.]~~ 23A-11-402. **Rulemaking authority, coordination, and**
5011 **administration for predator control.**

5012 (1) The ~~[division]~~ Wildlife Board may make rules, in accordance with Title 63G,
5013 Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish
5014 targeted predator control or general predator control, including programs that offer
5015 incentives or compensation to participants who remove a predatory animal that is
5016 detrimental to mule deer production.

5017 (2) The division shall:

5018 (a) administer a program established under Subsection (1);

5019 (b) coordinate with federal, state, and local governments, and private persons to
5020 accomplish the purposes of this ~~[chapter]~~ part; and

5021 (c) coordinate with the Department of Agriculture and Food and the Agriculture and
5022 Wildlife Damage Prevention Board created in Section 4-23-104 to:

5023 (i) minimize unnecessary duplication of predator control efforts; and

5024 (ii) prevent interference between predator control programs administered under Title 4,
5025 Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this ~~[chapter]~~ part.

5026 (3) The division may:

5027 (a) contract with a vendor that offers targeted predator control services; and

5028 (b) prepare and distribute educational and training materials related to mule deer
5029 protection.

5030

5031 **CHAPTER 12. BIRDS IN GENERAL**

5032

5033 **Part 1. General Provisions**

5034

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5035 **23A-12-101. Definitions.**

5036 Reserved.

5037

5038 **Part 2. Hunting of Birds**

5039

5040 ~~[23-17-5.2.]~~ 23A-12-201. **General season turkey hunts.**

5041 The Wildlife Board may establish two general season turkey hunts per year.

5042

5043 ~~[23-17-6.]~~ 23A-12-202. **Commercial hunting area -- Registration -- Requirements**
5044 **for hunters.**

5045 (1) (a) A person desiring to operate a commercial hunting area within the state to
5046 permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board
5047 for authorization to do so.

5048 (b) The Wildlife Board may issue the applicant a certificate of registration to operate a
5049 commercial hunting area in accordance with rules prescribed by the ~~[board]~~ Wildlife
5050 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5051 (c) The Wildlife Board may determine the number of commercial hunting areas that
5052 may be established in each county of the state.

5053 (2) (a) A certificate of registration issued under Subsection (1) shall specify the species
5054 of birds that the applicant may propagate, keep, and release for shooting on the area
5055 covered by the certificate of registration.

5056 (b) The applicant may charge a fee for harvesting the birds specified under Subsection
5057 (2)(a).

5058 (3) (a) A person hunting within the state on a commercial hunting area shall:

5059 (i) (A) possess proof of passing a division-approved hunter education course, if the
5060 person was born after December 31, 1965; or

5061 (B) possess a trial hunting authorization issued under Section ~~[23-19-14.6]~~ 23A-4-701 ;

5062 (ii) comply with the accompaniment requirements of Sections ~~[23-19-14.6]~~ 23A-4-701
5063 and ~~[23-20-20]~~ 23A-4-708 , if applicable; and

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5064 (iii) have the permission of the owner or operator of the commercial hunting area.
5065 (b) The operator of a commercial hunting area shall verify that each hunter on the
5066 commercial hunting area meets the requirements of Subsection (3)(a)(i).
5067 (4) Hunting on commercial hunting areas is permitted only during the commercial
5068 hunting area season prescribed by the Wildlife Board.

5069

5070 **[23-17-7.] 23A-12-203. Falconry authorized.**

5071 The Wildlife Board may authorize the practice of falconry within the state [of Utah] and
5072 the capturing and keeping in possession of birds to be used in the practice of falconry
5073 under rules [and regulations specified by it.] made by the Wildlife Board in accordance
5074 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5075

5076 **[23-17-8.] 23A-12-204. Dog field meets.**

5077 [It is lawful within the state to] (1) A person may not hold within the state a dog field
5078 [meets or trials] meet or trial where dogs are permitted to work in exhibition or contest
5079 where the skill of dogs is demonstrated by locating or retrieving birds [which] that have
5080 been obtained from a legal source.

5081 (2) Before [any] a meet or trial is held, [application shall be made] a person shall
5082 apply in writing to the [Division of Wildlife Resources] division, which may authorize
5083 the meet or trial under rules [and regulations promulgated] made by the Wildlife Board
5084 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. .

5085

5086 **[23-17-9.] 23A-12-205. Training of dogs -- Use of protected or privately owned**
5087 **wildlife.**

5088 The Wildlife Board may authorize the use of protected wildlife or privately owned wildlife
5089 for the training of dogs within the state [of Utah] under rules [and regulations it may
5090 promulgate] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
5091 Administrative Rulemaking Act. .

