

23-17-5.1 Damage by turkeys.

- (1) As used in this section, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.
- (2)
 - (a) If a turkey materially damages private property, the landowner or lessee of the property may:
 - (i) notify the division of the damage; and
 - (ii) request that the division take action to mitigate the damage.
 - (b) The landowner or lessee of the damaged property shall allow division staff reasonable access to the damaged property to verify and mitigate the damage.
- (3)
 - (a) Within 72 hours after receiving a request for action under Subsection (2)(a)(ii), the division shall investigate the damaged property and, if it appears that material damage by a turkey may continue, the division shall begin to:
 - (i) remove or drive off the turkeys causing the damage; or
 - (ii) implement a damage mitigation and prevention plan with the written approval of the landowner or lessee of the property.
 - (b) As part of a damage mitigation and prevention plan described in Subsection (3)(a)(ii), the division may:
 - (i) schedule a depredation hunt;
 - (ii) issue a permit to the landowner or lessee to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation permit to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a turkey that causes damage to the property;
 - (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a turkey that causes damage to the property; or
 - (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable for the location of the property due to local law or public safety concerns.
 - (c) If the division takes an action described in Subsection (3)(b)(ii) or (iii), the division shall specify the number and sex of turkeys the landowner or lessee is authorized to take in accordance with Subsection (3)(b)(ii) or (iii).
 - (d) If a landowner or lessee takes a turkey under Subsection (3)(b)(ii), the division and the landowner or lessee shall jointly determine the number of turkeys the landowner or lessee may retain.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules necessary to administer the provisions of this section.

Enacted by Chapter 375, 2013 General Session