

**23-16-3 Damage to cultivated crops, livestock forage, fences, or irrigation equipment by big game animals -- Notice to division.**

- (1)
  - (a) If big game animals are damaging cultivated crops, livestock forage, fences, or irrigation equipment on private land, the landowner or lessee shall immediately, upon discovery of the damage, request that the division take action to alleviate the depredation problem.
  - (b) The landowner or lessee shall allow division personnel reasonable access to the property sustaining damage to verify and alleviate the depredation problem.
- (2)
  - (a) Within 72 hours after receiving the request for action under Subsection (1)(a), the division shall investigate the situation, and if it appears that depredation by big game animals may continue, the division shall:
    - (i) remove the big game animals causing depredation; or
    - (ii) implement a depredation mitigation plan which has been approved, in writing, by the landowner or lessee.
  - (b) A depredation mitigation plan may provide for any or all of the following:
    - (i) the scheduling of a depredation hunt;
    - (ii) issuing permits to the landowners or lessees, to take big game animals causing depredation during a general or special season hunt authorized by the Wildlife Board;
    - (iii) allowing landowners or lessees to designate recipients who may obtain a mitigation permit to take big game animals on the landowner's or lessee's land during a general or special season hunt authorized by the Wildlife Board; or
    - (iv) a description of how the division will assess and compensate the landowner or lessee under Section 23-16-4 for damage to cultivated crops, fences, or irrigation equipment.
  - (c)
    - (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsections (2)(b)(ii) and (iii).
    - (ii) Control efforts shall be directed toward antlerless animals, if possible.
  - (d) A permit issued for an antlered animal shall be approved by the division director or the director's designee.
  - (e) The division and the landowner or lessee shall jointly determine the number of animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may retain possession.
  - (f) In determining appropriate remedial action under this Subsection (2), the division shall consider:
    - (i) the extent of damage experienced or expected; and
    - (ii) any revenue the landowner derives from:
      - (A) participation in a cooperative wildlife management unit;
      - (B) use of landowner association permits;
      - (C) use of mitigation permits; and
      - (D) charging for hunter access.
- (3) Any fee for accessing the owner's or lessee's land shall be determined by the landowner or lessee.
- (4)
  - (a) If the landowner or lessee who approved the depredation mitigation plan under Subsection (2) (a)(ii) subsequently determines that the plan is not acceptable, the landowner or lessee may revoke his or her approval of the plan and again request that the division take action pursuant to Subsection (2)(a)(i).

- (b) A subsequent request for action provided under Subsection (4)(a) shall be considered to be a new request for purposes of the 72-hour time limit specified in Subsection (2)(a).
- (5)
- (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.
  - (b) Any conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game.

Amended by Chapter 297, 2011 General Session