5092

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5093 **Part 3. Waterfowl Management Areas Act**

5094

5095 **~~[23-32-102.]~~ 23A-12-301. Definitions.**

5096 (1) The definitions in Section 58-79-102 apply to this ~~[chapter]~~ part.

5097 (2) (a) As used in this ~~[chapter]~~ part, "waterfowl management area" means real
5098 property owned or managed by the ~~[Division of Wildlife Resources]~~ division that is:

5099 (i) primarily used for the conservation, production, or recreational harvest of ducks,
5100 mergansers, geese, brant, swans, and other waterfowl; and

5101 (ii) designated as a waterfowl management area by the Wildlife Board in accordance
5102 with Section ~~[23-32-104]~~ 23A-12-303.

5103 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management
5104 Area and the Harold Crane Waterfowl Management Area described in Section ~~[23-21-5]~~
5105 23A-6-403.

5106

5107 **~~[23-32-103.]~~ 23A-12-302. Prohibited Activities.**

5108 (1) A commercial hunting guide or outfitter may not use a waterfowl management area
5109 for any of the following, unless the commercial hunting guide or outfitter has an annual
5110 permit, issued by the Wildlife Board pursuant to this ~~[chapter]~~ part, for the use:

5111 (a) hunting guide services or outfitter services; or

5112 (b) transportation of an individual to another area for the purpose of providing hunting
5113 guide services or outfitter services.

5114 (2) An individual may not construct a permanent blind or other permanent structure that
5115 is used for hunting within the boundaries of a waterfowl management area.

5116

5117 **~~[23-32-104.]~~ 23A-12-303. Rulemaking -- Notice.**

5118 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5119 Wildlife Board shall make rules:

5120 (a) designating and establishing the boundaries of a waterfowl management area;

5121 (b) governing the management and use of a waterfowl management area in

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- 5122 accordance with ~~[the provisions of this chapter]~~ this part; and
- 5123 (c) to create an annual permit process by which commercial hunting guides and
- 5124 outfitters may use waterfowl management areas in accordance with ~~[the provisions of~~
- 5125 ~~this chapter]~~ this part.
- 5126 (2) The annual permit process described in Subsection (1)(c) shall:
- 5127 (a) preserve the opportunity for non-guided hunters to use waterfowl management
- 5128 areas; and
- 5129 (b) require a permit holder to comply with safety standards established by the Wildlife
- 5130 Board.
- 5131 (3) The division shall provide an annual report to the Natural Resources, Agriculture,
- 5132 and Environment Interim Committee regarding any rules made or changed in
- 5133 accordance with this ~~[chapter]~~ part.
- 5134 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl
- 5135 management area.
- 5136 (5) Nothing in this ~~[chapter]~~ part modifies or limits:
- 5137 (a) ~~[the provisions of]~~ Section ~~[23-21-5]~~ 23A-6-403, or the discretion of the division to
- 5138 manage waterfowl management areas for other beneficial purposes, including for the
- 5139 benefit of the public, shorebirds, waterfowl, and other protected wildlife; or
- 5140 (b) the authority of the division, the director ~~[of the division]~~, or the Wildlife Board under
- 5141 ~~[Title 23,]~~ Chapter ~~[24]~~ 6, Lands and Waters for Wildlife Purposes.

5142

5143 **CHAPTER 13. MIGRATORY BIRD PRODUCTION AREA**

5144

5145 **Part 1. General Provisions**

5146

5147 ~~[23-28-102,]~~ 23A-13-101. **Definitions.**

5148 As used in this chapter:

- 5149 (1) "Migratory bird" ~~[is as]~~ means the same as that term is defined in 16 U.S.C. Sec.
- 5150 715j.

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- 5151 (2) "Migratory bird production area" means an area of land that is:
5152 (a) created under this chapter; and
5153 (b) used according to the description in Subsections ~~[23-28-201]~~ 23A-13-201
5154 (1)(b)(iii)(A) ~~[through]~~ and (B).

5155

5156 **Part 2. Migratory Bird Production Area**

5157

5158 ~~[23-28-201.]~~ 23A-13-201. **Creation of a migratory bird production area.**

5159 (1) (a) On or before July 1, 2022, an owner or owners of at least 500 contiguous acres
5160 of land in an unincorporated area may dedicate the land as a migratory bird production
5161 area by filing a notice of dedication with the county recorder of the county in which the
5162 land is located.

