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23-13-2 Definitions.

As used in this title:

- (1) "Activity regulated under this title" means any act, attempted act, or activity prohibited or regulated under any provision of Title 23, Wildlife Resources Code of Utah, or the rules, and proclamations promulgated thereunder pertaining to protected wildlife including:
 - (a) fishing;
 - (b) hunting;
 - (c) trapping;
 - (d) taking;
 - (e) permitting any 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) utilizing 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.
- (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.
- (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.
- (6) "Big game" means species of hoofed protected wildlife.
- (7) "Carcass" means the dead body of an animal or its parts.
- (8) "Certificate of registration" means a document issued under this title, or any rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.
- (9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.
- (10) "Conservation officer" means a full-time, permanent employee of the Division of Wildlife Resources who is POST certified as a peace or a special function officer.
- (11) "Dedicated hunter program" means a program that provides:
 - (a) expanded hunting opportunities;
 - (b) opportunities to participate in projects that are beneficial to wildlife; and
 - (c) education in hunter ethics and wildlife management principles.
- (12) "Division" means the Division of Wildlife Resources.
- (13)
 - (a) "Domicile" means the place:
 - (i) where an individual has a fixed permanent home and principal establishment;
 - (ii) to which the individual if absent, intends to return; and
 - (iii) in which the individual, and the individual's family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.
 - (b) To create a new domicile an individual shall:

- (i) abandon the old domicile; and
 - (ii) be able to prove that a new domicile has been established.
- (14) "Endangered" means wildlife designated as endangered according to Section 3 of the federal Endangered Species Act of 1973.
- (15) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- (16) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- (17) "Fishing" means to take fish or crayfish by any means.
- (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae families, except coyote and cougar.
- (19) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.
- (20) "Guide" means a person who receives compensation or advertises services for assisting another person to take protected wildlife, including the provision of food, shelter, or transportation, or any combination of these.
- (21) "Guide's agent" means a person who is employed by a guide to assist another person to take protected wildlife.
- (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.
- (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or diminish the efforts of an officer in the performance of the officer's duty.
- (24)
- (a) "Natural flowing stream" means a topographic low where water collects and perennially or intermittently flows with a perceptible current in a channel formed exclusively by forces of nature.
 - (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
 - (i) realigned or modified channel that replaces the historic, natural flowing stream channel; and
 - (ii) dredged natural flowing stream channel.
 - (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or other water delivery system that diverts and conveys water to an approved place of use pursuant to a certificated water right.
- (25)
- (a) "Natural lake" means a perennial or intermittent body of water that collects on the surface of the earth exclusively through the forces of nature and without human assistance.
 - (b) "Natural lake" does not mean a lake where all surface water sources supplying the body of water originate from groundwater springs no more than 100 yards upstream.
- (26) "Nonresident" means a person who does not qualify as a resident.
- (27) "Open season" means the period of time during which protected wildlife may be legally taken.
- (28) "Pecuniary gain" means the acquisition of money or something of monetary value.
- (29) "Permit" means a document, including a stamp, that grants authority to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.
- (30) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the foregoing.
- (31) "Possession" means actual or constructive possession.
- (32) "Possession limit" means the number of bag limits one individual may legally possess.
- (33)
- (a) "Private fish pond" means a pond, reservoir, or other body of water, including a fish culture system, located on privately owned land where privately owned fish:
 - (i) are propagated or kept for a private noncommercial purpose; and
 - (ii) may be taken without a fishing license.

- (b) "Private fish pond" does not include an aquaculture facility, fee fishing facility, short-term fishing event, or private stocking.
- (34)
- (a) "Private stocking" means an authorized release of privately owned, live fish in the waters of the state not eligible as a private fish pond under Section 23-15-10 or aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.
 - (b) Fish released under private stocking become the property of the state and subject to the fishing regulations set forth in this title and the rules and proclamations of the Wildlife Board.
- (35) "Private wildlife farm" means an enclosed place where privately owned birds or furbearers are propagated or kept and that restricts the birds or furbearers from:
- (a) commingling with wild birds or furbearers; and
 - (b) escaping into the wild.
- (36) "Proclamation" means the publication used to convey a statute, rule, policy, or pertinent information as it relates to wildlife.
- (37)
- (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection (3), except as provided in Subsection (37)(b).
 - (b) "Protected aquatic wildlife" does not include aquatic insects.
- (38)
- (a) "Protected wildlife" means wildlife as defined in Subsection (54), except as provided in Subsection (38)(b).
 - (b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.
- (39) "Released to the wild" means to be turned loose from confinement.
- (40)
- (a) "Reservoir constructed on a natural stream channel" means a body of water collected and stored on the course of a natural flowing stream by impounding the stream through excavation or diking.
 - (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment on a natural flowing stream where all surface water sources supplying the impoundment originate from groundwater springs no more than 100 yards upstream.
- (41)
- (a) "Resident" means a person who:
 - (i) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and
 - (ii) does not claim residency for hunting, fishing, or trapping in any other state or country.
 - (b) A Utah resident retains Utah residency if that person leaves this state:
 - (i) to serve in the armed forces of the United States or for religious or educational purposes; and
 - (ii) the person complies with Subsection (41)(a)(ii).
 - (c)
 - (i) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:
 - (A) is not on temporary duty in this state; and
 - (B) complies with Subsection (41)(a)(ii).
 - (ii) A copy of the assignment orders shall be presented to a wildlife division office to verify the member's qualification as a resident.

- (d) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this chapter if the student:
 - (i) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and
 - (ii) complies with Subsection (41)(a)(ii).
- (e) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.
- (f) An absentee landowner paying property tax on land in Utah does not qualify as a resident.
- (42) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.
- (43)
 - (a) "Short-term fishing event" means any event where privately acquired fish are held or confined for a period not to exceed 10 days for the purpose of providing fishing or recreational opportunity and where no fee is charged as a requirement to fish.
 - (b) A fishing license is not required to take fish at a short-term fishing event.
- (44) "Small game" means species of protected wildlife:
 - (a) commonly pursued for sporting purposes; and
 - (b) not classified as big game, aquatic wildlife, or furbearers and excluding turkey, cougar, and bear.
- (45) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for human consumption.
- (46) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.
- (47) "Tag" means a card, label, or other identification device issued for attachment to the carcass of protected wildlife.
- (48) "Take" means to:
 - (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected wildlife; or
 - (b) attempt any action referred to in Subsection (48)(a).
- (49) "Threatened" means wildlife designated as such pursuant to Section 3 of the federal Endangered Species Act of 1973.
- (50) "Trapping" means taking protected wildlife with a trapping device.
- (51) "Trophy animal" means an animal described as follows:
 - (a) deer - a buck with an outside antler measurement of 24 inches or greater;
 - (b) elk - a bull with six points on at least one side;
 - (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
 - (d) moose - a bull with at least one antler exceeding five inches in length;
 - (e) mountain goat - a male or female;
 - (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
 - (g) bison - a bull.
- (52) "Waste" means to abandon protected wildlife or to allow protected wildlife to spoil or to be used in a manner not normally associated with its beneficial use.
- (53) "Water pollution" means the introduction of matter or thermal energy to waters within this state that:
 - (a) exceeds state water quality standards; or
 - (b) could be harmful to protected wildlife.
- (54) "Wildlife" means:

- (a) crustaceans, including brine shrimp and crayfish;
- (b) mollusks; and
- (c) vertebrate animals living in nature, except feral animals.