

Effective 7/1/2023

Chapter 1 General Provisions

Part 1 General Provisions

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 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.
- (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 the animal's parts.
- (8) "Certificate of registration" means a paper-based or electronic document issued under this title, or a 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) "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.
- (11) "Department" means the Department of Natural Resources.
- (12) "Director" means the director of the division appointed under Section 23A-2-202.
- (13) "Division" means the Division of Wildlife Resources.

- (14) "Division of Law Enforcement" means the division within the Department of Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- (15) Subject to Section 23A-1-103, "domicile" means the place:
 - (a) where an individual has a fixed permanent home and principal establishment;
 - (b) to which the individual if absent, intends to return and has an actual plan, method, and means to return to the individual's domicile within six months;
 - (c) 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; and
 - (d) is a place where the individual resides for the majority of the individual's time.
- (16) "Endangered" means wildlife designated as endangered according to Section 3 of the federal Endangered Species Act of 1973.
- (17) "Executive director" means the executive director of the Department of Natural Resources.
- (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- (20) "Fishing" means to take fish or crayfish by any means.
- (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae families, except coyote and cougar.
- (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.
- (23) "Guide" means the same as that term is defined in Section 23A-4-1201.
- (24) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.
- (25) "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.
- (26)
 - (a) "Light enhancement device" means a device or other technology that allows an individual to see in the dark.
 - (b) "Light enhancement device" includes a spotlight, thermal vision, and night vision.
- (27)
 - (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.
- (28)
 - (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 the surface water sources supplying the body of water originate from groundwater springs no more than 100 yards upstream.
- (29) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- (30) "Night hunting" means the practice of using a light enhancement device to aid in seeing in the dark while hunting wildlife between sunset and sunrise that is not protected wildlife.
- (31) "Nominating committee" means the Wildlife Board Nominating Committee created in Section 23A-2-302.
- (32) "Nonresident" means a person who does not qualify as a resident.
- (33) "Open season" means the period of time during which protected wildlife may be legally taken.

- (34) "Outfitter" means the same as that term is defined in Section 23A-4-1201.
- (35) "Pecuniary gain" means the acquisition of money or something of monetary value.
- (36) "Permit" means a paper-based or electronic document that grants authority to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.
- (37) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the individual, association, partnership, government agency, or corporation.
- (38) "Pollute water" means to introduce into waters within the state matter or thermal energy that:
 - (a) exceeds state water quality standards; or
 - (b) could harm protected wildlife.
- (39) "Possession" means actual or constructive possession.
- (40) "Possession limit" means the number of bag limits one individual may legally possess.
- (41)
 - (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:
 - (i) an aquaculture facility;
 - (ii) a fee fishing facility;
 - (iii) a short-term fishing event; or
 - (iv) private stocking.
- (42) "Private stocking" means an authorized release of privately owned, live fish in the waters of the state not eligible as:
 - (a) a private fish pond under Section 23A-9-203; or
 - (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.
- (43) "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.
- (44) "Proclamation" means the publication that is:
 - (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and
 - (b) issued in accordance with a rule made by the Wildlife Board under this title.
- (45)
 - (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in Subsection (45)(b).
 - (b) "Protected aquatic wildlife" does not include aquatic insects.
- (46)
 - (a) "Protected wildlife" means wildlife, except as provided in Subsection (46)(b).
 - (b) "Protected wildlife" does not include:
 - (i) coyote;
 - (ii) feral swine;
 - (iii) field mouse;
 - (iv) gopher;
 - (v) ground squirrel;
 - (vi) jack rabbit;
 - (vii) muskrat;
 - (viii) raccoon;
 - (ix) red fox; or
 - (x) striped skunk.

- (47) "Regional advisory council" means a council created under Section 23A-2-303.
- (48) "Released to the wild" means to be turned loose from confinement.
- (49)
- (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.
- (50) Subject to Section 23A-1-103, "resident" means a person who:
- (a) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and
 - (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- (51) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.
- (52) "Short-term fishing event" means an event when:
- (a) 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
 - (b) no fee is charged as a requirement to fish.
- (53) "Small game" means species of protected wildlife:
- (a) commonly pursued for sporting purposes;
 - (b) not classified as big game, aquatic wildlife, or furbearers; and
 - (c) excluding turkey, cougar, and bear.
- (54) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for human consumption.
- (55) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other artificial light on a highway or in a field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.
- (56) "Tag" means a card, label, or other paper-based or electronic means of identification used to document harvest of protected wildlife.
- (57) "Take" means to:
- (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill protected wildlife; or
 - (b) attempt an action referred to in Subsection (57)(a).
- (58) "Thermal vision" means the ability of a biological or artificial system to detect infrared radiation by detecting temperature to capture and recognize diverse levels of infrared illumination.
- (59) "Threatened" means wildlife designated as threatened pursuant to Section 3 of the federal Endangered Species Act of 1973.
- (60) "Trapping" means taking protected wildlife with a trapping device.
- (61) "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.