5163 (b) The notice of dedication shall contain:

5164 (i) the legal description of the land included within the migratory bird production area;

5165 (ii) the name of the owner or owners of the land included within the migratory bird
5166 production area; and

5167 (iii) an affidavit signed by each landowner that ~~[all of]~~ the land, except as provided by
5168 Subsection (2), within the migratory bird production area is:

5169 (A) actively managed for migratory bird:

5170 (I) production;

5171 (II) habitat; or

5172 (III) hunting; and

5173 (B) used for a purpose compatible with the purposes described in Subsection

5174 (1)(b)(iii)(A).

5175 (c) A person who files a notice of dedication under this section shall give a copy of the
5176 notice of dedication within 10 days of its filing to the legislative body of the county in
5177 which the migratory bird production area is located.

5178 (2) (a) The notice of dedication may designate land, the amount of which is less than
5179 1% of the total acreage within a migratory bird production area, upon which the

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5180 landowner may build a structure described in Subsection ~~[23-28-302]~~ 23A-13-302

5181 (1)(c).

5182 (b) (i) An owner may build or maintain a road, dike, or water control structure within the
5183 migratory bird production area.

5184 (ii) A road, dike, or water control structure is not considered a structure for purposes of
5185 Subsection (2)(a).

5186 (3) (a) Within 30 days of the day on which the county legislative body receives a copy
5187 of the notice of dedication under Subsection (1)(c), the county legislative body may
5188 bring an action in district court to cancel or revise a migratory bird production area on
5189 the basis that an affidavit filed as part of the notice of dedication under Subsection
5190 (1)(b)(iii) is inaccurate.

5191 (b) In bringing the action, the county legislative body shall specify the portion of the
5192 migratory bird production area and the affidavit subject to the action.

5193 (c) In an action brought under this Subsection (3), the person who files an affidavit
5194 described in Subsection (3)(a) has the burden to prove by a preponderance of the
5195 evidence that the affidavit is accurate.

5196 (d) If the court cancels or revises a migratory bird production area, the person who filed
5197 the original notice of dedication shall file a revision notice with the county recorder
5198 reflecting the court's order.

5199 (4) In accordance with Section ~~[23-28-202]~~ 23A-13-202 , a person may at any time
5200 add land to a migratory bird production area created under this section.

5201

5202 ~~[23-28-202.]~~ 23A-13-202. **Adding to or removing land from a migratory bird**
5203 **production area.**

5204 (1) Subject to the other provisions of this section, a landowner may file a revision notice
5205 with the county recorder of the county in which the migratory bird production area is
5206 located to add land to or remove land from a migratory bird production area.

5207 (2) The revision notice shall contain:

5208 (a) a legal description of the land added to or removed from the migratory bird

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- 5209 production area; and
- 5210 (b) the name of the owner or owners of the land added to or removed from the
- 5211 migratory bird production area.
- 5212 (3) A person who files a revision notice under this section shall give a copy of the
- 5213 revision notice within 10 days of its filing to the legislative body of the county in which
- 5214 the migratory bird production area is located.
- 5215 (4) If removing land from a migratory bird production area results in a migratory bird
- 5216 production area of less than 300 contiguous acres:
- 5217 (a) the migratory bird production area ceases to exist; and
- 5218 (b) the landowner shall:
- 5219 (i) notify each landowner within the former migratory bird production area; and
- 5220 (ii) file the revision notice required by this section for the entire migratory bird
- 5221 production area.
- 5222 (5) A landowner may add land to a migratory bird production area only if:
- 5223 (a) the land to be added is contiguous to the migratory bird production area; and
- 5224 (b) all the landowners of the contiguous land to be added to the migratory bird
- 5225 production area consent to the contiguous land being added to the migratory bird
- 5226 production area.
- 5227 (6) A landowner of a migratory bird production area may include an easement in the
- 5228 migratory bird production area if:
- 5229 (a) the landowner owns the easement;
- 5230 (b) the easement is on land that is contiguous to the migratory bird production area;
- 5231 and
- 5232 (c) the owner of the land where the easement is located consents to the easement
- 5233 being included in the migratory bird production area.

5234

5235 **Part 3. Protections**

5236

5237 ~~[23-28-301.]~~ **23A-13-301. Farmland Assessment Act.**

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5238 (1) Creation of a migratory bird production area does not impair the ability of land within
5239 the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part
5240 5, Farmland Assessment Act.

5241 (2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland
5242 Assessment Act, is determined exclusively by ~~[the provisions of]~~ that act,
5243 notwithstanding the land's location within a migratory bird production area.

