

Effective 7/1/2023

**Part 4
Use of Land**

23A-6-401 Target shooting prohibitions.

- (1) As used in this section:
 - (a) "County sheriff" means the individual holding the office of county sheriff in the portion of a wildlife management area where target shooting will be, or is, prohibited under this section.
 - (b) "Extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger.
- (2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for target shooting within all or part of a wildlife management area if the director finds, and the county sheriff agrees, that conditions in that portion of the wildlife management area are extremely hazardous.
- (3) A prohibition under this section:
 - (a) shall undergo a formal review by the director and the county sheriff every 14 days;
 - (b) may not prohibit an individual from legally possessing a firearm or lawfully participating in a hunt; and
 - (c) may only remain in place for as long as extremely hazardous conditions exist in the area that is subject to the prohibition.
- (4) The director and the county sheriff shall:
 - (a) via a written document, agree to the terms of a prohibition under this section, including:
 - (i) the exact area where target shooting is prohibited; and
 - (ii) the date when the prohibition becomes effective; and
 - (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-402 Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

- (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, or fishing.
- (2) When a department or agency of the state leases or sells land belonging to the state lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:
 - (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing during the lawful season, except as provided by Section 65A-2-5; and
 - (b) the lessee, contractee, or grantee may not charge a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.
- (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or fishing as provided in this title for other lands and waters.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-403 State-owned lands authorized for use as wildlife management areas, fishing waters, and for other recreational activities.

- (1) The Wildlife Board may use any and all unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake within the following townships for the creation, operation, maintenance and management of wildlife management areas, fishing waters and other recreational activities:

Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North, Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B. and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.; Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

- (2)
- (a) The Wildlife Board shall establish a wildlife management area known as the "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M., except for the following:
- (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird Refuge;
 - (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl Management Area;
 - (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and
 - (iv) lands within the May 14, 2019, boundaries of state mineral leases.
- (b) The division shall execute a memorandum of understanding with the Division of Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands described in Subsection (2)(a) as a wildlife management area.
- (c) The division shall manage the state-owned lands described in Subsection (2)(a) as a wildlife management area and consistent with:
- (i) the beneficial purposes identified in Subsection (2)(d); and
 - (ii) a management plan created consistent with the procedures in this chapter for a management plan.

- (d) The division shall manage the Willard Spur Waterfowl Management Area for the following beneficial purposes:
 - (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals, shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem and the Great Salt Lake ecosystem's surrounding wetlands;
 - (ii) preserving and enhancing the natural function, vegetation, and water flows under existing or acquired water rights to provide productive habitat for the species listed in Subsection (2)(d)(i);
 - (iii) providing recreational opportunity for traditional marsh-related activities, including hunting, fishing, trapping, and wildlife viewing; and
 - (iv) providing public access in the management area for purposes of hunting, fishing, trapping, and wildlife viewing, including access with airboats and other small watercraft.
- (e) The division shall provide the habitat, recreational opportunities, and public access described in Subsection (2)(d) without construction or use of an impounding dike, impounding levee, or other impounding structure.
- (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not prohibit year-round public airboat and small watercraft access in the management area except in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable wildlife.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-404 Unlawful uses and activities on division lands.

- (1) Except as authorized by statute, rule, contractual agreement, special use permit, certificate of registration, or public notice, a person may not on division land:
 - (a) remove, extract, use, consume, or destroy an improvement or cultural or historic resource;
 - (b) remove, extract, use, consume, or destroy sand, gravel, cinder, ornamental rock, or other common mineral resource, or vegetation resource, except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground;
 - (c) allow livestock to graze;
 - (d) remove a plant or portion of a plant for commercial gain purposes;
 - (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
 - (f) enter, use, or occupy division land as part of a group of more than 25 people, except a group may include up to 50 persons if the group consists of extended family members;
 - (g) enter, use, or occupy division land while engaged in or part of an organized event;
 - (h) use, occupy, destroy, move, or construct a structure, including a fence, water control device, road, survey and section marker, or sign;
 - (i) prohibit, prevent, or obstruct public entry on division lands when public entry is authorized by the division;
 - (j) attempt to manage or control division lands in a manner inconsistent with division management plans, rules, or policies;
 - (k) solicit, promote, negotiate, barter, sell, or trade a product or service on, or obtained from, division lands for commercial gain;
 - (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the area is posted for a different duration;
 - (m) light a fire without taking adequate precaution to prevent spreading of the fire or leave a fire unattended;

- (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;
 - (o) use a motorized vehicle of any kind except as authorized by declaration, management plan, or posting; or
 - (p) use division lands for a purpose that violates applicable land use restrictions imposed by statute, rule, or by the division.
- (2) A person who unlawfully uses division lands is liable for damages in the amount of:
- (a) the value of the resource removed, destroyed, or extracted;
 - (b) the amount of damage caused; and
 - (c) whichever is greater of:
 - (i) the value of losses or expenses caused as a result of interference with authorized activities;
or
 - (ii) the consideration which would have been charged by the division for use of the land during the period of trespass.
- (3) This section does not apply to division employees or division volunteers while acting in the lawful performance of the employees' or volunteers' duties.
- (4) Except as otherwise provided by statute, the criminal penalty for a violation of this section is prescribed in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session