- (62) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.
- (63) "Waste" means to:
- (a) abandon protected wildlife; or
 - (b) allow protected wildlife to spoil or to be used in a manner not normally associated with the protected wildlife's beneficial use.
- (64) "Wild" means the natural environment, including a private pond or private property.
- (65) "Wildlife" means:
- (a) crustaceans, including brine shrimp and crayfish;
 - (b) mollusks; and
 - (c) vertebrate animals living in nature, except feral animals.
- (66) "Wildlife Board" means the board created in Section 23A-2-301.
- (67) "Wildlife parts" means biological material derived from the body or anatomy of wildlife, including:
- (a) an antler or horn;
 - (b) a hide;
 - (c) a bone; or
 - (d) meat.

Amended by Chapter 140, 2025 General Session

23A-1-102 Wildlife declared property of the state.

- (1) Wildlife existing within this state, not held by private ownership and legally acquired, is the property of the state.
- (2) Fish released under private stocking become the property of the state and subject to the fishing regulations set forth in this title or a rule or proclamation of the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-1-103 Domicile or residency.

- (1)
 - (a) Subject to Subsections 23A-1-101(15) and 23A-1-101(50), an individual is considered a resident who:
 - (i) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license or application of a license, permit, or tag; and
 - (ii) does not claim residency for hunting, fishing, or trapping in another state or country.
 - (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.
- (2) A Utah resident retains Utah residency if that individual leaves this state:
 - (a) to serve in the armed forces of the United States or for religious or educational purposes; and
 - (b) the individual complies with Subsection 23A-1-101(50)(b).
- (3)
 - (a) A member of the armed forces of the United States and dependents are residents for the purposes of this title as of the date the member reports for duty under assigned orders in the state if the member:
 - (i) is not on temporary duty in this state; and
 - (ii) complies with Subsection 23A-1-101(50)(b).

- (b) A member shall present a copy of the assignment orders to a division office to verify the member's qualification as a resident.
- (4) 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 title if the student:
 - (a) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and
 - (b) complies with Subsection 23A-1-101(50)(b).
- (5) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in another state or country.
- (6) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

Amended by Chapter 116, 2025 General Session

Part 2

Miscellaneous

23A-1-201 Private wildlife farms.

- (1)
 - (a) Subject to the requirements of this section, a person may:
 - (i) establish and maintain a private wildlife farm for propagating, rearing, and keeping furbearers or birds classified as protected wildlife; and
 - (ii) sell or dispose of wildlife reared upon the private wildlife farm, except that disposal may not include release to the wild without first securing written permission from the Wildlife Board.
 - (b) Before establishing a private wildlife farm, a person shall obtain written authorization from the division in accordance with rules established by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) Wildlife that escapes from a private wildlife farm becomes the property of the state.
- (2) This section does not:
 - (a) apply to a private fur farm established and maintained for rearing domesticated, privately owned mink or chinchilla that were not acquired as wild animals from a state or country; or
 - (b) provide for the propagating, rearing, and keeping of a protected wildlife other than a wildlife specified in this section.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-1-202 Agreement with a tribe.

- (1) As used in this section, "tribe" means a federally recognized:
 - (a) Indian tribe; or
 - (b) Indian band.
- (2)
 - (a) Subject to the requirements of this section, the governor may enter into an agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting, fishing, or trapping right claim that is:
 - (i) based on:
 - (A) a treaty;
 - (B) an aboriginal right; or