5244

5245 ~~[23-28-302.]~~ **23A-13-302.** **Limitations on local regulations.**

5246 (1) (a) A county within which a migratory bird production area is located shall
5247 encourage the continuity, development, and viability of the migratory bird production
5248 area.

5249 (b) Except as otherwise specifically provided in this chapter, the purposes, uses, and
5250 activities of a migratory bird production area described in this chapter are afforded the
5251 highest priority of use status.

5252 (c) A structure, improvement, or activity historically or customarily used in conjunction
5253 with a migratory bird production area is considered a permitted use under the county's
5254 zoning law, ordinance, or regulation.

5255 (2) A county within which a migratory bird production area is located may not:

5256 (a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally
5257 associated with the migratory bird production area;

5258 (b) change the zoning designation of, or a zoning regulation applying to land within a
5259 migratory bird production area unless the county receives written approval for the
5260 change from all the landowners within the migratory bird production area; or

5261 (c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of
5262 a firearm on a migratory bird production area.

5263 (3) For purposes of Subsection (2)(a), a law, ordinance, or regulation is unreasonable if
5264 it restricts or impairs the purposes, uses, and activities historically or customarily
5265 associated with a migratory bird production area.

5266

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5267 ~~[23-28-303.]~~ **23A-13-303. Nuisances.**

5268 (1) (a) A county shall exclude the activities described in Subsection (1)(b) from the
5269 definition of public nuisance in a county law or ordinance regulating a public nuisance.

5270 (b) An activity or occurrence normally associated with a migratory bird production area
5271 is not a nuisance, including:

5272 (i) hunting;

5273 (ii) discharging a firearm;

5274 (iii) improving habitat;

5275 (iv) trapping;

5276 (v) eradicating weeds;

5277 (vi) discing;

5278 (vii) planting;

5279 (viii) impounding water;

5280 (ix) raising a bird or other domestic animal;

5281 (x) grazing;

5282 (xi) an activity conducted in the normal course of an agricultural operation as defined in
5283 Section 4-44-102; and

5284 (xii) an odor.

5285 (2) In a civil action for nuisance or a criminal action for public nuisance under Section
5286 76-10-803, it is a complete defense if the action is:

5287 (a) normally associated with a migratory bird production area;

5288 (b) conducted within a migratory bird production area; and

5289 (c) not in violation of ~~[any]~~ federal or state law.

5290 (3) An owner of a new development located in whole or in part within 1,000 feet of a
5291 migratory bird production area shall provide the following notice on ~~[any]~~ a plat filed
5292 with the county recorder:

5293 "Migratory Bird Production Area

5294 This property is located in the vicinity of an established migratory bird production area in
5295 which hunting and activities related to the management and operation of land for the

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5296 benefit of migratory birds have been afforded the highest priority use status. It can be
5297 anticipated that these uses and activities may now or in the future be conducted on land
5298 within the migratory bird production area. The use and enjoyment of this property is
5299 expressly conditioned on acceptance of any annoyance or inconvenience that may
5300 result from activities normally associated with a migratory bird production area."

5301

5302 ~~[23-28-304.]~~ 23A-13-304. **Annexation restrictions.**

5303 A municipality may annex real property within a migratory bird production area as
5304 provided by Title 10, Chapter 2, Part 4, Annexation.

5305

5306 ~~[23-28-305.]~~ 23A-13-305. **Application of Water Quality Act.**

5307 A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

5308

5309 **CHAPTER 14. FURBEARERS**

5310

5311 **Part 1. General Provisions**

5312

5313 **23A-14-101. Definitions.**

5314 Reserved.

5315

5316 **Part 2. Taking of Furbearers**

5317

5318 ~~[23-18-2.]~~ 23A-14-201. **Taking of furbearers.**

5319 ~~[Any]~~ A person holding a furbearer license may take ~~[furbearers]~~ a furbearer in
5320 accordance with the rules ~~[promulgated]~~ made by the Wildlife Board in accordance
5321 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5322

5323 ~~[23-18-3.]~~ 23A-14-202. **Trapping on lands controlled by division governed by**

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5324 **Wildlife Board.**

5325 ~~[All trapping]~~ The Wildlife Board shall govern trapping on lands controlled by the
5326 ~~[Division of Wildlife Resources]~~ ~~[shall be governed by the Wildlife Board]~~ division .

