

## Chapter 17 Birds

### **23-17-4 Crop damage by pheasants -- Notice to division.**

Whenever pheasants are damaging cultivated crops on cleared and planted land, the owner of such crops shall immediately upon discovery of such damage notify the Division of Wildlife Resources. This notice shall be made both orally and in writing. Upon being notified of such damage, the Division of Wildlife Resources shall, as far as possible, control such damage.

Amended by Chapter 297, 2011 General Session

### **23-17-5 Damages for destroyed crops -- Limitations -- Appraisal.**

Whenever pheasants have damaged or destroyed cultivated crops on cleared and planted land, the Division of Wildlife Resources may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the owner notifies the Division of Wildlife Resources of the damage within 48 hours after the damage is discovered. The appraisal of the damage shall be made by the crop owner and the Division of Wildlife Resources as soon after notification as possible. If the crop owner and the Division of Wildlife Resources are unable to agree on the fair and equitable damage, they shall call upon a third party, consisting of one or more persons acquainted with the crops concerned and pheasants, to appraise such damage; but if these provisions relating to damage claims are in conflict with the requirements of the federal Pittman-Robertson Act or the rules and regulations issued under it, then the provisions relating to damage claims shall be null and void.

Enacted by Chapter 46, 1971 General Session

### **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

**23-17-5.2 General season turkey hunts.**

The Wildlife Board may establish two general season turkey hunts per year.

Enacted by Chapter 375, 2013 General Session

**23-17-6 Commercial hunting area -- Registration -- Requirements for hunters.**

- (1)
- (a) A person desiring to operate a commercial hunting area within the state to permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for authorization to do so.
  - (b) The Wildlife Board may issue the applicant a certificate of registration to operate a commercial hunting area in accordance with rules prescribed by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (c) The Wildlife Board may determine the number of commercial hunting areas that may be established in each county of the state.
- (2)
- (a) A certificate of registration issued under Subsection (1) shall specify the species of birds that the applicant may propagate, keep, and release for shooting on the area covered by the certificate of registration.
  - (b) The applicant may charge a fee for harvesting the birds specified under Subsection (2)(a).
- (3)
- (a) A person hunting within the state on a commercial hunting area shall:
    - (i)
      - (A) possess proof of passing a division-approved hunter education course, if the person was born after December 31, 1965; or
      - (B) possess a trial hunting authorization issued under Section 23-19-14.6;

- (ii) comply with the accompaniment requirements of Sections 23-19-14.6 and 23-20-20, if applicable; and
  - (iii) have the permission of the owner or operator of the commercial hunting area.
- (b) The operator of a commercial hunting area shall verify that each hunter on the commercial hunting area meets the requirements of Subsection (3)(a)(i).
- (4) Hunting on commercial hunting areas is permitted only during the commercial hunting area season prescribed by the Wildlife Board.

Amended by Chapter 200, 2015 General Session

**23-17-7 Falconry authorized.**

The Wildlife Board may authorize the practice of falconry within the state of Utah and the capturing and keeping in possession of birds to be used in the practice of falconry under rules and regulations specified by it.

Enacted by Chapter 46, 1971 General Session

**23-17-8 Dog field meets.**

It is lawful within the state to hold dog field meets or trials where dogs are permitted to work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving birds which have been obtained from a legal source. Before any meet or trial is held, application shall be made in writing to the Division of Wildlife Resources, which may authorize the meet or trial under rules and regulations promulgated by the Wildlife Board.

Amended by Chapter 297, 2011 General Session

**23-17-9 Training of dogs -- Use of protected or privately owned wildlife.**

The Wildlife Board may authorize the use of protected wildlife or privately owned wildlife for the training of dogs within the state of Utah under rules and regulations it may promulgate.

Enacted by Chapter 46, 1971 General Session