- (C) other recognized federal right; and
- (ii) on lands located within the state.
- (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection (2)(a) may not exempt a person from the requirements of this title.
- (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a tribe that is a party to the agreement or a member of that tribe from:
 - (i) Section 23A-4-1110, placing a limit of one of any species during a license year;
 - (ii) Section 23A-11-202, commencement date of the general deer season;
 - (iii) a hunter or furharvester education requirement under Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;
 - (iv) an age restriction under Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;
 - (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license or permit;
 - (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
 - (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is not inconsistent with this title.
- (d) An agreement permitted under Subsection (2)(a) shall:
 - (i) be in writing;
 - (ii) be signed by:
 - (A) the governor; and
 - (B) the governing body of the tribe that:
 - (I) is designated by the tribe; and
 - (II) may bind the tribe to the terms of the agreement;
 - (iii) be conditioned on obtaining any approval required by federal law;
 - (iv) state the effective date of the agreement;
 - (v) provide that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute for which an exemption is not authorized under this section; and
 - (vi) include any accommodation made by the tribe that:
 - (A) is agreed to by the tribe;
 - (B) is reasonably related to the agreement; and
 - (C) concerns the management and use of wildlife resources or habitat.
- (e) Before executing an agreement under this Subsection (2), the governor shall consult with:
 - (i) the division; and
 - (ii) the chair of the Wildlife Board.
- (f) At least 30 days before the agreement under this Subsection (2) is executed, the governor or the governor's designee shall provide a copy of the agreement in the form that the agreement will be executed to:
 - (i) the chairs of the Native American Legislative Liaison Committee; and
 - (ii) the Office of Legislative Research and General Counsel.

Amended by Chapter 347, 2024 General Session

23A-1-203 Utah State Hunting and Fishing Day.

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

Renumbered and Amended by Chapter 103, 2023 General Session

23A-1-204 Night hunting of nonprotected wildlife -- County ordinances -- Permits.

- (1)
 - (a) For purposes of a county ordinance enacted pursuant to this section, "motor vehicle" means the same as that term is defined in Section 41-6a-102.
 - (b) For purposes of this section, "nonprotected wildlife" means the wildlife that is excluded from the definition of protected wildlife under Section 23A-1-101.
- (2) A person may engage in night hunting of nonprotected wildlife when allowed by a county ordinance enacted pursuant to this section.
- (3) The county ordinance shall provide that:
 - (a) a hunter shall carry a light enhancement device used to locate nonprotected wildlife;
 - (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to locate nonprotected wildlife; and
 - (c) while hunting with the use of a light enhancement device, the hunter may not occupy or operate a motor vehicle.
- (4) The county ordinance may specify:
 - (a) the time of day and seasons when night hunting is permitted;
 - (b) areas closed or open to night hunting within the unincorporated area of the county;
 - (c) safety zones within which night hunting is prohibited;
 - (d) the weapons permitted; and
 - (e) penalties for violation of the county ordinance.
- (5)
 - (a) A county may restrict the number of hunters engaging in night hunting by requiring a permit to night hunt and issuing a limited number of permits.
 - (b)
 - (i) A county may charge a fee for a night hunting permit.
 - (ii) A county ordinance shall establish the permit fee.
 - (iii) A county shall remit revenue generated by the permit fee to the division for deposit into the Wildlife Resources Account, except the Wildlife Board may allow a county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the county ordinance if the use of the permit revenues does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C. Sec. 669 et seq., and Sport Fish Restoration Act, 16 U.S.C. Sec. 777 et seq.
- (6) A county may require a hunter to notify the county sheriff of the time and place the hunter will be engaged in night hunting.
- (7) The requirement that a county enact an ordinance before a person may engage in night hunting to hunt nonprotected wildlife does not apply to:
 - (a) a person or the person's agent who is lawfully acting to protect the person's crops or domestic animals from predation by those animals; or
 - (b) an animal damage control agent acting in the agent's official capacity under a memorandum of agreement with the division.

Amended by Chapter 116, 2025 General Session

23A-1-205 Donating protected wildlife.

- (1) A person may only donate protected wildlife or wildlife parts to another person in accordance with this section.
- (2) Documentation of donation shall be kept with the protected wildlife or wildlife parts showing:
 - (a) the number and species of protected wildlife or wildlife parts donated;
 - (b) the date of donation;
 - (c) the license or permit number of the donor; and
 - (d) an image or picture of the wildlife or wildlife parts donated.
- (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big game animal to another person at any place without a donation slip.

Amended by Chapter 347, 2024 General Session

23A-1-206 New development.

- (1) As used in this section:
 - (a) "Mitigate" means an activity intended to lessen known negative impacts caused by wildlife, including relocating or distracting wildlife.
 - (b) "New development" means the conversion in use of previously undeveloped land into a developed state that occurs on or after May 1, 2024.
 - (c) "Wildlife damage or nuisance claim" means:
 - (i) a depredation claim;
 - (ii) a wildlife damage claim; or
 - (iii) a nuisance complaint involving wildlife.
- (2) On and after May 1, 2024, new development in the state is considered infringing on existing wildlife habitat and a person who makes a wildlife damage or nuisance claim related to the new development may not qualify for a wildlife damage or nuisance claim against the state or a political subdivision.
- (3) Notwithstanding Subsection (2), the division may mitigate wildlife damage or nuisances impacting a new development.

Enacted by Chapter 347, 2024 General Session