5327

5328 ~~[23-18-6.]~~ 23A-14-203. **Taking red fox or striped skunk.**

5329 Red fox or striped skunk may be taken anytime without a license as provided by this
5330 title or ~~[rules]~~ a rule, made in accordance with Title 63G, Chapter 3, Utah
5331 Administrative Rulemaking Act, or a proclamation of the Wildlife Board.

5332

5333 **CHAPTER 15. WOLF MANAGEMENT ACT**

5334

5335 **Part 1. General Provisions**

5336

5337 ~~[23-29-102.]~~ 23A-15-101. **Definitions.**

5338 As used in this chapter:

5339 (1) "Endangered Species Act" means the Endangered Species Act of 1973, 16 U.S.C.
5340 Sec. 1531 et seq.

5341 ~~[(1)]~~ (2) "Service" means the United States Fish and Wildlife Service.

5342 ~~[(2)]~~ (3) "Wolf" means the species *Canis lupus*.

5343

5344 ~~[23-29-103.]~~ 23A-15-102. **Legislative findings and declarations.**

5345 (1) Section ~~[23-14-1]~~ 23A-2-201 appoints the division as trustee and custodian of
5346 protected wildlife in the state.

5347 (2) The wolf ~~[is]~~ has been listed as endangered under the federal Endangered
5348 Species Act throughout the greater portion of the state.

5349 (3) The service is the federal agency charged with responsibility to administer the
5350 Endangered Species Act.

5351 (4) The service acknowledges that Utah is not critical to the recovery of wolves and that

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5352 it does not intend to actively recover wolves in the state.

5353 (5) The division prepared a wolf management plan outlining ~~[its]~~ the division's
5354 management objectives for the wolf in Utah when the wolf was delisted and removed
5355 from federal control.

5356 (6) The wolf management plan prepared by the division was formally submitted to the
5357 service in 2007 for approval.

5358 (7) The service has neither approved, denied, nor otherwise commented on the plan
5359 since receiving it in 2007.

5360 (8) The state formally requested, in writing on multiple occasions, that the service delist
5361 the wolf throughout Utah, and the service has failed to acknowledge or otherwise
5362 respond to ~~[any of]~~ the requests.

5363 (9) The state cannot adequately or effectively manage wolves on a pack level in the
5364 small area of the state where the species is currently delisted without significantly
5365 harming other vital state interests, including livestock and big game populations.

5366 (10) It is the policy of the state to legally advocate and facilitate the delisting of wolves
5367 in Utah under the Endangered Species Act and to return wolf management authority to
5368 the state.

5369

5370 **Part 2. Wolf Management**

5371

5372 ~~[23-29-201.]~~ 23A-15-201. **Wolf management.**

5373 (1) The division shall contact the service upon discovering a wolf in ~~[any]~~ an area of
5374 the state where wolves are listed as threatened or endangered under the Endangered
5375 Species Act and request immediate removal of the animal from the state.

5376 (2) The division shall manage wolves to prevent the establishment of a viable pack in
5377 all areas of the state where the wolf is not listed as threatened or endangered under the
5378 Endangered Species Act until the wolf is completely delisted under the act and
5379 removed from federal control in the entire state.

5380 (3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and

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5381 restrained.

5382

5383 ~~[23-29-202.]~~ 23A-15-202. **Rulemaking.**

5384 The ~~[division]~~ Wildlife Board may make administrative rules in accordance with Title
5385 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance
5386 with this chapter.

5387

5388 **REPEALED SECTIONS:**

5389 23-13-1. Title

5390 23-13-16. Judicial notice of proclamations.

5391 23-14-2.1. Procedures -- Adjudicative proceedings.

5392 23-14-11. Official Seal of Division

5393 23-14-16. Unexpended fund balances converted to general fund account.

5394 23-17-5. Damages for destroyed crops -- Limitations -- Appraisal.

5395 23-20-23. Aiding or assisting violation unlawful.

5396 23-21a-1. Short Title

5397 23-21a-2. Legislative Findings and Policy

5398 23-21a-3. State to Condemn and Purchase Islands in Great Salt Lake—Protection of
5399 American White Pelican

5400 23-21a-4. Payment of Fair Market Value to Landowners—Impartial Appraisal

5401 23-21a-5. Mineral Rights Retained by Landowners—Oil Discovery

5402 23-21a-6. Nonlapsing Appropriation for Appraisal and Purchase

5403 23-25-1. Short Title

5404 23-25-12. Title

5405 23-27-101. Title

5406 23-28-101. Title

5407 23-29-101. Title

5408 23-30-101. Title

5409 23-31-101. Title

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5410 23-32-101. Title

5411